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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION CAVILL

Reference: Operation E12/1191

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 18 JULY 2013

AT 2.02PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

This transcript has been prepared in accordance with conventions used in the Supreme Court.

ASSISTANT COMMISSIONER: Please be seated.

MR BENDER: Can I apply for an order under section 38 in respect of Councillor Salvestro-Martin's evidence and his documents produced by him? I can indicate I've explained the nature of that provision and its effect to him. I can also indicate he'll take an oath.

ASSISTANT COMMISSIONER: An oath. Thank you, Mr Bender.

10 Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

20 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

30 ASSISTANT COMMISSIONER: Could the witness be sworn, please.

<JEFFREY LEONARD SALVESTRO-MARTIN, sworn [2.03pm]

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner. Mr Salvestro-Martin, could you please state your full name for the record?---Certainly. Jeffrey Leonard Salvestro-Martin.

10 And your date of birth?---21st of the 2nd, 1963.

And your address?---..... is my principal address. I maintain a second residence on a temporary basis in

Commissioner, perhaps to pre-empt an application that someone else will make, I do seek that that personal address be suppressed, there's no need that that be made part of the public record.

20 ASSISTANT COMMISSIONER: Yes, yes, that is suppressed.

MR SALVESTRO-MARTIN'S PERSONAL ADDRESS BE SUPPRESSED

MR DOWNING: Now, Councillor Salvestro-Martin, you're a member of the Ryde Council?---Yes, sir.

30 And for how long have you been a member of the Council?---Since 2008.

So you were elected in 2008 for the first time?---Yes, sir.

And then re-elected in September 2012?---Yes, sir.

And I take it given that period that you've been on Council you are well familiar with the Ryde Civic Precinct redevelopment?---Ah, indeed, yes.

40 Being a project that was before Council over much of that period?
---Yes, sir.

And a matter that came before Council up – in the tenure of Councillor Etmekdjian as Mayor?---Yes, sir, yes.

And which, which was killed off shortly after Councillor Petch became Mayor in September 2012?---Yes.

And you recall I take it that the – over the period from say late 2011 through until the September 2012 elections a number of votes were held where the

Council was effectively deadlocked six/six when it came to the progress of the Ryde Civic Precinct redevelopment?---That's correct, sir, yes.

And on those occasions typically the Mayor, then Mayor, Councillor Etmekdjian, used his casting vote to pass the resolutions?---Again, that's correct.

10 And you recall, don't you, that one of the resolutions passed delegated to Mr Neish, the then General Manager, the task of having an Expression of Interest process put in place and then a request for tender process with a view to having a tenderer ready to enter into agreement by August 2012?
---I do remember that, yes.

So that was one of the motions passed delegating powers to Mr Neish.

20 And it'd be fair to say, wouldn't it, that the Ryde Civic Precinct redevelopment was the subject of some considerable feeling and controversy amongst Councillors and indeed amongst residents?---That would be absolutely correct.

Now do you recall a motion that was put up to Council on 8 May, 2012 seeking the creation of a form of community advisory committee?---I do remember, I do recall.

Could I ask you to have a look at a document which appears at page 383 of Exhibit 1 and it should come up on the screen in front of you I hope?---It is.

30 If you see at the beginning, 383 at the top of the page, if you go right to the top, right to top?---I'm not meant to be adjusting this am I?
Sorry? Oh, no, you don't have to?---Okay.

It's being done from here, I'm sorry, I'm not trying to give a hint to you. You'll see these are minutes of a Council meeting on that date?---Yes.

40 And do you see from the bottom of the page there's - well, I withdraw that. If you go to page 385 there's a reference there just, just before halfway down the page to a motion before Council on that occasion being a Civic Centre redevelopment community, community advisory committee?---Yes.

And indeed it indicates next to a motion that this was a motion moved by Councillor Petch and Councillor Tagg?---Yes.

And you'll see if you read over the points that follow there are seven points on that page going to the next page making up that notice of motion, do you see those?---I'm still on the first page I'm sorry. Yes.

Now, to the best of your recollection was the idea of forming some type of community advisory committee an idea that was brought to you by Councillor Petch?---I, I learned of this, no, I learned of this on arriving at the, at the Council meeting that evening.

So is it not the case that you'd signed a form of motion beforehand?---(No Audible Reply)

10 You're aware aren't you that notices of motion have to be submitted some time before a meeting?---Yes.

And in this case so the meetings on 8 May, in the normal course that would require the motion to be submitted some time before?---Yes. I do recall that I was a signatory to it, that's all.

Are you saying that to the best of your recollection it was only at this meeting that you learnt of this particular motion for the first time?---I believe so.

20 Well, thinking not necessarily about the motion but about the actual content of it, that is the idea of creating a form of community advisory committee, can you recall Councillor Petch raising that with you at some time prior to 8 May, 2012?---No, sir, I don't.

Are you saying at this point that you just, your memory's not clear enough to be able to say or that you - - -?---My memory is not clear enough to be able to say.

30 Thinking back, I take it there were a number of meetings between the block of Councillors who were opposed to the Ryde Civic Precinct redevelopment in the period from late 2011 right up until the Council elections in September 2012, would you agree with that?---There, there were meetings on occasions but they weren't necessarily formal meetings, often they could be a gathering post a Council meeting for example.

40 In someone's office for example. What I'm asking is whether you can recall prior to this meeting Councillor Petch expressing to you the view that it would be helpful to try and create a form of community advisory committee that would have the Ryde Civic Precinct project sent off to it to consider so that the actual process of moving towards a contract could be delayed?---I definitely do not recall that.

You have no recollection of that?---No.

Do you recall him at any point up until when this motion went before Council speaking to you about the actual detail of the motion that was going to be put before Council?---(No Audible Reply)

And if you need to look at the seven points we can have them scrolled back up on the page if that would assist?---If, if we could again that would be helpful.

Take your time and please read them?---I have no recollection of that being discussed.

10 Do you have a recollection of receiving a call from Councillor Petch about this motion sometime on the afternoon of 8 May?---I don't recall a – I don't recall a specific telephone call but I do take many calls during the day.

I guess what I'm really interested in is whether your recollection is the notion of this particular community advisory committee came from Councillor Petch, as best you can recall?---Sir, I can't say with any degree of honesty I knew where it came from.

20 Well, thinking back to the events at the time, was Councillor Petch amongst the Councillors in the camp who were against the proposal, one who took some degree of leadership in, in taking steps to try and oppose the Ryde Civic Precinct redevelopment?---Most, most definitely we were all, we were all that group, there were six of us in that group.

Well, I understand you were all in the group but what I asked you was, Councillor Petch was someone who was perhaps taking something of a leadership role?---It, it – you could certainly view it that way, but he was also um, also the Mayor at the time.

30 So do you say that you don't recall being asked to support this motion before you even got – before you actually attended the Council meeting? ---I believe I – I believe I was approached ah, on the evening, often um, I was ah – I do travel extensively and travel to and from Canberra, to and from Canberra um, and other locations to attend and both ah, leave um, Council meetings often ah, to travel again back to the place where I came from, so ah, yes.

40 Councillor Salvestro-Martin, I may have indicated in one of my questions earlier that Councillor Petch was – oh, I'm sorry. You indicated in one of your answers that Councillor Petch was Mayor. I want to make it clear that I'm talking about this period up until the elections, that is prior to Councillor Petch- -?---Oh, I'm sorry, I'm sorry.

- - -becoming Mayor?---I'm sorry, that's my confusion, I correct.

That's all right. Well, thinking about the actual content of the motion, I take it in terms of its content, that was something that you were happy to support?---It was a – yes, I was, because this was the core of, of what the community was telling us, they wanted a degree of representation- - -

And- - -?--- - - -which they hadn't been afforded.

Was your view that this would be useful as a proposal because it would do two things, one, would – it would allow the community to have some input into the Ryde Civic Precinct redevelopment?---Yes. Sir, anything that, that gave greater um, access for the community to input to council, issues right across a broad range of subjects was, was useful.

10 But was another and very important consideration that what this was going to achieve was delaying any decision leading to a contract being entered into- - -?---No.

- - -until after the election?---No, I would disagree with that, that was not, not the ah, the intent, the intent of – was purely about um, as I understood, was increasing a level of community involvement and representation.

20 But do you say that it wasn't the intention to try and make sure that no contract was entered before the election with a view to the electors then hopefully changing the balance of the Council so that a new Council might look at this afresh?---Sir, I understood it to be in its purest form about increasing the level of representation.

Well, have a look at point 6 at the top of page 386, and please read that over for a moment?---Yes.

