

CAVILLPUB01058
20/09/2013

CAVILL
pp 01058-01132

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION CAVILL

Reference: Operation E12/1191

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 20 SEPTEMBER 2013

AT 10.05AM

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: Thank you, please be seated. Yes.

MR COVINGTON: Commissioner, my name is Covington. I seek leave to appear for Councillor Perram.

ASSISTANT COMMISSIONER: Yes, Mr Covington, you are given leave to appear for Councillor Perram.

10 MS HAYES: May it please the Commission, my name is Joanne Hayes. I seek leave to appear on behalf of Mr Picketing.

ASSISTANT COMMISSIONER: Yes, Ms Hayes.

MR NEIL QC: Commissioner, Maurice Neil for Mr Cerreto, could I seek leave in addition to the previous appearances for Mr Jeffrey Clarke of counsel to appear with me?

ASSISTANT COMMISSIONER: Yes, yes.

20 MR NEIL QC: Thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes, if there are no other applications for leave, Mr Stanton, we will call our first witness. Sorry, Mr Downing. I don't know anybody today, I've forgotten everything. Yes, Mr Downing, who is the first - oh, yes, there you are. Hello, Mr Stanton, how are you?

UNIDENTIFIED SPEAKER: He's just lurking in the back there.

30 ASSISTANT COMMISSIONER: That's right.

MR DOWNING: I suspect we'll hear from Mr Stanton.

ASSISTANT COMMISSIONER: I'm sure we will hear from Mr Stanton later.

MR DOWNING: The first witness will be Artin Etmekdjian.

40 ASSISTANT COMMISSIONER: Yes, a nice easy name to start with, thank you.

MR LLOYD: Commissioner, just while Councillor Etmekdjian comes up I seek a declaration on his behalf under section 38 and I've explained the effect of that section to the Councillor and he will take an oath.

ASSISTANT COMMISSIONER: Thank you for that. 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. There is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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. THERE IS NO NEED FOR THE WITNESS TO MAKE
OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER
GIVEN OR DOCUMENT OR THING PRODUCED.**

ASSISTANT COMMISSIONER: Could the witness be sworn please.

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

Mr Etmekdjian, could you state your full name for the Commission please?
---Artin Etmekdjian.

10

And your date of birth?---7 February, 1962.

And your address?---.....

And you are a chartered accountant?---Yes, I am.

And it's the case that you have been a Councillor of the City of Ryde Council for a number of years?---Yes, since September 2008.

20

So that was your first term, September 2008 for four years?---That is correct.

And is it correct that you were elected Mayor in September 2010?---That's correct.

And at that point Councillor Petch was a deputy Mayor?---Correct.

And you were, is it correct you were re-elected Mayor in September 2011?
---Correct.

30

And in September 2012 when the Council elections were held you were re-elected as a Councillor?---That is correct.

But you didn't stand for Mayor at that point?---Correct.

And you're aware that Councillor Petch has been the Mayor since that time?
---Correct, and that has - - -

40

There's been some recent changes in the Mayoral arrangements but Councillor Petch was elected and appointed Mayor in September 2012, that's correct isn't it?---That's correct.

Now in - can I ask you to think about the period from 2008 to 2012 and the Council make-up in that period. One of the issues that came before Council on a number of occasions in that period was the Ryde Civic Precinct redevelopment?---That is correct.

Now I know you weren't present during the earlier hearings of the Commission but you can assume from me that there's been some, some evidence about that already. Do you recall, particularly thinking about 2011 to 2012 that there was a division in Council about that project?---Yes, there was, after a certain stage. I recollect in my first year as Mayor we had made certain resolutions of Council to proceed with that project.

I'm not asking you actually the whole history of it?---No, okay.

10 Please just - - -?---Yes, there was.

And is it correct to say that again thinking about that period 2011/2012 whilst there had been a Council resolution which had been passed to progress that project there was an even split six all between the, the Councillors who were in favour of the project and those who were against it?---Correct.

20 And is it correct that those were who were against it in terms of the, the votes that were normally cast in Council, were Councillor Petch?---That's correct, yes.

Councillor Perram?---Yes.

Councillor Li?---Yes.

Councillor Salvestro-Martin?---Yes.

Councillor Tagg?---Yes.

30 Councillor Butterworth?---Yes.

And in the, amongst, if I can call them the bloc who were voting in favour of the project it was you?---Correct.

Councillor Yedelian?---Correct.

Councillor Campbell?---Correct.

40 Councillor O'Donnell?---Correct.

Councillor Maggio?---Correct.

And Councillor Pickering?---Correct.

And it's the case isn't it that on a number of occasions when votes came up the votes were deadlocked and you then had to, you cast your vote as the Mayor?---Correct.

In that period up until the September 2012 elections?---Correct.

So that a number of motions in respect of the Ryde Civic Precinct redevelopment were passed on the Mayor's casting vote?---That's right.

Now can I ask you whether in the course of your time at Ryde as a Councillor and Mayor you've met a Mr John Goubran?---Yes, I have.

10 Thinking back how long have you known Mr Goubran for?---I first met Mr Goubran through the, the Armenian community in particular the Armenian Catholic Church because he's of the catholic faith and the church is located in Lidcombe and my wife and I frequent that church on the odd occasion and Mr Goubran's sister is heavily involved with that church and I would have met him on the odd occasion through that church more recently.

Thinking back when do you think you first met him?---Prior to being on Council so you're probably looking 2003, 4.

20 And since you've been in Council have you had contact with him from time to time?---Yes, I have.

And so you certainly knew him by early 2012?---Yes.

Were you aware of whether he had some property holdings in the Ryde area, again thinking about the period 2011/2012?---Yes, I did.

And did you have some dealings with him while you were on Council in respect of those property holdings?---Yes, as a Councillor.

30 And do you recall thinking again about 2011/2012 was he someone that you had met from time to time?---Yes, I had, we currently had the Ryde LEP on, on display and certainly his properties - - -

That, that's the, that's the Local Environment - - -?---Local Environment Plan.

Right. It was on display?---That's right.

40 And did you have some contact with Mr Goubran about that?---That's right. Mr Goubran was contacting all Councillors regarding some of his properties that were going to be impacted by the, the LEP.

And were there occasions when you met him in respect of, of that issue? ---Yes, there was.

What, for the purpose of him indicating his viewpoint on, on the proposed LEP?---That's right.

Do you recall there being meetings about that subject matter in late 2011?
---Yes.

Was it one occasion, more than one occasion?---It was one occasion at the end of 2011 and one occasion early 2012. On a couple of occasions it was late '11 because I did meet with Mr Goubran and some other land owners as well.