30 One of the specific points was, wasn't it, that it was to place on hold the actual progress of the Ryde Civic Precinct redevelopment so that the request for tender process would go no further?---Yes, you're absolutely correct. I um, I, my um, interpretation of it and I guess my focus of that particular notice of ah, notice was more on the community representation, I- - -

40 Do you not recall any discussion amongst the councillors who were opposing the Ryde Civic Precinct redevelopment to the effect that we should support this community advisory committee because it will help stop the progress of the development until after the election – and I'm not suggesting that in any way critically that that intention was in some way wrong Councillor Salvestro-Martin, I'm just asking whether you recall the discussion about it?---I know that we talked very, very, very close to the start of the meeting, that is all my recollection is of that, of that particular moment in time.

So you have no recollection of any discussion to the effect that delaying the decision until after the new elections in September that year would be a good thing?---If it was, it was something that I didn't focus on, I didn't focus on that particular aspect of it to me, I just saw an opportunity for greater community engagement.

Well, you're aware aren't you that – that motion was put and in the form that it was put it wasn't carried at Council that night?---Yes.

So that the community advisory committee as described in those seven points didn't come into being?---Yes.

And then you're aware aren't you that later in that year, in July of last year, there was a letter circulated seeking an extraordinary Council meeting for the purpose of terminating Mr Neish's contract?---Yes, I am - - -

10

Could I ask you to have a look at page 72 of Exhibit 2, we'll scan down, it's a two page document so please look at the first page and then onto the second.---Yes.

And if we go to the second page, if you could just read in particular the notation above the signatures starting, All Councillors.---All Councillors in support of this extraordinary - - -

20

Oh sorry, I didn't mean to read out aloud, just to yourself Mr Salvestro-Martin.---Oh sorry.

And if we scan down so you can see the bottom signature, you'll see it's signed by Councillors Tagg and Petch. Now do you recall that this was a letter that was circulated amongst Councillors in the camp opposing the Ryde Civic Precinct Redevelopment?---I don't recall the form in which it, I don't recall the form in which it was circulated.

30

If you take it from me, this is a letter that was received by, sent to the Mayor and also a copy to Mr Neish on 9 July leading ultimately to a vote at a meeting held on 23 July – bearing those dates in mind, do you recall this being circulated prior to 9 July?---See, I'm not, the logic of this suggests absolutely that's probably what happened but I don't have – no recollection of that.

No memory. Were you asked before 9 July whether you supported this proposal?---I can't, I can't precisely say that.

It's the case that you did support the proposal?---Yes, I did.

40

Do you remember any discussion around 9 July with the other Councillors who supported it, about this extraordinary meeting that we being sought? ---I don't specifically remember the discussion.

Do you remember any discussions with the Councillors around that time about the rationale for seeking this meeting and at that meeting seeking that a motion be passed terminating Mr Neish's contract?---There was a discussion at some point because I do recall putting forward my, my reason, my basis for which I was dissatisfied.

Do you recall Councillor Petch expressing a view to the effect that having the meeting and then having the vote on terminating Mr Neish's contract would be the best available means of stopping the Ryde Civic Precinct from progressing?---No, I don't.

Well, amongst your group, the group of Councillors who were opposed to the Ryde Civic Precinct redevelopment it was a fairly, I'll withdraw that. It was a view collectively held wasn't it that Mr Neish was someone who was actively progressing the Ryde Civic Precinct redevelopment?---Yes, he was actively progressing the Ryde Civic Precinct but I don't think that we had a
10 - there was not a common view in terms of what we saw as problems.

That we saw as - - -?---There was not a common view, there wasn't, it wasn't a common view, I had, I had my own reasons.

Do you recall Councillor Petch expressing a view around the time of this motion being put up that if, if it were possible to terminate Mr Neish's employment that would be the best means of stopping the Ryde Civic
20 Precinct redevelopment from progressing?---No, sir. I, I remember that we had a, I remember some discussion about a clause in a contract in the, in, in
- - -

Are you talking about a discussion with Councillor Petch? Because that's what I'm asking you about, what he, if anything, had communicated to you about his views regarding Mr Neish's employment at or around this time?
---There were, there were discussions but I, I can't, I can't say anything more than they were general discussions. I don't recall Councillor Petch necessarily being, putting forward what you've suggested, I, I just do not
30 recall that.

Do you, do you remember whether Councillor Petch was the person who came up with the idea of this extraordinary meeting and motion seeking the termination of Mr Neish's employment?---I, I, I look - - -

And again, I'm not asking you to speculate I'm just trying to ask you to do the best you can from the recollection you have of the events. I mean you've seen the document?---Yes.

40 You've seen it was signed by him and Councillor Tagg. What's your best recollection about whether it was Councillor Petch who brought the, the - who came to you with the idea of this motion? I should - I withdraw that, I should say the idea of seeking this extraordinary meeting and putting up the motion?---Again, again logic suggests that what you've said is absolutely correct but I have no recollection of that, of, of the detail of how that, going forward.

ASSISTANT COMMISSIONER: Mr Salvestro-Martin, do you have some problem with your memory?---Not a - ma'am, I, I, I have a very demanding life in many respects and I mean to put my mind back 12 months I do find - even in some cases weeks back I do find with some difficulty, yes.

You seem to have - I mean, we've had other witnesses give evidence about similar issues and I think it's fair to say they all seem to have a lot more recall than you do as to discussions and reasons certain things were put forward?---It's, it's not intentional, man.

10

So you're doing your best to recall?---I am doing my best.

Yes. Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

In any event, moving on from any discussions before this motion came before the Council were you present when the extraordinary meeting was held on 23 July?---(No Audible Reply)

20

Do you recall voting on this motion to have Mr Neish's employment terminated?---Yes, yes.

And you voted in favour of it?---Yes. Yes, I did.

Do you recall there being some discussion as to timing before the motion came before Council, that is that there was an opportunity to have it determined because a particular member of the camp that was in favour of the Ryde Civic Precinct redevelopment wouldn't be available to vote?

30

---Yes, I think I do.

You might just need to speak up, I'm sorry?---Yes, I think I do.

And on - and as it transpired on 23 July, it's correct isn't it, that the vote was six/five in favour of terminating Mr Neish's contract?---Yes.

That is the extraordinary meeting was held, it was dealt with in closed session and that was the vote?---Yes, in a confidential session.

40

And there was then almost immediately a rescission motion filed?---Yes, sir, there was.

And then following on from that there was a series of Supreme Court proceedings which were initiated in respect of Mr Neish's ongoing employment?---Yes, correct.

A set commenced by the Council and a set commenced by the Commission? ---Yes.

And you're aware aren't you that a number of - I'll withdraw that. You're aware that injunctions were put in place in effect preventing action being, further action being taken to terminate Mr Neish's employment?---That's correct, yes.

10 Can I ask you whether you recall from the time those injunctions first were put in place until the time Mr Neish finished up at Council in February of this year, any discussion with Mr, with Councillor Petch where he expressed a view that despite the orders that had been put in place, he wanted to try and find a way to bring about the end of Mr Neish's employment?---No, sir.

Are you – are you saying that you don't recall or you're certain there were no such discussions?---No, I don't recall that there was a discussion.

After the injunctions were put in place I take it there were a number of discussions you had with Councillor Petch about matters in relation to Mr Neish?---That's, yes.

20 But are you saying you simply can't recall now whether at some point Councillor Petch might have expressed a view that notwithstanding the orders the court had made, he wanted to still try and find a way to see if Mr Neish's employment could be terminated?---I don't believe he did. I, I expressed my own concerns about the continued employment.

Sorry, you expressed?---Expressed my own concern about Mr Neish's employment.

30 Are you referring to the period before or after the September 2012 elections?---I'm referring to the period before.

And did you express a view to Councillor Petch that, what, that you didn't think it was appropriate that Mr Neish continue?---Not after, no, this was prior to the, the ah, injunctions that were taken.

Oh, so prior to that your view was- -?---Yes.

40 - - -that it would be preferable to try and get rid of him as General Manager?
---I was dissatisfied.

Okay. Now, Councillor Salvestro-Martin, you became aware earlier this year, didn't you, that a complaint had been made against Mr Neish by an IT employee at the Council?---Yes, I did.

And that complaint related to the use of Mr Neish's laptop?---Yes.

And can I ask you how you first learned of that complaint that had been made against Mr Neish?---I was advised by Councillor Petch.

And how were you made aware, was it a phone call, was it a meeting, was it memo?---No, I think it was a, I think it was a, at some point a discussion, a meeting.

A face-to-face meeting?---Yes.

10 Can you recall what he told you?---Ah, that something um, significant had ah, had occurred um, and it was going to have an impact on the, on the shape of the Council.

Did he give you any more information than that?---I knew that it was in relation to the General Manager but the specific detail I had no, no specifics of.

20 So do you say during your first conversation about this subject matter the only thing that Councillor Petch conveyed to you was that something significant had happened and it was going to affect the shape of the Council?---Yes.

Right. At what point did you learn that it involved an allegation that Mr Neish had accessed pornographic material on his laptop computer?---I don't know at which point I became aware. I did become aware but I don't know
- - -

Well, presumably it was after this face-to-face meeting?---Sometime after that I think it became um – there was a – there seemed to be a, a, a level of knowledge about this.

30 Well, I want you to try and cast your mind back as best you can to when you first learned that there had been a complaint made by an IT employee that Mr Neish had accessed some adult material on his laptop computer?
---I, I believe I learned in the weeks after the – whenever the event took place.

By reference to when Mr Neish finished up, I mean you're aware aren't you that he entered into a deed with the Council on 8 February, 2013?---Yes.

40 When relative to that date do you believe you first were told of the complaint against Mr Neish by the IT employee?---It's somewhere in the vicinity of that date, I don't know specifically.

And who do you say first told you of the complaint involving that allegation – that is an IT employee complained that there had been some - - -?
---Councillor Petch indicated to me.

But after that first face to face meeting?---Yes.

And I take it as a Councillor you're aware of the Council's Code of Conduct?---Yes, I am sir.

And of the complaint handling procedure that exists within that Code of Conduct?---I know there is a complaint handling procedure, I don't profess to an expert in the detail of it.

10 All right. Would you agree that where a complaint in relation to the use of a Council issued computer is made against a Council Employee that in the ordinary course it would be something that should be dealt with through the complaint handling procedure?---Yes, I would agree entirely.

And you're aware aren't you – well I withdraw that. Are you aware that under the complaint handling procedure that where complaints involve the General Manager – it's appropriate that the complaint be directed to the Mayor?---I believe that's correct, yes.

20 And that the Mayor can then take a number of different steps?---We're not getting into detail I don't know.

Are you aware that one of the steps available beyond – as well as things like dismissing the complaint is that the Mayor can organise for there to be a conduct review or a conduct review committee to be put in place?---That sounds, I have read the document, I have read the document and I am aware there are a number steps exactly the details of them I don't know, I couldn't repeat to you exactly the detail but I am aware there are a number of steps available.

30 Now, would you agree that the subject matter of this complaint – that is that there was an allegation that Mr Neish had accessed adult material on his Council laptop – that would be a sensitive matter?---Of course, absolutely.

And a matter that should be handled confidentially?---I agree completely, yes.

Can I ask you, are Councillors issued a laptop by the Council?---Yes.

40 So do you have one that you have with you outside of Council premises?
---Yes, I do.

And do you have access to another computer at work?---Yes, I do.

So you're aware that, in your instance, you have a laptop that can be used outside of Council premises?---Yes, sir.

And do you use that sometimes for Council work?---I use my work one for Council work.

The laptop I'm talking about?---I use my um, Council one by using – depending on where I am and where I'm travelling I use them as a locationally device more than anything.

And do you sometimes do non-Council work on the laptop depending on where you are?---They'd be moments, yes.

For instance, checking the Sydney Morning Herald website or something like that?---Yes, yes.

10

Were you aware that Mr Neish – as part of his contract – had just such a Council issued laptop?---I assumed rather than specifically became aware – I assumed that all senior staff had, had the Council issued laptops as the Councillors did the same.

And in respect of Mr Neish, would you expected that he would have had similar rights – that is – that he could use the laptop for Council business but also for other non-Council related purposes in his own time outside of work?---Of course, absolutely, I agree.

20

Okay. Can I suggest to you that in fact, the first contact you had with Councillor Petch in which he informed you about the discovery or the complaint made against Mr Neish was during a phone call rather than a face to face meeting?---(No audible reply)

Are you able to respond to that – whether you are able to say yes or no, you don't remember?---I thought it was a face to face.

30

Can I ask you to listen to some recording of a particular phone call and there will be a transcript which will come up on the screen as well. Can I also indicate in respect of this call before it's played that parts of it which are specifically relevant for the purpose of this inquiry have been edited from it so it's part of a phone which has been edited rather than the entire call.

TELEPHONE CALL PLAYED

[2.34PM]

40

MR DOWNING: Councillor Salvestro-Martin, do you having heard that and seen a transcript do you accept that's a phone conversation between yourself and Councillor Petch?---Absolutely I do, yes, sir.

Sorry?---Yes, sir, absolutely I do.

And it's dated according to the transcript as 31 January, 2013 at 10.12 at night. Does that assist you at all in trying to recall whether that might have been the first occasion when you were informed by Councillor Petch?

---Absolutely if that's when that call takes place, I, I just couldn't recall. I knew I'd, I knew I'd learned of it, exactly the timing and the nature of it I, I was completely sure but that clearly clarifies.

Commissioner, I tender the audio and the transcript of the call as edited.

ASSISTANT COMMISSIONER: Yes, that will be Exhibit 27.

10 **#EXHIBIT 27 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
MR PETCH AND MR SALVESTRO-MARTIN, AS EDITED**

MR DOWNING: Now in your earlier evidence, Commissioner Salvestro-Martin you've indicated that you believe the first contact was a face to face meeting at which Councillor Petch told you nothing more than effectively that something significant had happened that would affect the complexion of the Council. Do you now accept that's not so?---I do.

20

Now, in the call Councillor Petch informed you about the fact that pornography had been found on Mr Neish's computer, his laptop?---Yes.

And you're aware that that was the nature of the complaint that had been made against him?---Yes.

You in the course of the call were told by Councillor Petch that it was it given to him by people that hated his guts down there, did you understand that to be a reference to people in the IT department?---I don't know what I thought of it.

30

Well, you did in the course of the call express a number of times concern about whether it was genuine?---Yes.

Did you wonder whether perhaps what had been provided might have been motivated by some dislike of Mr Neish from people that had provided the complaint?---Well, I guess that's why I asked the question over and over because I don't like to think those things of, of people in the first instance.

40

Well, you expressed in the course of the call that there would be no holds barred and you were going for the guy. Can I ask what you meant by that? ---I'd been run through the ah, through the court system on a ah, on a ah, claim that was, for me was purely ah, false and I wasn't ah, I wasn't happy, I wasn't, I make no mistake that I wasn't happy with that circumstance.

Well, in making that reference to there being no holds barred anymore and going for the guy, you referred also to your reputation and the fact that it

had been offended, you were referring to by Mr Neish?---By a whole range of events my reputation had been destroyed.

Were you attempting to convey to Councillor Petch in that part of the conversation that your reputation having been damaged, you thought that now it would be appropriate to do something to damage Mr Neish's reputation?---No. My, my principal concern was that if there, if there was, if this was genuine that, that the ICAC needed to be advised of it, that was my primary concern.

10

Well, you do make reference to that later in the call, but you indicated there would be no holds barred any more and you're, "I'm going for the guy." What did you mean by going for the guy?---I, I don't know whether that was a serious comment at all, I don't know. It was late at night, it was a conversation.

Do you deny that it was indicating some intention that you would like to harm Mr Neish's reputation?---I don't, I honestly don't know what that was – I mean whether it was just me – I don't know, I don't know.

20

Now, were you familiar with Mr Anthony Stavrinis as at 31 January this year?---Yes.

Were you aware that he was a publicist and PR person?---Yes, correct.

So a person that you could use to get your message out to the media and the community?---Um, absolutely. I've used Mr Stavrinis on, on ah, my campaigns at, at a different level to local government.

30 Right. So is that in business?---No, no, in, in my campaign for Federal.

Oh, I'm sorry?---Yes.

Is that recently you've used him in respect of that?---I've taken advice from Anthony from whenever I first met him.

Well, you agreed with me earlier in your evidence that this material, that is the complaint and the subject matter of the complaint, was something that was sensitive and needed to be handled as a confidential matter?---Yes.

40

Mr Petch in the course of the call told you that he was going to give a copy of this to Anthony Stavrinis and that it won't hurt, he can then have a look at it. You heard that in the call, didn't you?---Yes, yes.

In retrospect do you think – or I withdraw that. At the time you didn't suggest any disagreement, in fact you said, "I guess I've got no problems with that."?---The call was late at – the call was late at night um, I was preoccupied with other things as well ah- - -

Well, can I ask what you thought Mr Stavrinis might do with this information?---I didn't, I didn't- - -

Well, he's a publicist, isn't he?---Yes.

10 Do you think, reflecting on what was discussed, that what Mr Petch, what Councillor Petch was conveying to you was his intention that this be handled – this material be given to someone who might be able to get the message out there into the community or in the media?---Yes, I'd agree with that.

Do you on reflection think that it might have been appropriate for you to have actually said, Councillor Petch, this is a confidential matter that should not be handled in that way?