10 Now do you recall having a meeting with Mr Goubran on a Saturday, 21 January 2012?---Yes, I do.

And was that, where was that held?---Coffee shop up at Top Ryde Shopping Centre across from the Council Chambers.

20 And was that a meeting Mr Goubran had requested?---Yes, it was. We had met prior to Christmas, as I said it would have been late 2011 predominately on the LEP then with the Christmas break I think we'd agreed that we'd catch up or I think he said he'll contact me when I came back from my holidays, so he would have contacted me mid January to arrange for that meeting in 21 January.

Now in the course of that meeting did Mr Goubran raise with you the issue of the LEP?---Yes, he did.

30 Did he raise with you during that meeting some other subject matter?---Yes, he did, he raised the issue of the Ryde Civic Precinct Project and more particularly because prior to Christmas we were involved in voting on certain matters regarding the precinct project and in January Mr Goubran raised with me his concerns as a local resident that the project was not getting the full support it should have from the community and that there should be other steps taken in, in trying to deal with the, the community concerns on the matter.

40 Can I just ask you from the dealings that you had with Mr Goubran did you understand whether he had a view either for or against the Ryde Civic Precinct Redevelopment that was being proposed at that time?---He advised me that he felt that it should have gone ahead during those meetings but I said that's got to be the will of Council the Council needs to make that decision and it needs to make it on the merits of the project and the community's willingness.

All right. Well thinking back again to the meeting on the Saturday, 21 January, try and think and again you don't have to use precise words but if you can remember them please do but words to the effect of what Mr Goubran said to you on that occasion about the Ryde Civic Precinct Redevelopment?---Well he come to me that day and I think quite specifically to try and put forward some kind of proposal to make sure the right - - -

Try as best you can try and think of words or words to the effect of?---Okay. Well he said that it'd be best in the interests of, of the actual project itself that the matter actually be referred and that we leave it 'til after the election because it could become a political hot topic, currently the Council is split on the decision and he was aware of what was happening prior to Christmas regarding the, the voting patterns in respect of that, that project and he'd come with me with a suggestion of a formulation of a committee.

- 10 Did he say anything about whether this was his idea or whether it was, had come from someone else?---No, he said that he was promoting that formulation of a committee on the recommendations of Councillor Petch.

And did he give you any detail about this committee that he was raising with you?---Well, he said that it would be good, that it would be formulated with cross representation and the suggestion was that it would have four Councillors on it, four community representatives, the General Manager and the Director of Planning.

- 20 Okay. Did he, so you say that it was something that he had indicated that he'd discussed with Councillor Petch?---That's right.

Can you recall what he said about Councillor Petch in his views on this issue?---Yes, well he clearly stated that Councillor Petch was of the view that this would be the, the break, a breaker of the tension that currently existed in Council. His views was that there is a little bit of community concerns on the project, that it should - - -

- 30 So when you say his are you talking about what Mr Goubran said about himself or what - - -?---No.

- - - he conveyed about Councillor Petch?---Councillor Petch. And Mr Goubran was obviously confirming that because he was delaying the message and saying to me that - - -

Sorry, delaying or relaying?---Relaying, sorry, the message that there is community concerns on the project. It should be deferred till after the election and for that reason there should be a committee formed to look at the future of the Civic Precinct project.

40

Did you say anything back to Mr Goubran in response to this proposal that he was relaying to you?---Well I clearly stated to Mr Goubran that I didn't think that him approaching me was the proper process and that that approach to me was quite inappropriate. Because as all Councillors, excuse me, as all Councillors know from the day that they've been elected as Mayor they had an open door policy and I always wished that Councils who had any proposals or any concerns or any issues they wished me to take to the General Manager or to the Chamber they would consult with me in the

first instance. So I said to Mr Goubran that I'm not prepared to entertain this approach because I think it's quite inappropriate and if Councillor Petch wishes to raise any kind of proposal or strategy that might be more beneficial for this Council to break any deadlock that existed that he should approach me directly.

Did you ask Mr Goubran to relay that to Councillor Petch?---Yes I did.

Did he indicate that he would?---I only assumed that he would.

10

So you felt that the idea of what, someone relaying it as a messenger for Councillor Petch you didn't agree with that approach?---That's right. I thought that was quite inappropriate because I didn't entertain anything about the committee at that stage because I thought if there was going to be any kind of a proposal of a formation of a committee that it should be a discussion that I was to have with my fellow Councillors.

Can I ask you whether in the course of that meeting you told, you told Mr Goubran that you liked the idea of this community committee?---No.

20

Did you say to him, or did you ask him to put this proposal of a community committee to the other side, that is the part of the Council that had been voting against the Ryde Civic Precinct redevelopment?---No, because it was clearly coming to me from the other side.

Did you tell him, did you ask Mr Goubran to speak to Tony Abboud on your behalf about this proposal?---No, didn't ask Mr Goubran to do anything other than to relay the message back that if anyone wished to bring a proposal to me as the Mayor they should do it directly.

30

Did you ask Mr Goubran to contact Mr Abboud and say to Mr Abboud that you liked this idea?---No. Never raised that issue.

Did you ask Mr Goubran to contact Mr Abboud, say that you liked the idea and have him then convey that to the other side, that is the no block?---No.

During the course of this meeting that you, you've told us about on 21 January did Mr Goubran say anything about John Neish?---No, other than the fact that the proposal was to be sent to John Neish, or to be given to John Neish.

40

During this meeting did he say anything to you about Mr Neish's job or job security?---No he didn't.

But he did indicate that he was intending that this proposal would be put to Mr Neish?---Yes.

Did you say anything to him about that prospect of Mr Goubran putting this proposal to Mr Neish?---No, I didn't entertain any further aspects with regards to that because as I said to Mr Goubran that the initial approach to me is inappropriate. Any further discussions on formulation of a committee or any approaches to the General Manager should come to me directly by any Councillor who has that as a suggestion.

10 Do you recall if Mr Goubran in the course of this meeting said that he was proposing to contact Tony Abboud with this proposal?---No.

Is that no you don't recall or no you don't believe he said that?---No, he didn't, he didn't say that to me.

I take it from what you've told us that you don't, your recollection isn't that you asked Mr Goubran to pass this onto Mr Neish?---Never asked Mr Goubran.

20 Now after that meeting you were aware that Mr Neish at that point was working towards a deadline in August for the tender process to be progressed?---That's correct.

And can I ask you can you recall - I withdraw that. You're a member of the Rotary Club?---Yes, I am, the Rotary Club at Ryde.

And is Mr Abboud also a member of that club?---Yes, he is.

And is it the case that the Rotary Club of Ryde meets, sorry, West Ryde is it or Ryde?---No, just Ryde.

30 Ryde. Meets every Tuesday night?---Yes, it does.

Do you recall a meeting on 3 April 2012?---I clearly do because as I, it's on a Tuesday night I can't go to Rotary meetings but for ones, the very few that I do attend I, I do remember them.

40 Why is it that you normally can't go to Rotary meetings?---As you just mentioned the Council is held its meetings on Tuesday nights and therefore we don't have any Council meetings on the fifth Tuesday but more than likely we have workshops and it's very hard for me to, to get to Rotary meetings but that one coincided with our Easter break in Council Chambers and it was a Tuesday evening that was free and I took that opportunity to go to the Rotary Club.

And did you see Mr Abboud there on that occasion?---Yes, I did.

Do you recall if Mr Abboud spoke to you on that occasion about having had a conversation with Mr Goubran?---Yes, fairly briefly because being a Rotary meeting it wasn't appropriate to enter into any discussions detailed

but he mentioned that he had been contacted by Mr Goubran again about the proposal that was put to him.

Did he indicate that Mr Goubran had asked him to meet with Mr Neish to put some form of proposal?---Yes, he had.

Did Mr Abboud tell you anything more in terms of detail at that point or was it a short conversation?---No, he hadn't because it was very brief being a Rotary meeting and I had already had previous meetings with Mr Abboud about that issue.

10

When you say you had previous meetings with Mr Abboud is Mr Abboud someone that you meet with from time to time in the course of your Council duties?---Yes. Mr Abboud is, is a man of standing in the community, he's President of the Local Chamber of Commerce, runs a successful business for over 30 years and obviously on odd occasions, in fact regular probably once a month we may catch up on community matters, Rotary matters and Chamber matters and you know matters that might pertain to Council.

So three's a variety of matters that he discusses with you - - -?---That's right.

20

- - - at these meetings? And do you say that you have a recollection that prior to this occasion that is the 3 April you'd had meetings in the course of 2012 with Mr Abboud?---Yes, I would.

And is it your recollection that at what, at one of those meetings there was some discussion about this subject matter?---Yes, there would have been, probably meetings that we would have had in February or March.

30

You say there would have been. Are you telling us what - I want you to try and distinguish between what you can actually recall and reconstruction that is - - -?---Sure.

- - - events you think occurred because you know you normally meet?
---Yeah.

Try to think about what you actually recall?---Well it would have been, I think our initial meeting in February, in February when I met with Tony he would have mentioned to me about the approach that he had had.

40

You keep saying would have mentioned. Are you telling me from actual recollection or are you trying to - - -?---Yes, it's from actual recollection.

Okay. Well try it again as best you can tell me what you recall Mr Abboud telling you in February?---February meeting that I had with Tony in addition to other issues that we may have discussed he had advised me that he'd been approached by Mr Goubran to take to the General Manager the similar proposal that he discussed with me on 21 January.

Do you recall if he, can you recall the detail of what he told you or not?---
Well, yeah, again it was along the lines of the, the project needs to be
deferred 'til after the election because there is not the community support
that it should have. Again he mentioned the fact that it should be the
formation of and the make up of a committee was discussed at that meeting
that Tony explained to me but he did elaborate more because in the earlier
parts of the, the meetings that we had it wasn't clear to me how that
proposal was coming and when I questioned Tony in those meetings he
clearly stated to me that he'd been approached by John Goubran to take the
10 proposal to the General Manager and that John Goubran had been asked by
Ivan Petch to relay that message to that General Manager in respect of the
formation of a committee for the development.

Thinking back then to the, the Rotary meeting on 3 April, so that's a
Tuesday night?---That's right.

Do you recall seeing Mr Neish the following day, that is the day, the
Wednesday after 3 April, so 4 April?---Correct, every Wednesday I used to
20 have a meeting with the General Manager in the mornings just to review
what's happened during the week and because Tuesday night is normally
the Council night we would talk about what happened the night before and
how things are going with the, with the Council so we had a regular
meeting.

Do you recall on 4 April when you saw Mr Neish in the course of your
usual meeting, if you mentioned anything about the discussion you'd had
with Tony Abboud the night before?---Yes, I had because obviously the
night before Tony had mentioned it to me that he had been contacted again
by John Goubran and because we had previous discussions about the
30 proposal that was put to Tony to take to the General Manager I queried the
General Manager as to whether he had been at all contacted by Tony
Abboud regarding a meeting.

And what did he say?---He said yes, I have been contacted and the meeting
has been locked in for 13 April.

Well, then thinking ahead after that date do you recall at some point after
4 April having some or being told by Mr Neish about what occurred at that
meeting?---(No Audible Reply)

40 I probably haven't made that very clear. You've told us that on 4 April - - -
?---Yes.

- - - you spoke to Mr Neish and Mr Neish indicated that he had been
contacted by Tony Abboud and that he was to meet with Mr Goubran on
13 April?---Correct.

Did you subsequently get any information back from Mr Neish about whether that meeting occurred and what had happened at it?---Yes. I then had my regular, next regular, the next was the 4th, the 11th would have been the next weekly one, then on the 18th was another weekly meeting I had with the General Manager and in fact that was a, a Wednesday which I actually had a meeting with Tony early in the morning as well and Tony had advised me during our meeting which was before the meeting I had with the General Manager that he had met with the General Manager on the 13th and put the proposal to him but no further discussions occurred about that with Tony because I think I was running late. I get across the road to my meeting with the General Manager on 18 April and he, and he advised me that he had met with Tony Abboud on 13 April and he explained to me the proposal that had been put to him and that the proposal - - -

Try and - just pause for a moment there, you say he explained the proposal. Did he give you detail about what was put?---Yes, he did, the fact that there was going to be the formation of a consultative committee, that he had to make sure that that was successful because if it wasn't successful then his job would have been at risk.

Did he say anything more about the actual nature of the committee, who was to be on it in terms of how he - - -?---Yes, reiterated what I had earlier had heard from Mr Goubran about four Councillors, four community representatives, the General Manager and the Director of Planning.

Did he say anything about the terms of - what Mr Goubran had told him about the terms of reference for this committee?---No.

Anything about when the committee was to report back?---No, well, I think he - well, there was a clear indication that the purpose of the committee was mainly to review the whole of the Civic Precinct project and how it had progressed to date and that it actually should be deferred till after the election and completely reviewed.

So is this something that Mr Neish told you on the 18th?---Is what had been put to him.

In terms of what Mr Goubran had put to him?---That's right.

And you said something about Mr, Mr Neish had told you about his job. Do you recall what he told you about his job or his job security?---Well, it was made clear to him and I had been told of this by Tony in an earlier meeting - - -

No, I want you to focus on what Mr Neish told you on the 18th?---Well, he said that it was quite inappropriate that the proposal was being to put to him and that the condition of it was that he had to make sure that it was a

successful approval of the establishment of that committee otherwise his job would have been at risk post the September '12 elections.