20 MR BENDER: I object. I think that's an unfair question in my submission without referring to the reference at the bottom of page 4 of the transcript, to Councillor Salvestro-Martin's suggestion that Councillor Petch should get legal advice beforehand, that is before revealing the information to the community.

MR DOWNING: I'm going to come to that, Commissioner.

ASSISTANT COMMISSIONER: Yes, but not before revealing it to Mr Stavrinis, which is what he's being asked about at the moment.

30 MR BENDER: Well, I didn't object to those questions but when it was put to the witness that the expectation was that Mr Stavrinis would then release it to the community in my submission the question becomes unfair without reference to the latter part of the transcript.

ASSISTANT COMMISSIONER: Well, I don't really see the connection because they weren't talking about what Mr Stavrinis might do at that time, they were just talking about releasing it generally to the community, as I read that.

40 MR BENDER: No, but the objection related the proposition in question that Councillor Salvestro-Martin knew that Mr Stavrinis would be likely to give it to the community and that was the purpose of Councillor Petch wanting to give to Mr Stavrinis.

ASSISTANT COMMISSIONER: Well, I'm sorry, I see nothing wrong with that question at all.

MR BENDER: May it please.

ASSISTANT COMMISSIONER: Go on, Mr - - -?---I, I agree that I should have taken proper steps to intervene.

MR DOWNING: Because what Councillor Petch was suggesting, that is that he would give this to Mr Stavrinis was improper, wasn't it?---Correct.

ASSISTANT COMMISSIONER: I mean, you'd agree wouldn't you, there was no justification at all for giving it to Mr Stavrinis?---Yes, I would.

10 Whether he was going to publish it or not?---Yes, I would, absolutely.

Thank you?---Yes, ma'am.

MR DOWNING: On the evening that you held the discussion with Councillor Petch and I accept that it was at 10.12 at night at a time when you'd indicated you were just about to go to bed, but did you hold the view that it would be okay if this matter was somehow to find its way into the public domain?---No, I don't think I did, I didn't, I didn't want that - I don't think I, I - it was a call late at night, ill-conceived in terms of my responses and inappropriate responses.

20

Well, can I ask you to then look at the transcript at page 290. In the course of the discussion - I withdraw that, before I get to that would you accept that providing it to Mr Stavrinis, that is this material, even if it went no further than him, would have been improper on the part of the Councillor Petch? ---Yes, yes, I do.

If we then go to transcript of the call at page 290 you'll see that Councillor Petch indicated that he thought he should reveal to the Councillors too and you added, "I think you need to reveal that to the community quite frankly." Do you see that?---Yes. Oh, no, I can't see it but I - - -

30

Oh, I'm sorry, it's page 290 of the - I'm sorry for the delay. So if we go down you see, if we stop there, you say the words, "I think you need to reveal that to the community quite frankly." Councillor Petch says, "Yeah," and then you say, "You know, if that's what's going on, but get legal advice beforehand, Ivan," and then you repeat, "Get legal advice. Okay. Oh, fuck unbelievable, unbelievable." Do you see that?---Yes.

40 Can I ask how did you intend that this matter be revealed to the community? ---I don't think I had, I don't think I had that intent, I think it was a conversation of disbelief in many respects. I was completely shocked by the revelation in the first instance and I think that's very clear, I repeat it over and over again, are you absolutely sure, I, I just couldn't believe it.

Councillor Salvestro-Martin, I don't suggest for a moment you didn't on a number of occasions question Councillor Petch as to the genuineness of this material but what I'm asking you about is this particular passage, so you

raised after Councillor Petch suggested that it would be revealed, it should be revealed to the Councillors, you suggested something additional, that is that it needed to be revealed to the community. Now, what I'm asking you is how did you intend that this material would be revealed to the community?---I didn't, I didn't have a, I don't think it was a serious comment by myself.

Because you accept don't you, that this is something is something that was confidential and should be handled as such?---Yes, I do.

10

You did say that before revealing it to the community get legal advice beforehand?---Well, absolutely he should have got legal advice on the matter.

So was it your view that you'd be happy enough for it to be revealed to the community provided that it was given the okay by a lawyer?---No, no, we needed to get, we needed to get a proper view on, on how to deal with the matter.

20

And at page 5 of 7 or 291 of the transcript you'll see that Councillor Petch informed you that, that Anthony Stavrinis had rung him and he'd told Anthony I've got something I think you should have a look at?---Yes.

Did you understand that to be a reference to or - I withdraw that. Did you understand Councillor Petch to be conveying that he'd already initiated some communication with - I withdraw that, that he'd already suggested to Mr Stavrinis that there was something he could have a look at?---It certainly appears to be the case, yes.

30

And I take it you interpreted that as a reference to this material, that is the subject matter of the complaint against Mr Neish?---At the time I think that's what I did interpret, yes.

If we go ahead to the next page Councillor Petch indicated that this was the sort of stuff that we have to have a talk of whether we send it to ICAC or we give it to the local media – do you see that towards the bottom of the page?--Yes, yes.

40

So Councillor Petch suggested that the alternatives might be either send it to ICAC or give it to the local media and what you said to him was, "No, I need a copy of it, I need a copy of it no sorry – but yeah no – seriously, while we're talking on that issue I need a copy of it to take with me." Now you didn't say to him did you, giving this to the media would be wrong an inappropriate?---And I should have.

And can I, can I take you to a part of the code of conduct and this appears in Exhibit 1 page 1611. Now Councillor Salvestro-Martin I'm not suggesting

that you should know this backwards but the code of conduct is something you should be familiar with, isn't it?---Yes, it is.

And if you look at, on this page 5.10 (e) this is part of the Council's code that deals with use and security of confidential information and you'll see that it provides in addition to the general obligations and I ask that you accept this applies to Councillors as well as Senior Council and Council Employees.---Yes.

10 In addition to your general obligations relating to the use of confidential information you must (e) not use confidential information with the intention to cause harm or detriment to your Council or any other person or body.
---I agree.

Would you accept that what Councillor Petch was raising with you was – is intention to do just that?---Yes, I do.

Now do you recall whether some time shortly after this conversation with Councillor Petch you met with Councillor Petch, Councillor Li and
20 Councillor Perram to discuss the complaint against Mr Neish?---Yes, I think we did.

Do you recall whether there was an occasion when a particular disabled playground known as Livvi's Place was opened?---Yes, I do.

And do you recall whether there was a discussion amongst those persons on the day of that opening?---Yes, yes I do.

And do you recall on that occasion whether there was a discussion about
30 whether the appropriate thing – whether it would be better to pay out Mr Neish and give him 38 weeks pay under his contract as opposed to going through the complaint handling procedure under the code of conduct?
---Well I – yes I think there was and I think it was on the basis that there was a – the contract actually had that provision in it in any case.

Do you recall anyone – and I'm referring to the persons at that meeting - - -?
---Yes.

- - -suggesting the view that it would rather than having this drag on for
40 months under the code of conduct, it would be better just to pay him and get rid of him?---I have a recollection of that comment – I don't know from who.

So you were certainly aware that there was a under the contract and indeed the code of conduct there was a particular complaints handling process that could be used?---Yes.

Would you accept that it was a procedure that should have been used in this instance?---Yes, I do.

Do you recall if anyone expressed the view that it would be better to have Mr Neish out of the Council as soon as possible rather than have him there for months still causing problems?---Yes, I think that was part of the conversation, yes.

10 And do you recall whether it was Councillor Petch who expressed that view?---I think it might have been, yes.

Now did you have any further conversation with Councillor Petch after the phone conversation you've heard and the meeting that I've asked you about – in respect of Mr Neish's employment?---I think after that event it was probably a regular discussion.

20 Did you have any further discussion with him where he expressed an intention or a desire to release to the media the material he'd obtained in respect of the complaint against Mr Neish?---Yes, I think I probably did.

Do you recall whether he expressed to you that he was going to do it or did he tell you that he had done it?---I think he actually – I think he was actually arranging – in the process of arranging a meeting of some sort, yes.

A meeting with what, a journalist or- -?---The local press.

Right. Do you accept in hindsight that that is something that you should have told him was completely inappropriate?---Yes, I do.

30 You didn't at the time though, did you?---I don't believe I did, no.

Now, can I ask you about a different matter. Are you aware of an organisation that came into being around the time leading up to the September 2012 elections known as the Ryde Concerned Citizens' Association?---Yes. There were a number of organisations around that, around that time that were popping up. I think there might have been half a dozen of them.

40 And there are a number of community bodies that were- -?---Yes.

- - -expressing their views about the particular- -?---Yeah.