And did Mr Neish express any concern to you about what had been put to him?---Most definitely, it was at that time that he explained to me that he found it completely inappropriate, the activity, and that he was going to report that to, to ICAC and seek section 11 disclosure.

10 Did he say anything at that point about wanting to do something else before reporting the matter to ICAC?---Well, he said that part of the process was that he had to make sure that he had the clear information that was relayed to him by Tony Abboud on 13 April so that he made it quite clear to me that he will not be submitting anything as far as his disclosure until he had something in writing from Tony and I said well that's, that's your, your call, you need to make that judgment and you submitting that disclosure, if you require the written confirmation and documentation from Tony well, you should request that from him.

20 Do you recall then, as April/May/June went on in 2012 Mr Neish contacting you again about this issue about the approach and what he was doing about it?---Yeah look, I, again it was raised again during our regular meetings, maybe not on a weekly basis but every now and then he would raise it with me saying, "Mr Mayor, I haven't heard from Tony. I've asked him for the written information of the events of the meeting that he had with him." I then would mention that with Tony as well but I think I did also mention to Mr Neish that through my interactions with Tony he was either on holidays for a period or he wasn't well, he had a health condition during that period and that may have caused a bit of the delay but, I would say it was at least
30 from Mr Abboud or not or I think John had raised it with me as well in our meetings and it got to a stage where it, I think that Mr Neish rang again Tony at a certain stage and he received the required information and documentation before submitting anything.

So you're aware that ultimately Mr Neish did make a disclosure to ICAC?--
-Yes.

40 And do you recall receiving from Mr Neish a memorandum giving a chronology of events leading up the disclosure?---Yes I do.

Can I ask you to have a look, and it should come up on the screen in a moment, Exhibit 3? Now, do you recognise that as the memorandum you received from Mr Neish?---Yes I do.

Dated 7 August, 2012?---That's correct.

And if you could go to the next page you'll see it's a chronology of events?--
--Yes.

You'll see there's an entry there on 9 May which indicates that, and that's a Wednesday?---That's correct.

That Mr Neish had advised you about a, oh I'm sorry, we'll just enlarge it, that might be better. Small print?---I can see it, struggle a bit but - - -

You've got better eyes than me, Mr Etmekdjian.

10 ASSISTANT COMMISSIONER: Perhaps he could be shown the hardcopy.

MR DOWNING: If we do have a spare hardcopy I'm happy to do that (not transcribable).

ASSISTANT COMMISSIONER: I have one here and I'm sure the associate has one.

MR DOWNING: Hopefully now you have a paper copy in front of you and if you go to the chronology. Paper just trumps the computer?---Yes, sir.

20

You see the entry for 9 May, referenced to, "Meeting with Mayor"?---Yes.

Can you just read that in terms of the content of that entry? Tell me when you've read that?---Yes, I've read it.

Do you recall at that point there had been a motion from the six Councillors who were against the Civic Precinct redevelopment seeking that in effect this committee be formed and the matter be, the precinct project be referred off to it?---That's correct.

30

I take it you recall that motion being put before Council and the vote on it?--
-That's correct.

Did that motion in terms of it's contents strike you as somewhat similar to what had been put to you originally by Mr Goubran?---Most definitely.

You'll see also that entry refers to Mr Neish mentioning that he was waiting for further proof from, that is the written account from Tony Abboud as part of the disclosure?---Correct.

40

And does that accord with your recollection - - -?---Yes.

- - - roughly about, as to there being a mention in the course of one of those meetings at about that time?---Yes it does.

If you could then have a look at the entry for 26 June which is at the top of the next page. Again it's a reference to a Wednesday meeting?---Correct.

And does that accord with your recollection again, if you read the content?--
-Yes it does.

So do you recall that being an occasion where Mr Neish indicated he was still waiting for the information from Mr Abboud and you indicating that, that getting that information for the purpose of the disclosure was important and that you would phone Mr Abboud?---That's correct.

10 And do you recall you did phone Mr Abboud at about that time?---Yes, I did.

And you said earlier that you recall that he was unwell for a, a point, at some point. Do you recall him saying something to you about why he had or hadn't provided the information?---Well it was exactly for that reason because I know he hadn't attended some, some Chamber meetings and it became, I became aware of the fact that he had health problems and that was one of the reasons, main reasons for causing him the delay and putting this document together.

20 And you see an entry for 4 July, again a reference to a Wednesday meeting? ---Yes.

And do you see again there's a reference to a discussion about Mr Abboud's written account and you indicating that you agreed that that should happen? ---Correct.

Does that accord with your recollection in terms of the number of discussions and timing of them?---Yes, it does.

30 And you'll see there's a reference there on 11 July to section 11 notification being sent to ICAC?---Yes.

And you're aware aren't you that just prior to that on the 9th and it's reflected on the chronology that there had been a request for an extraordinary meeting of Council for the purpose of terminating Mr Neish's contract?

---That's correct.

40 And you're aware that there was - the vote then occurred in Council about that matter and proceedings that there brought in the Supreme Court?

---Correct.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes.

MR DOWNING: Perhaps we just have that exhibit returned so we don't lose it.

ASSISTANT COMMISSIONER: Can I ask any Counsel who wish to cross-examine this witness to let them know who they are and the name of the witness for whom they appear.

MR HYDE: Yes, thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Hyde.

MR HYDE: Mr Etmekdjian, I appear for Mr Petch in these proceedings.
10 Mr Etmekdjian, can I ask you about the meeting on 4 April 2012 that you had with Mr Neish. You recall you gave some evidence about your conversation with him that day?---Correct.

And you asked him or queried whether he'd been contacted by Mr Abboud?---Correct.

What else did you tell him in that conversation?---Nothing else.

So there was nothing other than query that he, whether he'd been contacted
20 by Mr Abboud?---That's correct.

All right. And you're certain of that?---Yes.

All right. Now you gave some evidence about a meeting which that you had on 21 January 2012 with Mr Goubran, is that right?---Yes.

And you've told the Commission the nature of the proposition that was put during the course of that meeting?---Yes.

30 And you have told the Commission that you thought what was being put by Mr Goubran was particular inappropriate?---No, I didn't say the content of the proposal because as I said in my evidence that I believed the process or the procedure that was being taken the approach of a third party or a so-called messenger of a, an issue that a Councillor would like to be raised or discussed with me itself was inappropriate and I didn't want to take any further the discussions around the actual formation of the committee, whether it's the right thing, the wrong thing, would it succeed or not, I felt it was very inappropriate that a Councillor of the City of Ryde would not
40 approach the Mayor himself directly with any ideas or proposals that he may have to ensure that we could be doing the right thing for the community.