- - -Ryde Civic Precinct redevelopment. I want to ask you though specifically about the Ryde Concerned Citizens' Association. What knowledge do you have of that organisation in terms of when it was formed, who made it up and what it did?---I understood it to be Ryde Concerned Citizens was a group and I think its nemesis came out of ah, the support group that had loosely formed around the Civic Centre issue. I think the

members, whether there were any formal members or not I don't, I don't know the, whether it had a formal structure or not, but there were a number of people who were loosely calling themselves the Ryde Concerned Citizens.

Are you able to identify any of them?---Um, I think Mr um, I think Mr um, Mr Warwick Cooper might have been one of those people.

Is he a resident of Ryde?---He was a resident of Ryde.

10

Right. Anyone else you can think that was associated with the Ryde Concerned Citizens' Association?---I didn't have a lot of ah, a lot of contact with the group in, in any sort of formal sense as a group so I did attend an event at the Ryde-Eastwood – sorry, the Ryde Ex-Services Club one evening which they were in attendance um, ah, there was some of the group, but it was also a mix of two groups, so I don't, I don't know a lot about the group in terms of its content, no.

20

Well, to the best of your knowledge it was some form of community organisation?---Yes.

Did you have any specific involvement yourself?---No.

Did you attend any meeting of the Ryde Concerned Citizens' Association? ---I met with member of it um, of the group, yes.

And was that Mr Cooper?---Yes.

30

Anyone else you can think of that was part of it or associated with it? ---Um, I think Mr Phil, Phil Peake at one stage.

And are you aware of who created it?---Um, I think it was, well, I think it was – it was – I believed it was created by um, both gentlemen.

And are you aware of who it represented?---Ah, only that it was a, a group of ah, of community – a group from the community, that was all I knew.

40

Okay. Are you aware of whether it had some aim to prevent or delay the Ryde Concerned Citizens' Association?---Oh, um, there was a – I know there was a - - -

I'm sorry, delay the – I apologise, the Ryde Civic Precinct redevelopment? ---I don't know if it was delay, it was, it was the same, it was the same degree of frustration that was right across the community in a number of groups.

Now, are you aware of whether Councillor Petch had any involvement with the Ryde Concerned Citizens' Association?---It would probably be the same

level of interaction that I'd had in terms of he'd met with them um, I mean I'd only be speculating on that.

Is that something you just don't know about?---I, I know that, I know that um, Ivan had met with ah, Warwick and others at times and, yes.

But is that the extent of your knowledge in terms of what dealings Councillor Petch might have had with the persons that made up the Ryde Concerned Citizens' Association?---(No Audible Reply)

10

And if you don't remember, please say so, Mr, Councillor Salvestro-Martin, it's not a memory test?---Right. It feels like it. Um, I think um, there, there were occasions when, when people met on ah, on – I mean there were meetings in um, public spaces, there were meetings um, over a whole range of times, so, yeah, on, on the balance of probability, yes.

But to be clear you weren't a member of the association?---I was not a member, no.

20 You weren't in any way a funder or backer of it?---No.

You hadn't been part of setting it up?---No.

Were you aware that Mahoney Taren Lawyers were acting for the Ryde Concerned Citizens Association in mid 2012?---Yes.

And how did you become aware of that?---Through a phone call.

30 From who?---From - Mr Cooper advised me.

Did he tell you that they'd - the association had retained lawyers?---They were talking to lawyers, I was invited to a meeting which I declined.

He invited you to a meeting with lawyers?---Well, I believe they were going to meet the lawyers but I declined the, the meeting.

40 And I asked you about Mahony Taren, was that a call where Mr Cooper indicated that there was to be a meeting with Mahony Taren Lawyers?---I believe so, they were meeting, they were meeting lawyers, yes.

What, did you indicate you didn't want to have anything to do with it?---I indicated I wasn't going to attend.

All right. Well, I'd like you to have a look at some documents. I apologise, Commissioner. There's some documents that I'll tender and I'll read onto the record what they are and we'll make them available. There are some documents in respect of the Ryde Concerned Citizens Association from pages 1209 to 1290.

It also comprises minutes of a 27 March, 2013 meeting in respect of costs of the Supreme Court proceedings and a phone log in respect of the issue of costs in Supreme Court proceedings. Sorry, I should have indicated that the minutes appear at pages 1432 to 1437 and the phone log is at 1473 to 1474. I'll hand up - - -?---Thank you.

Now, what I'd ask you to turn to, oh firstly, I'll tender that and ask that it be made an exhibit, Commissioner.

10

ASSISTANT COMMISSIONER: Yes, that bundle of documents will be made Exhibit 28.

#EXHIBIT 28 - BUNDLE OF DOCUMENTS – JEFFREY SALVESTRO-MARTIN

MR DOWNING: Now, can I ask you to have a look at a document that
20 appears at pages, starting 1250 which you'll find amongst those documents that I've provided to you?---Yes.

And if you - there's various attachments but there's a series of emails that appear at 1250 to 1251 and then documents behind it which run from 1252 through to 1262. Could I ask you to have a look through those just for a moment?---Ah hmm.

If you need to look at further parts I'll give you that opportunity Councillor
30 Salvestro-Martin but do you see that what it was an email that Mr Cooper sent onto you and others - - -?---Yes.

The others being Mr Peake and Councillor Petch and forwarding on an email he'd received from John Mahoney at Mahoney Taren Lawyers – if you go back to 1250.---Yes.

And in that email from Mr Mahoney he was enclosing a cost agreement between his firm and the Ryde Concerned Citizens Association and a bill for some work.---Ah hmm.

40 And you'll see that if you go to page 1258 you'll see that the costs agreement had a space for signature of Mr Cooper as Acting President of the Ryde Concerned Citizens Association.---Yes.

Given your limited knowledge of what this organisation was and that you'd not attended the meeting.---Correct.

Were you somewhat bemused to receive this email?---Yes, I was.

Because it was seeking some guidance wasn't it – in relation to the payment of costs?---Yes.

That had nothing to do with you?---Well it didn't have anything to do with me, I think I was there mainly as a friend of Mr Cooper's more than anything.

So as a friend of Mr Cooper's?---Mmm.

10 So did you understand this had been sent by Mr Cooper not on the basis of you being a Councillor but as a friend?---Well, I have developed a friendship with Mr and Mrs Cooper and I – I didn't want any – I didn't look for any involvement in organisations or the structure of them - - -

Did you give him any guidance or advice about the payment of the costs for the Ryde Concerned Citizens Association?---I may well have advised something – I don't recall what it was.

20 Well, were you aware of what the Ryde Concerned Citizens Association was doing?---It was another group that was concerned about the precinct development, yes.

Do you recall whether the Ryde Concerned Citizens Association through Mahoney Taren Lawyers sent a letter to Council threatening proceedings in respect of the Ryde Civic Precinct Redevelopment?---Yes.

30 And were you told of that – something that was going to occur before the letter was received by Council?---Quite possibly – I have regular contact with Mr Cooper.

Can I ask you to have a look at a document at page 1214 of the – that's in the bundle – in Exhibit 28.---Yes.

And do you recognise this as the letter that was sent to the Mayor by Mahoney Taren Lawyers on behalf of the Ryde Concerned Citizens Association?---Yes, I do.

40 And is this the letter that you were referring to in answer to my question before in which the lawyers threatened on behalf of the Ryde Concerned Citizens' Association, proceedings against the Council?---Yes.

And if you go to page 1218 you'll see that this was actually copied to it would seem all Councillors?---Yes, it was.

So you received a copy of it as well?---I believe so, yes.

And is it the case – and I think I asked you about this a moment ago, that you had some discussion with Mr Cooper before this letter was received?

---That's quite possible, yes.

So was it no surprise when you received the letter?---Yes, it was no surprise.

Did you feel somewhat uncomfortable in being involved in the email correspondence between the lawyer acting for the Association and persons who were part of it in circumstances where you were a Councillor?---Yes. I didn't see that I had a, had a um, a, should have had a direct role in it.

10 In the Ryde Concerned Citizens' Association?---Yes.

Can I ask you to have a look at an email that appears at pages 1263 to 1265. And you'll see that's an email from Mr Philip Peake to Mr Cooper, copied to you, Councillor Petch and Beth Angel at The Australian?---Yes.

And again it seems to be dealing with that issue about who was going to pay the bill for the Ryde Concerned Citizens' Association. Do you know who Beth Angel is?---Um, I think it's Mr Cooper's wife.

20 Oh, I'm sorry, that's Mr Cooper's wife?---Yes, I think so.

All right. Now, so you've received this further email on the – it would appear on 27 June in respect to the Ryde Concerned Citizens' Association and the question of who was going to pay its legal costs?---Yes.

If I could then ask you to have a look at page 1269. Do you see that's an email you sent to Mr Peake, Mr Cooper, copy to Councillor Petch and Mrs Cooper on 27 June, 2012 at 3.58pm?---Yes.

30 And you see in the email you've stated, "Ivan, your baby, mate. You know my thoughts re legal profession, BRJ."?---Yes.

You've referred in the email to, "Your baby, mate." Was that a reference to Councillor Petch to the fact that the Ryde Concerned Citizens' Association was his project?---That it was his responsibility and I wanted no role in it, yes.

Well, what was the basis for your belief that it was his baby?---I understood that Councillor Petch had attended the meeting.

40

Well, people can attend meetings but would you agree that the words you've used suggest that it was really his creation?---No, I think the – not necessarily his creation but it was his problem. I didn't want to- - -

Why was it his problem?---My recollection is that, is that ah, Councillor Petch had introduced the ah, lawyer to the community group.

Had Councillor Petch expressed some view to you that he was going to assist in setting up this organisation?---I don't think so, no.

Had he expressed some view to you that he was going to assist in setting up an organisation that would lobby the Council not to pursue the Ryde Civic Precinct redevelopment?---No. I think this – I think – no, I don't believe he did, no.

10 Well, doing your best what were you expressing in this email?---The fact that the, the legal connection had been made through Councillor Petch and therefore it was his issue to resolve.

So were you aware that he had actually what, found lawyers for the Ryde Concerned Citizens Association?---He'd directed them to those lawyers, yes.

Lawyers who then sent a letter to the Council copied to you threatening proceedings against the Council?---Yes.

20 Were you, did you have any view about whether it was appropriate for a Councillor to be finding lawyers for a community association who could then threaten proceedings against the Council that the Councillor was a member of?---Well, I hadn't attended any of the meetings so there was a point where I didn't actually - my, my, my response should have been more proactive certainly.

What, to the effect that you should have nothing to do with this?---I should - well, that was, I should have given guidance as well.

30 Because you'd received this letter of 22 June hadn't you - - -?---Yes.

- - - by this point?---Yes.

Now, if you could have a look at an email at pages 1278 to 1279. Do you see that's an email from Mr Cooper to Mr Peake copied not this time to you but to Councillor Petch of 30 June?---Yes.

40 And you'll see - if you go over the page to 1279 there's an earlier email that this is forwarding on from Mr Peake to Mr Cooper of 30 June where Mr Cooper indicates "I believe the legal funds matter has been sorted out at least for the short term. I paid \$2,700 given to, given by a respected benefactor to Mahony Taren yesterday and John Mahony has repeatedly confirmed RCC matters are at no personal cost. John is happy to address the RCC meeting"?---Yes, sir.

Now, I appreciate this wasn't sent to you at the time but did you have any discussion with Mr Cooper, Councillor Petch or anyone else about who was actually paying the costs on behalf of the Ryde Concerned Citizens

Association?---I know Mr Cooper rang me and - presenting the problem that a bill - - -

Well, he'd copied you into the emails with this issue about the payment of the fees. This is an email indicating that some respected benefactor had paid them. What I want to know is have you had a communication with anyone to indicate who paid the fees for the Ryde Concerned Citizens Association?---(No Audible Reply)

10 Just before - I'm happy for you to look through the documents in a moment if you'd like to but doing your best from your recollection do you recall any communication where someone has indicated to you who paid the fees for the Ryde Concerned Citizens Association?---Yes, I think I do.

And who do you recall communicating with you about that?---Mr Cooper.

And what did he tell you about who had paid the fees?---That they'd been, I believe they might have been paid by Councillor Petch.

20 By Councillor Petch himself?---Yes, yes.

Out of his own pocket?---Yes.

If you have a look there's some later correspondence. If you go to page 1280 to 1281 you'll see this is later correspondence in respect of the Ryde Concerned Citizens Association where Mr Cooper is emailing Mr Mahony but copying you and Councillor Petch on 6 July, 2012 and it would seem giving some instructions to Mr Mahony about communicating Ryde Concerned Citizens' views. Do you recall receiving this email?---Yes, I think I do, yes I did receive this email, yes.

30

And you'll see if you follow it through to page - sorry I should say it goes to 1282 - it begins with an email from Alan Jones to Mr Mahoney where he indicates - thank you for your note re the Lend Lease response - I'm going to do something with Ivan. Petch on this one so I have the stuff sorted in my mind but I note Warwick Cooper and Jeff Salvestro-Martin.---Yes.

40 Do you recall having some communications with either Mr Jones or Mr Mahoney of Mahoney Taren Lawyers about perhaps publishing the views of the Ryde Concerned Citizens Association?---There was, there was a - I believe an interview being done or an interview was going to be done with 2GB I believe.

Who was going to give the interview?---I think it was Councillor Petch.

And in what way did that relate to the Ryde Concerned Citizens Association?---I don't know that it necessarily relate to that organisation but it was, there was and I do remember an interview on radio 2GB yes.

With Councillor Petch?---Yes.

And did you understand that he was communicating with the members of the Ryde Concerned Citizens Association about getting their message across?---I think it – I think it was about getting the message across but also getting the entire message out into the public domain.

10 Now do you – just returning to the letter I asked you to look at before at page 1214 – that’s the Mahoney Taren Lawyers letter to the Mayor which was copied to Councillors – are you aware of whether Councillor Petch had some role in drafting or settling that document?---I’m sorry, I was distracted.

I’m sorry, if you go back to page 1214 – the number is hard to find because it’s in the top right corner and there’s some sender to keep tags which are copied there as well.---Yes, yes.

20 That’s the Mahoney Taren Lawyers letters of 22 June 2012- - -?---Yes.
- - -to the Mayor and copied to Councillors?---Yes.

And what I asked was whether you were aware as whether Councillor Petch had some role in drafting or settling that letter?---I don’t know, I don’t know whether he did have a role in that at all.

Did you have something – did you have any involvement in drafting or settling that letter?---No, I don’t believe I did.

30 Would you regard it as something improper for a Councillor to have an involvement – that is having some part in formulating a letter which is to be sent to Council threatening to sue the Council?---Yes, I would.

Now I wanted to ask you about a different matter and it’s to do with electoral advertising. You’ve produced some documents to The Commission in respect of a summons.---Correct.

40 Oh sorry, notice to produce, that is documents to do with your electoral advertising for the last election and the funding of that advertising.---Right.

And I’ll provide a copy to you and tender the documents. Do you recognise those as the documents you sent to The Commission?---Yes, I do.

And I’ll tender those Commissioner.

ASSISTANT COMMISSIONER: Yes, those documents will be Exhibit 29.

#EXHIBIT 29 – DOCUMENTS SENT TO THE ICAC UNDERCOVER OF A LETTER FROM MR SALVESTRO-MARTIN DATED 3 JUNE 2013

MR DOWNING: And your covering letter you've indicated that you've produced copies of all records of expenditure in relation to the New South Wales Local Government election?---Yes.

10

Is that a reference to the September 2012 Election?---Yes.

Copies of records showing incoming gifts and donations?---Yes.

Is that again a reference to gifts and donations up to and including the point of the September 2012 election?---(No Audible Reply)

Or is it a reference to a different time period?---(No Audible Reply)

20

By all means have a look through them because I don't want to mislead you, Councillor. What I'm interested in is whether the records you've produced are those which are up to and including September 2012 election?---Yes.

So can we take it then that this would represent the entirety of your records in terms of ads that you placed for the purposes of that election?---Yes.

And moneys that you raised for the purposes of that election?---Yes.

30

Now, can I ask you to have a look at some documents in Exhibit 21 which we can bring up on the screen, I'm interested at page 1303. Do you see that?---Yes.

And if we go to the top of the page you'll see that that's, it's an ad from The Weekly Times edition of 4 July, 2012?---Yes.

At page 9?---Yes.

40

And can I ask where in your, the records you've produced will we find a reference to that ad?---(No Audible Reply)

You'll, you'll see that there are some Weekly Times invoices at pages 1666 and 1667?---And that's definitely in the period of course. Yes, it's not there.

That is in the period - - -?---Yes.

- - - in the lead up to the election as - - -?---Yes.

- - - part of the election campaign?---Yes, it is and it's not there.

But is that an ad that you placed?---Yes, it is, I placed.

Have you paid for it?---Yes, I have.

So will we not find any record of that in these documents?---Well, it should be, it should have been there, yes, it should have been there.

10 Would you be able to lay your hands on records indicating the payment for it?---Yes.

And would you be able to produce that to the Commission overnight?---If I can get to the TWT in, in that time yes, I could produce it tomorrow morning.

All right. Could I ask you to look at an ad at page 1316, do you see again that's the same ad, this time appearing in the, in the edition of The Weekly Times of 8 August, 2012?---The same ad, yes, I ran it a number of times.

20

And from looking through your, the documents you've produced to The Commission where would we find an invoice or proof of payment for that? ---It's not there.