And you accept don't you that as part of the conversation that you had with Mr Goubran the formation of a committee was discussed?---Yes, that's what he put to me.

All right. And you were very concerned as I think you've now said that the approach was being made in the fashion that it was by Mr Goubran,

correct?---Yeah, I didn't think it was the appropriate way for that kind of proposal to be put to a Mayor of a city.

You then say that on 3 April 2012 you had a discussion with Mr Abboud at the Rotary Club?---yes.

Correct?---Yes.

10 And he foreshadowed or flagged a similar proposal to that which had been discussed with Mr Goubran on 21 January, correct?---Well not that evening.

Right?---It had been flagged to me prior to that evening in the meetings I had had with Mr Abboud before the 3 April. 3 April being an evening of the Rotary Club was not an evening that I could get into any detailed discussion and my recollection of the discussion with Mr Abboud that night was his comments to, in, in the fashion of that he's been contacted by Mr Goubran again about the proposal and my response to that was well as I've said before Mr Abboud you need to make your decision on how you wish to deal with that matter because as I made it very clear back in January I was
20 not going to be involved in relaying any messages to anyone 'cause it hadn't come to me directly from one of my fellow Councillors.

And when do you say, bearing in mind the date of 3 April, 2012, when do you say these conversations with Mr Abboud occurred?---Well, as I said earlier that I would meet with Mr Abboud regularly and I do recollect that in, in February and March in meetings that I did have with Mr Abboud, these matters were raised and discussed.

30 And you say February and March, do you have any more particular recall of the dates?---Yeah, I think there would have been, well, not think but I do definitely know that in my diary on 18 February I would have had a meeting with Mr Abboud on this matter and also on 1 March.

And when you say on this matter was the date 18 February, was that the date you just said?---That's right.

And you have a diary do you?---Not a handheld diary, it's in my phone as to who I meeting.

40 And do you keep records of what it is that you discuss in those meetings?
---No, I don't, no.

So your, your recollection as best you can now recall on 18 February of that conversation with Mr Abboud is that it concerned the proposal loosely put that you had previously discussed with Mr Goubran?---That is correct.

All right. Now, on 4 April you've comprehensively told the Commission what it was that you said your conversation comprised with Mr Neish, correct?---That's right.

And you have said that - I withdraw that. You have given evidence that you were concerned about the approach that was made to you by Mr Goubran and you have said that you expressed that concern to Mr Abboud at some point?---Yes, I did.

10 And it's the case isn't it that on 4 April, 2012 you didn't express any concern to Mr Neish about the approach that had been made by Mr Goubran?---Well, by 4 April there was still no certainty in my mind as to whether any of those approaches were going to come to eventual occurrence because I had no indication from Mr Abboud in the meetings that I had with him nor did I on the evening of 3 April that he was actually going to arrange a meeting with, with the General Manager. However, on 4 April when I did raise the matter again with Mr Neish he clearly did state to me, and 4 April was the earliest time that I was aware, that a meeting had been arranged for 13 April.

20

Can you answer my question?---Yes, sir.

My question is you did not convey to Mr Neish anything about your concerns with the approach that either Mr Goubran or Mr Abboud had made with respect to the proposal, correct?---That is correct, because I didn't feel the approach was appropriate.

30 You, you, you have given evidence that you didn't think the approach was appropriate, you have given evidence that the night before 4 April, 2012 Mr Abboud had said something to you at the Rotary meeting about the proposal, albeit not the detail, correct?---Nothing about the detail, nothing about the proposal on that Tuesday night.

About?---About the fact that he had been - - -

The fact of the proposal?--- - - - he had been contacted by Mr Goubran again - - -

40 Yes, and - - -?--- - - - and a discussion.

And there was - you understood that that was, that contact by Mr Goubran to Mr Abboud was concerned with the proposal, correct?---That was the assumption, yes.

Not only the assumption, that was the fact?---Well, he didn't say to me that night that that was the reason why Mr Goubran had rung him but based on the meetings I had with Mr Abboud in the earlier months I could only have assumed that Mr Goubran had contacted Mr Abboud on that day about the

proposal but on Tuesday evening all I got from Mr Abboud was that I've been contacted again by Mr Goubran, my response was you need to make the decision as to how you're going to deal with that matter and that was the end of it because we're in a Rotary meeting that didn't need us to be in discussion.

10 So it's the case is it that at the rotary meeting you said to Mr Abboud, "You need to work out how you're going to deal with the matter"?---Because he had been approached and I had made clear to him in previous meetings that when I was approached with regards to the proposal I made my indications quite clear that I thought it was an inappropriate procedure to approach me in that fashion and I was not going to take the matter any further. So I was not going to interfere in how Mr Abboud was going to deal with the approach that had been made to him, that was for him to make that decision on how he would deal with that matter.

But nonetheless you had very strong views about it?---Well, simply because it had been made by messenger rather than a Councillor directly.

20 And on 4 April you say that you met with Mr Neish and you asked him or told him that Mr Abboud was going to be in touch with him, correct?---I don't think I told him. I think I asked him correctly. I said, "Have you been contacted by Mr Abboud?"

And you asked him that in your meeting with him on 4 April?---That's correct. And his response was that the meeting has been arranged for 13 April.

30 And you knew full well at that point in time that Mr Abboud was going to talk to Mr Neish about the proposal, correct?---I knew that he would be meeting with Mr Neish but the content of that meeting could only be an assumption. There was no certainty at that date what proposal Mr Abboud was going to put to Mr Neish, whether he was going to put the full proposal, part proposal, no proposal on 4 April. I had no idea what was going to be the content of the meeting on 13 April.

40 But, Mr Etmekdjian, you knew full well that a proposal was going to be put to Mr Neish by Mr Abboud during the course of your conversation on 4 April, correct?---No. I knew that there was going to be a meeting on 13 April. The contents of that meeting I had no certainty of what was going to be put and what was going to be the contents of that proposal, whether it was going to be the full proposal, part proposal, or no proposal.

All right. Well let's leave aside the detail as to the proposal. The fact of a proposal you knew full well was going to be put to Mr Neish by Mr Abboud, correct?---Correct.

Thank you. And it's the case isn't it that you did not in any way, shape, or form on 4 April, 2012 tell Mr Neish that you thought the approach that had been made to you was inappropriate?---No, I didn't.

All right. And that was something that you could have discussed with Mr Neish had you so chosen?---No, because I'd already been informed that day by Mr Neish that there was a meeting arranged for the 13 April and it was not for me to then entertain the detail with Mr Neish what I thought may have been the contents of a meeting he was going to have with Mr Abboud.

10

Mr Etmekdjian, you have said that you understood that the meeting between Mr Abboud and Mr Neish was to talk about the proposal. Leave aside the depth of it?---No, excuse me. A proposal.

MR DOWNING: No, please stop. Please stop. I object to that. I think the witness has probably not, has indicated his response but the use of the deal or the proposal isn't fair in the light of the witnesses evidence.

MR HYDE: I accept that.

20

ASSISTANT COMMISSIONER: Yes.

MR HYDE: You were aware that Mr Abboud was going to talk to Mr Neish about a proposal, correct?---Correct.

Now, the "a proposal" you understood from your meeting on 21 January, 2012 was concerned with something to do with the ongoing redevelopment of the Ryde City Precinct, correct?---That may have been the content.

30

And you understood from your meeting at the Rotary Club on 3 April, 2012 that a proposal that Mr Abboud spoke of was concerned with the redevelopment, further redevelopment of the Ryde City Precinct, correct?---No. Again, on 3 April the only discussions I had with Mr Abboud was that he had been contacted by Mr Goubran regarding their discussions and my response was, "You need to deal with that matter in the best way you feel appropriate."

And you understood that their discussions concerned the formation of a committee of some sort didn't you?---Yes. Yes.

40

And you understood that that was connected with what we'll call the "a proposal", correct?---Correct.

Thank you. Now you by the beginning of 2012 were aware of the groundswell of opposition to the redevelopment of the Precinct, correct? ---I was aware of some objections to the Ryde Civic Precinct development but I would not in my own view believe it's a groundswell.

And that groundswell developed during January, February and March, correct?---No.

10 All right. Do you say that you were unaware in March 2012 of significant Opposition to the development of the Ryde City Precinct?---I was aware of opposition but that had probably commenced earlier than that period, more than likely it would have commenced after mid September 2011, building up over the months of October and November during certain Council meetings at which time our Council Chambers did not have a quorum to deal with certain matters.

And there had been some fiery debate in the Chamber in 2011 hadn't there? ---Correct.

And there had been fiery debate presented by members of the community in the latter part of 2011?---Correct.

20 And you had been subject to - I withdraw that. You had been subjected to some personal criticism in the Chamber by members of the community in 2011?---Correct.

And that you were also receiving press that was adverse to you in various newspapers concerning the redevelopment - - -?---Correct.

- - - in 2011?---Correct.

30 And those matters were of concern to you, that is, that the community or members of the community were expressing concern about the redevelopment?---Yes, it was a concern.

And that concern grew as 2012 approached?---Well, I guess when you use the word grow, it was the same consistent pressure that was being put on.

And would you agree with me that from late 2011 to early 2012 that same consistent pressure started to increase?---No.

Do you agree that in January, February and March of 2012 that pressure began to increase?---It was the same tempo.

40 All right. And you, you were aware, weren't you, that there were significant amounts of correspondence being generated and sent to Council opposing the development?---Yes, pro forma objections.

And when you say pro forma objections nonetheless they were objections by members of the community?---Yes, they were.

And they were growing in number by 2012, correct?---There was a significant number.

All right. And you understood that this was to be a significant issue in the Mayoral elections in September 2012?---No.

10 You didn't think the redevelopment of the Ryde Civic Precinct was a significant election issue?---Well, it shouldn't have been, bearing in mind that as far back as 2008/2009 11 Councillors to one were fully supportive of the project and it was not a project that was born overnight, I was constantly being reminded by the community that this was a 15 year project and it was coming to the fruition of the, the project and that from my recollections May '11, going through one of the very final stages of the project, it was 11/1 vote of Councillors on the floor, giving the General Manager clear direction and resolution that the project should be finished by October 2012.

Are you seriously suggesting that the redevelopment was not an election issue for you in the 2012 Mayoral elections?---Well, if I could - Mayoral elections, they don't, that's only after the Councillors are elected.

20 All right, accepting that, in September 2012 when these elections took place - - -?---Yes.

30 - - - are you seriously suggesting to the Commission that the redevelopment wasn't the number 1 issue for Council?---It wasn't for every Councillor and may I, may I reflect on that in the sense that if it had been such a serious issue for our community then we would not have seen the outcome of the elections in 2012 returning four Liberal Councillors and increasing the number from four to five. If the Liberal Councillors led by a Liberal Mayor had made such a drastic mistake in its acceptance and direction of the redevelopment then I don't think any Liberal would have re-elected in September 2012 so I think the clear message was the community was quite happy with what was the direction of the Council regarding the project, and let me remind you that in the 2012 elections Liberals did maintain their consistency in their belief of what was in the best interests of the community, we took that to the election and the result would speak for itself.

Now you were aware though that in July and August there was significant agitation of this issue, that is the redevelopment?

40 MR DOWNING: Commissioner, I object at this point. I made it plain in the opening that this wasn't going to be, this inquiry wasn't going to be an opportunity for the proponents or - - -

MR HYDE: Yes, I'll move on. I've made the point.

Now you've given some evidence about some discussions that you had with Mr Goubran in late 2011?---Correct.

And there was discussion amongst other things about the LEP and the affect that was going to have on his - - -?---Land holdings?

Land holdings - - -?---Correct.

- - - in the community?---Correct.

10 And it's correct isn't it that during the course of one of your conversations either late 2011 or early 2012 you raised your concerns regarding the political fall out of this redevelopment issue, you had a conversation with him about it didn't you?---The conversation was had but it wasn't at my instigation it was Mr Goubran who raised it with me having seen what had happened in the Chambers at the end of '11 that if he'd come to me with a proposal to try and break the deadlock and it was he that raised the issue in our meeting of 21 January 2012.

20 And you say that he came to you with a proposal to break the deadlock, you understood that there was a deadlock didn't you?---Well if you clearly looked at the voting of six six which had shifted from 11-1 it would indicate a deadlock.

All right. So, and during the course of that discussion you and he discussed the fact that the debate was politically damaging to everybody?---It may have been politically damaging to certain people and I was not of the agreement that it was for everyone.

All right. But, but nonetheless that was discussed?---He had raised that issue, yes.

30 And Mr Goubran said that the purpose of putting the proposal was to in some way water down or remove the community backlash over the fact of there being insufficient consultation with the community, that was discussed wasn't it?---That was discussed and my response was that there had been sufficient consultation.

40 And Mr Goubran suggested to you that if there was a committee of some description formed with members of the public invited to participate in that committee that would alleviate in some fashion the perceived lack of community consultation, that was discussed, correct?---Yes, that was his words.