Would that fall into the same category, that- -?---It's the same category, absolutely.

You paid for it?---I have paid for it, yes.

30 You're certain of that?---Absolutely.

What about the ad that appears at page 1320? We'll just wait for it to come up. If we go to the bottom of the page, do you see that's an ad from 22 August. Sorry, you'll need to – if we go back to the top of the page, I apologise, there's a date you'll see there – it's The Weekly Times 22 August 2012?---Yes.

And this is a different ad but an ad for you?---Yes.

40 Leading up to the election. Can you tell me whether we find a record for that somewhere in the documents that you've produced?---Yes. Look, clearly I've had a, there's a failure of um, putting the complete record there, but that's certainly an ad that I, I ah, put in and paid for.

And can I ask, you've produced some bank records, and I should have made – I should have indicated when I sought the tender, Commissioner, that for the purpose of the evidence I don't seek that there be publication of the

particular bank records, account numbers or indeed the statements themselves.

ASSISTANT COMMISSIONER: Yes, that's in relation to the Commonwealth Bank statements?

MR DOWNING: It is.

10 ASSISTANT COMMISSIONER: Yes. I make a suppression order in respect of those.

SUPPRESSION ORDER IN RELATION TO MR SALVESTRO-MARTIN COMMONWEALTH BANK STATEMENTS, HOME ADDRESS AND WORK EMAIL

MR DOWNING: And I should also seek that – actually I think there's only a PO box address, I don't think there's a personal address in there for
20 Councillor Salvestro-Martin, so I'm not sure that I need to seek an order in respect of that. I'll ask Mr Prince just to confirm that. Oh, sorry, there is, there is at least one home address. I'll ask that that be suppressed as well.

ASSISTANT COMMISSIONER: Yes. I suppress the home address also.

MR BENDER: Excuse me, Commissioner. While we're on the topic, in Exhibit 28 there are a number of references to the email address that you suppressed in relation to an earlier exhibit and I'd ask that those references be redacted as well, that being Councillor Salvestro-Martin's work, email
30 address, which appears for example at page 1250 in respect of 28 and other pages as well.

ASSISTANT COMMISSIONER: Yes. I suppress publication of the work email address of Mr Salvestro-Martin not related to his Council work.

Mr Salvestro-Martin, can you recall how much you paid for those ads?
---I think in the vicinity – no, I'd have to check, but I think in the vicinity of \$600 maybe.

40 Right. I notice in Exhibit 29, your electoral funding material, you seem to have paid – been invoiced \$200 for an 18 by seven colour ad whereas in other invoices an 18 by seven colour display ad costs \$950?---I think it might be shared ads.

That would be a shared?---Yes.

So you didn't have any special rate?---Special rate?

Yes?---No.

No special rate?---No.

So if, if other invoices indicated that an 18 by seven colour display ad costs about \$950, that, that would accord with your memory?---I thought it was about \$600.

10 Is that what you think you paid for those advertisements we've been looking at?---Yes.

Thank you. Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner. Now, would there be bank account records showing your payment of these invoices for the particular ads that I've taken you to?---I paid for my ads either by cheque or by MasterCard, yes, so there would be some sort of- - -

20 So you'd have some form of record of that?---Yes.

And again is that something you would be able to produce?---I would be doubling away smartly to get that record from the TWT.

Thank you, Councillor Salvestro-Martin. Now can I ask you to – before I ask you that. Have you at any point written a column that appears in The Weekly Times?---Yes, I have.

30 And for what period was that?---I think I wrote the column twice, “Just ask Jeff”, was my column it was a, it was a, it was a newsletter that was meant to go out as a newsletter and for whatever reason I never put it out as a newsletter and I put it in as a column in the paper.

How did it come to appear in The Weekly Times?---That I put it there.

Well, did you pay for it to appear or were you asked to put it in and paid for doing it?---I paid to put it in.

40 And when did it appear – are you able to tell us what time period?---Um, not without referring to records.

Just doing your best by reference to the election dates last year – was it before that or after that?---Before.

In 2012 do you think or earlier?---It was before the election – that's all I can recall.

Was it a column in which you addressed the Ryde Civic Precinct redevelopment?---Yes, I took a number of ads in relation to the Ryde Civic Precinct Development.

And you – these were paid pieces where you paid to have your column put in the paper?---Yes.

10 Do you recall whether they were identified in the paper as advertisements or where they identified as articles?---My “Just ask Jeff” column was clearly advertisements – they had a banner at the top and - - -

You’re saying advertisements.---?- - - my contact details and - - -

20 Now, can I ask you to turn to pages 1330 and 1331. I’m sorry, not in the volume in front of you, it’s in Exhibit 21 it will be up on the screen in front of you. If we scroll down the page you’ll see from the top of the page that this is a page from The Weekly Times of 5 September and you’ll see there’s an ad at the bottom. If we could then go to the next page – it’s a page – sorry – it’s an ad that went across the bottom of two pages facing each other.---Yes.

For certain Councillors including you?---Yes.

And it made reference to September 8 election asking for people to vote for certain Councillors.---Yes.

And you’ll see from the pages that it was the Councillors who opposed the Ryde Civic Precinct Redevelopment.---Yes.

30 And it made reference to a website www.saveryde.com.---Yes.

Now can I ask you to have a look at – I withdraw that. This is an ad that appeared on 5 September – accept from me that an identical ad also appeared in The Weekly Times on 29 August 2012.---Right.

That is in the weeks leading up to the Council elections last year?---Yes.

40 Can I ask you to have a look at Exhibit 22 – which is a series of emails. This won’t be on the screen we’ll need to get you a physical copy.---Right.

Now hopefully the first page ignoring the top you’ll see is an email from Vic Tagg to Terry Perram and others on 28 August 2012 - - -?---Yes.

- - -at 2.11pm. Do you see that?---Yes.

Now can I ask you to think about these ads, can you recall when you first learned about them?---I learned about these fairly – well – I think close – some time in August I learned about these.

Do you know who created them?---Yes, I do.

Who?---They were created by Mr Stavrinis.

Anthony Stavrinis?---Yes.

Do you know who asked him to create them?---Um, at the time there was the Save Ryde.com organisation was emerging - - -

10

Well, what do you know about the organisation – you say, I mean it’s an address, it’s web address www.saveryde.com or it’s, do you say it was a form of community organisation?---Yes, I believe it was.

Who do you understand was part of that organisation?---Well, I thought Mr Stavrinis was part of that organisation.

Well, he’s a PR and Publicity agent, do you understand whether he was there as a resident of Ryde or as someone who was being paid to do a job?

20

---I don’t know, I don’t know.

I mean, do you know whether he lives in Ryde?---No, I don’t know.

Do you know where he lives?---He’s - I’ve, I’ve been to an address, his parents’ house but that’s not in Ryde, that’s his parents’ home.

Well, you say you understand this was created by Mr Stavrinis. Looking at the email do you see Vic Tagg’s email at, on 28 August, 2012 to Terry Perram and others including you says, “Jeff asked me to forward this for approval, Vic.”?---(No Audible Reply)

30

And do you see further down the page, I’m sorry, I’m not sure you gave an audible response then, there just needs to some audible for the record. So do you see that there’s that email from Vic Tagg?---Oh, I’m sorry, yes, I do.

Lower down the page it seems there was an earlier email on 28 August, 2012 at 1.59pm?---Yes.

And it’s not clear who it’s from but it’s addressed to Councillor Tagg it would seem and it says, “Jeff has asked me to forward this to you, Regards”. Now, do you recall if that was an email that originally came from Mr Stavrinis?---Yes, because Mr Stavrinis did the artwork for, for this ad, did the preparation for the artwork.

40

Do you know how his name came to disappear off the email?---No, I don’t, no.

Well, the email indicates, the email you've identified as being from Mr Stavrinis indicates that he had been asked to forward this email to, to Councillor Tagg. Is that what you directed him to do?---Yes.

So can you tell me a bit about the origins of this ad? Did you ask Mr Stavrinis to draw it up?---Yes.

10 And did you give him some direction about the content of it?---Only that we were getting a lot of feedback from the community that we needed to identify who, who the Councillors were who were opposing the Civic Centre.

Well, you'll see in the ad, and this is on the bottom of page 1331, it's stating to be authorised by certain Councillors?---Yes.

And its starts with you then it has Councillors Petch, Tagg, Li, Perram and Butterworth and it provides an Denistone East address. Is that your PO box?---Yes, it is.

20 Prior to you directing Mr Stavrinis to create this had you obtained the okay from the various Councillors for them to authorise this ad?---I'd sent a, I'd asked for that to be done via the email which was sent out to, to all Councillors, yes.

So was the direction that you gave to Mr Stavrinis that he should create this ad and it would then be published in The Weekly Times?---Yes.