And he proposed to you - - -

ASSISTANT COMMISSIONER: I'm sorry, Mr Hyde, I really don't see how you can have instructions about what was said in a conversation between Mr Goubran and this witness.

MR HYDE: Well I do have a basis for putting these propositions in that the Commission has provided Counsel with Mr Goubran's transcript of - - -

ASSISTANT COMMISSIONER: Yes. Well Mr Goubran is represented here and I'm sure his Counsel can put whatever is necessary.

MR STANTON: I don't mind him trespassing, Commissioner, but only just ever so briefly.

MR HYDE: I don't mean to - - -

MR STANTON: No, well please don't.

10

MR HYDE: Now I want to suggest to you - no, I withdraw that. Pardon me, Commissioner, I think I've just about finished.

Yes, nothing further. Thank you, Commissioner. Thank you, Mr Etmekdjian.

MR STANTON: Stanton for Mr Goubran please, Commissioner, thank you.

20

ASSISTANT COMMISSIONER: Yes, Mr Stanton.

MR STANTON: Mr Etmekdjian, your political career, sir, in 2008 to 2012 had been effectively for the Ryde Council as a Liberal candidate and ultimately your accession of the office of Mayor has it not?---Yes, that's correct.

And you've been a member of the Liberal Party for how long, sir?---Since 2001.

30

Right. And I think you said on a State Executive do you not?---No, I don't.

Used to?---No, I never did.

Never did, okay. In any event, sir, Mr Abboud's also a political ally is he not in the Liberal Party?---No, he's not a member of the Liberal Party from my recollection.

40

But he certainly supports the Liberal philosophy does he not from your discussions with him?---As well he did the Labor Party when Mr Watton was the State member.

That may well be but certainly in recent times he supported the precinct, that's the Ryde development Precinct, has been very affective has it not in terms of assisting the proposal to go forward?---Well he's voicing his views as the President of Ryde Chamber of Commerce.

Which he's entitled to do is he not?---That's correct.

Yes. And you found him to be an ally in terms of the support for the development project as you saw it?---I found him to be an excellent representative of the community and the President of the Ryde Chamber of Commerce.

10 And an ally. Did, did he not represent to you in terms of your efforts to get that project through as you saw fit?---Well I wouldn't term that phrase but I think he was a very good supporter of the project and the President of the Ryde Chamber of Commerce.

Yeah. Now how long has he been a friend of yours Mr Abboud?---Well my wife and I moved into Ryde in 1999 I became founding treasurer of the Ryde Chamber - - -

How long has he been a friend of yours, sir, that's my question - - -?---I'd say 10 years.

20 Ten years, how many?---10, 10 years.

Okay. You socialise with him?---No.

Not at all?---No.

Never have dinner with him?---Maybe once or twice in that 10 years.

And as a chartered accountant where's your practice situated?---Parramatta and Chatswood.

30 Okay. And in terms of the Ryde Civic Centre his position as a member of the Chamber of Commerce was in favour of it you've already conceded to that have you not?---The Chamber of Commerce was in favour of it.

Yes, yes. And as its President he was put in the Chamber's position?---As he does as the member.

Yes, indeed. Now if I could ask you have you had any conversations with Mr Abboud recently about this matter?---No.

40 Say in July?---July of this year?

Yes, July of this year, that's right?---No.
That's my recent - - -?---No.

Not at all?---No.

Okay. Ever met with Mr Abboud since say March this year?---Yes, I said earlier in my statement I meet with Mr Abboud regularly on community matters.

Have you ever discussed with Mr Abboud his evidence that he gave?---No.

Have you ever read his evidence bearing in mind it's on the website for the ICAC?---I think briefly when I was overseas.

10 You read his evidence did you?---Briefly.

Briefly whilst overseas. Okay. And have you read anyone else's evidence in this case?---Again maybe briefly because whilst I was overseas I didn't think that I needed to keep in touch and I tried to read them when I was back here in Australia but I just haven't had the chance.

Okay, so you haven't, you haven't read them in any depth at all?---No.

20 Have you read Mr Goubran's compulsory examination that was sent to your legal representative?---Again, briefly.

How briefly?---Scheming, scheming through it to see if there's anything - - -

Scheming through it?---Yeah.

Okay. Well, as you schemed through it, please don't think I'm being flippant sir, that's your word. As you schemed through - - -?---I apologise if I misused the word.

30 No, don't apologise for misusing it. That's the word you used?---Well, I was reviewing it.

You schemed through it did you?---No, I was reviewing it.

Okay. So you might have schemed through it because you then realised when you schemed through it as you said that we'd like to put the date of the meeting on 21 January, 2011 when Mr Goubran brought this proposition to you, is that the case?

40 MR DOWNING: I object. It think it's 2012.

MR STANTON: Oh, 2012. Sorry, Mr Downing. You're quite right?---That clearly was the date that I met Mr, with Mr Goubran.

So as, in terms of it being a clear date you met him have you got a record of that meeting?---In my - - -

In writing. In writing?---In my, in my phone.

A record in your phone?---Yes. I use Microsoft Outlook.

Okay. Have you produced that record to the Commission?---No I haven't.

Okay. Has the Commission ever asked to see that record?---No.

Have you ever told the Commission that you had such a record?---Yes.

10 Apart from today?---Yes.

Okay. And you say that that record was produced by you at the, at the time in question?---It was part of my statement.

I appreciate that. Now, the other matter I want to ask you about, 21 January, 2012 was where were you with Mr Goubran when that meeting took place, that you say took place?---Coffee shop across the road in Top Ryde Shopping Centre.

20 What's the name of it?---Well, I can't recollect the name but it's the middle one when there's, there's three of them and there's one in the middle.

You've been the Mayor of Ryde for how long?---Two years.

And you've been a Councillor since 2008?---That's correct.

You're a man that partakes of coffee from time to time?---Not that often.

ASSISTANT COMMISSIONER: Mr - - -

30

MR STANTON: Not that often. And this is - - -?---Tea is - - -

And this is Saturday morning?---Ah, that's correct.

That's correct. You don't often meet on a Saturday morning with people do you?---No. It was a special request by Mr Goubran because I think he was taking his grandchild to one of the Kimber, the Kimber things which are at the Ryde Masonic Centre.

40 And did he have his grandchild with him at the time?---No.

Again, it was a special request because he was taking his grandchild to the Kimber Centre next to the Ryde Chamber and he didn't have the grandchild with him?---Well, he may have dropped or he was going to pick him up later but we had met in the coffee shop across the road.

At 8 o'clock in the morning?---No, I'm pretty certain that date may have been around lunchtime.

Closer to 1.00?---Could have been.