30 So did you direct him to lodge the ad with The Weekly Times?---For it to be, for it to be posted into the paper, yes.

Now, you would have known from your own experience that there would need to be a payment for that?---Yes, correct.

Did you give some direction to Mr Stavrinis about who was to pay for this? ---Well, we, we were going to pay for it, the Councillors were going to pay for it.

Who's we?---The six Councillors.

40 Had you spoken to those Councillors prior to this email going around where you reached, you obtained their okay for them to pay for this ad?---We had a, we had run a number of ads like this and when I sent it out for approval that was to indicate that people were happy with both the content and the, and the shape of the ad.

Well, you've referred to some earlier ads. Are you referring to ads that the six Councillors who were opposed to the Ryde Civic Precinct redevelopment had put in the paper - - -?---Yes.

- - - explaining their opposition?---Yes.

That's some time before the election campaign wasn't it?---There were a number that ran, about three or four I think.

But this was a specific ad not only identifying you as opposing the Ryde Civic Precinct redevelopment but seeking that people would vote for you?
---Yes, correct.

10

So this is an ad that did you understand needed to be disclosed to the electoral authority?---Yes.

And records needed to be kept in respect of payment for it?---Correct.

Can I ask then having authorised Mr Stavrinis to have it placed in The Weekly Times did you pay for it?---I haven't paid for it.

20 Have you received any form of bill or invoice from The Weekly Times?
---Not yet, no.

You've been placing ads in The Weekly Times for some period of time I take it?---Yes, I have.

Would you normally expect that you could place an ad and not have to pay for it for a period of in excess of six months?---I've had enormous amount of difficulty with all respect to the paper – in respect of accounts over a long period there is a quite a degree of confusion in respect of accounts.

30 Well have a look – if we go back to your - the documents you produced to the Commission - - -?---Yes.

- - -which is Exhibit 29.---Yes.

Do you see at page 1666 there's an invoice there from The Weekly Times which includes an invoice, well, for two ads on 5 September?---Yes.

40 Which coincidentally is the same date on which one of these saveryde.com appeared?---I don't believe they're the same.

So this, this invoice isn't referring to that ad?---I don't believe so, no.

Right. But have you paid this invoice for your other advertising?---This, these, these are the invoices that were - sorry, I'm just trying to get it right here because some were shared invoices and some weren't. My, my record keeping is not what it should be. I guess in answer to your question do I have invoices still outstanding, yes, I do.

Well, I thought you'd indicated to me that the advertising that I'd taken you to in the various pages of The Weekly - oh, sorry, the various pages of The Weekly Times that I took you to before were ads that you paid for?---Yes.

And what I'm asking you now is whether this particular, the ads referred to at page 1666 are ads that you've paid for?---On 1666?

Yes?---I've paid my share of those ads.

10 Oh, so - and I think this might have been the subject of a question from the Commissioner earlier, there's a reference to an 18 by seven colour election ad at \$200, is that your share of the overall cost of the ad to the best of your recollection?---Yes.

And you've paid that?---Yes.

But in respect of the saveryde.com ad - - -?---Yes.

- - - do you say you've received no invoice yet?---Correct.

20

So you've paid nothing?---Correct, but I believe I've, I've still got, I've still got - I thought I still had until 23 September to get this, to get this all finalised and sorted.

To, to the electoral authority?---Yes.

Had there ever been any discussion about whether someone else might pay the advertising costs for saveryde?---No.

30 Do you recall if Mr, Mr Norm Cerreto had anything to do with saveryde or this ad?---I don't believe he does, no.

To your knowledge does he have anything to do with saveryde.com or did he have anything to do with saveryde.com?---To my knowledge, no, he has no role.

So you're not aware of any arrangement where he would pay, would agree to meet the cost of this advertising?---I'm not aware of any arrangement.

40 So on the basis of your instructions, Mr Stavrinos, you always understood that you would be billed for it?---Yes.

Can I ask you to have a look on Exhibit 21 at page - - -?---Sorry, do I have that?

Oh, sorry, Exhibit 21, the documents, we'll bring it up in front of you, it's the election material at page 1329 - actually I withdraw that. Can I ask you to have a look at a document at page 1338 and it's a bit small but do you see

towards the bottom of that invoice there's a date 29 August, 2012 display 18 by seven colour election double \$950?---Yes.

And that appears again in the next line?---Yes, I can see that, yes.

And then if you go to the next page 1339 you'll see two entries for 5 September, 2012 of the same description, that is 18 by seven colour election at a cost of \$950?---Yes, I can see that.

10 And accept from me for the moment that Mr Booth has produced these documents, or I should say The Weekly Times has produced these documents and indicated that these are invoices that relate to the saveryde.com ads. You'll see the invoices are both addressed to Mr Cerreto. Do you have any knowledge about why these invoices might have been addressed to Mr Cerreto?---I've got no idea.

Have you ever had any dealings with him in respect of political advertising?
---No.

20 Have you ever had any discussions with him about him meeting the cost of any political advertising?---No.

Have you ever had any discussions with him about him meeting the cost of advertising mentioning saveryde.com?---No.

So the position with these ads then is that they were created at your direction by Mr Stavrinis?---Yes.

30 They were placed in The Weekly Times on your instructions by Mr Stavrinis?---And I fully expected to get a bill for them.

Did you contact The Weekly Times or Mr Booth at any point after the election and query the fact that you'd never received a bill for it?
---I was reminded of these ads only just in the last few, few days, to be honest.

40 Had you – I take it you saw them when they were published at the time?
---Um, I saw them in, I saw them around the time, I don't think when they first came out – I don't know if I was – I don't know where I was actually in terms of my location, but yeah, I saw them around the time they were published.

Well, you were copied in on this email trail that started with Councillor Tagg- - -?---Yes.

- - -that appears in Exhibit 22?---Yes, correct, yes, yes, correct.

And you saw in there, didn't you – if you go to the email on 28 August, 2012, Councillor Perram- - -?---(not transcribable)

- - -in response to Councillor Tagg's email had indicated he had no objection to it being in the paper but he posed the question, "Should I ask who's paying.?"---Yes.

10 And sometime later on the same day, Councillor Li had indicated that the ad was already in the week's, that week's TWT and the he couldn't get the Website, saveryde.com to work?---Ah hmm.

And then late that evening there was an email from Councillor Tagg saying, "I was asked to send it around, I don't know the answer to your question." And the question that had been posed was, who's, "Should I ask who's paying.?"---I took that as a rhetorical question.

20 Did, did you not see that it might be helpful for you to indicate well, I'm paying, or perhaps, I'm going to pay and I'm going to seek to collect one-sixth share from each of you?---Well, yes, in, in, yes, in hindsight, yes, it probably would have been helpful, but I think also at the time in the, my goodness, in the context of where we were – what was going on in the, in the world and me travelling, I think it was ah, yes, in, in reflection, yes, it probably would have been helpful had I been more um, explain more, but I suspect the reason I sent it or asked Vic to send it out anyway was because of that very reason, that I was travelling or doing something that precluded me from sending it.

30 Was there a reason for not getting Mr Stavrinou to just send it out to all of the Councillors?---No, not really.

40 Did you ever – I withdraw that. After the last in this series of emails which ends just before quarter to midnight on 28 August, 2012, bearing in mind that the election was on 8 September, did you ever have a discussion with any of the Councillors who were advertised in the saveryde.com ads about the ads themselves and the payment?---To, to be honest I'd completely forgotten about them with everything else that was running, I was running – it was the first time I was in the deep end running my own team at the election so I had responsibility not for myself but for a team of four. Um, this was all new to me um, it was an enormously busy time, enormously busy.

So does that – are you indicating that you had no further discussions after these emails about the ads themselves or the question of who would be paying for them?---Oh, we saw them and we talked about them but, yeah.

Well, what was discussed about them?---Well, I didn't get any objection from anybody about them.

Did anyone ever raise with you the question of payment and who was going to be paying?---Well, I, I thought the payment was – the payment – there was – see, we operated like this for all our, all our ads that we took as a, as a team and it was quite – I, I admit, it's not – it wasn't the best way of doing it, sometimes one Councillor would put them in, sometimes another Councillor would put them in.

Well, I mean this was an ad where you were advertising collectively?
---Yes.

10

Because as a collective you stood- - -?---There was- - -

- - -and opposed the Ryde Civic Precinct redevelopment?---Yes, yes.

So is the position that no one of the other five Councillors raised with you the issue of payment after the ads appeared?---Yes.

Commissioner, is that convenient time?

20

ASSISTANT COMMISSIONER: Yes. Yes, Mr Salvestro-Martin, you'll have to return in the morning at 10 o'clock?---Yes.

And we will adjourn until 10 o'clock at this time.

AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.01pm]