Yeah. And you took the time out on that Saturday to come and meet with him?---I normally do when, when constituents or residents of City Ryde want to meet the Mayor.

10 Now, you say that you took an accurate record you say of what occurred at the time on Microsoft Outlook in your phone, is that right?---No, I didn't say I took an accurate record of what occurred. I do not take any notes of any meetings I have but I do at least put in my phone the day I'm going to have the meeting, the time, and who I'm meeting with. But there aren't any notes of what happened during the meeting.

You see sir, I'm suggesting to you there was no such meeting with Mr Goubran on that day?---Well, there was a meeting and that might be your suggestion.

20 No, they're my instructions. What do you say to that?---Well, definitely wrong.

Thank you. Now, you of course had been meeting with Mr Goubran for some time, that is to say since late 2011 had you not?---I think yeah, well I recollect having two meetings at the end of 2011.

Well, I want to suggest to you sir there was one only. It was 21 November, 2011 at 8.00am at the Ottimo Café at Hunters Hill. Do you recall that meeting?---Yes, I recall that.

30 And that was with Father Basil was it not?---Father Basil may have been there.

I'm suggesting to you he was not may have been. What do you say to that?--Well, I'm suggesting he may have been there but there would have been other people as well.

40 Yeah. And it was to get support for you for the Armenian community for your election in the forthcoming Council elections was it not?---That I do not recall.

You don't recall that? What, you had enough votes you didn't need any more?

ASSISTANT COMMISSIONER: Mr Stanton, that's argumentative?

MR STANTON: I withdraw that, ma'am. I withdraw that. I withdraw that. Let's move on. You see sir, you see, Councillor Etmekdjian, your only record in your Microsoft phone Outlook is allegedly a meeting on 21

January that I'm suggesting to you never happened. Did you make a record of the meeting on 21 November, 2011 with your when you met with him?--- Yes I did, as I did the 3rd of the 11th.

And the next meeting you had with him was 5 April, 2012 I want to suggest to you at the Gloria Jean's Coffee Shop at West Ryde at 8.00am?---That I do not recall.

10 You see sir, what I want to suggest to you is this, or want to put to you is this. You were sustaining severe embarrassment and you were being put in a position of some real political damage to your career as a result of this project, the Ryde Civic development project were you not?---No, I don't believe it actually affected my chartered accounting career.

And your political career, sir, was very much in the balance was it not?--- Well, I don't have a career in politics.

20 You're a Councillor still are you not, sir?---Yes, I am, representing my community.

And that is a political career, is it not?---Not in my dictionary.

Okay. So as a Councillor you have no, no political affiliations?---And I've made that quite clear publicly.

Okay. See, what I want to suggest to you, sir, is that you had many phone calls with Mr Goubran but very few meetings. What do you say to that? ---Well, my dairy notes clearly show I've had meetings with Mr Goubran.

30 How many?---As I said, 3 November - well, in November the date you've quoted, 21 January and none since that.

That's what, three?---Yeah.

That - hardly many?---Well, they're the ones I've got records of.

They're the ones you've got recall of. Have you had any other meetings that you didn't record?

40 MR LLOYD: I object to that. I don't think that was the evidence.

ASSISTANT COMMISSIONER: No.

MR LLOYD: It was recorded.

ASSISTANT COMMISSIONER: Yes.

MR LLOYD: Not recall.

ASSISTANT COMMISSIONER: That's right.

MR STANTON: I said recorded, ma'am.

ASSISTANT COMMISSIONER: I think he said they're the ones I can recall.

MR STANTON: I'm sorry, ma'am.

10

Well, I'm suggesting to you, sir, do you record all your meetings?---Well, yes, they're in my phone.

Yes. And apart from the ones that you were - and it's your practice to record them is it not?---Yes.

Yes. So apart from the ones you've recorded there wouldn't be any others would there?---No.

20

Yes. Being a chartered accountant you're a man of some deliberate practice are you not?---I try to be.

Yes. Now, you've had several phone calls with Mr Goubran, I want to suggest to you something like 18 from 21 December, 2011 to 6 June, 2012? --- (No Audible Reply)

I withdraw that, I put it this way, sir. You've had 28, my apologies, from 15 November, 2011 until 28 July, 2012. Do you recall as many as eight, 28 phone calls with him?---Not that many but obviously there has been calls.

30

And I show you a schedule of phone calls, firstly I'll ask you this, sir, is your phone number for your mobile service?---Yes, it is.

And could I ask you to look at this document, sir, prepared by my attorneys from Mr Goubran's phone records, taking 28 calls between November 2011 and July 2012, could someone assist me in that regard, ma'am. I hand up a copy for my learned friend Mr Downing also, Commissioner.

40

ASSISTANT COMMISSIONER: Does this schedule show who initiated the calls, Mr Stanton?

MR STANTON: Yes, ma'am, it, well, no, it doesn't say who initiated them, it just refers to, if I may, ma'am, the phone records of Mr Goubran and the phone number of Mr Etmekdjian be recorded on that.

ASSISTANT COMMISSIONER: Well, I presume if it's his phone bill these are all calls he made.

MR STANTON: I would have thought so, ma'am, yes.

ASSISTANT COMMISSIONER: Yes, show it to the witness, thank you.

MR STANTON: Do you see those calls, sir?---Yes, I do.

You see, on 21 January, call number 12, there are two calls at 9.52am and 12.56pm, do you see that, sir?---Yes, I do.

10

And those calls, sir, are 23 seconds and eight seconds?---Yes.

And I'm suggesting to you, sir, that there was no such meeting but rather he rang you on those days or on that particular day, do you see that?---Eight seconds, eight seconds.

Yes, rang you.

MR LLOYD: I object to that.

20

ASSISTANT COMMISSIONER: Yes, I mean, Mr Stanton, the fact that he rang him is in no way inconsistent with their having met, the calls are very short, I don't think you can fairly put that it means anything if there were phone calls.

MR STANTON: Well, ma'am, anyway I'll certainly have the document marked for identification at this stage if I may please.

ASSISTANT COMMISSIONER: Yes. I'll make it MFI 3.

30

#MFI 3 - SCHEDULE OF PHONE CALLS FROM MR GOUBRAN TO COUNCILLOR ETMEKDJIAN

MR STANTON: And just before I leave the document if I may please, Mr Etmekdjian, on calls number 21 and 22, two calls with Mr or two calls I want to say were initiated by Mr Goubran do you. Do you see that, sir? ---Yes, I do.

40

And it was the 30 March 2012 that he initiated the call to meet with you concerning this proposal. What do you say to that?---Don't recall that.

You don't recall that?---Not in 20 seconds.

Well what I'm suggesting to you, sir, is that there was a meeting on that day the 30th concerning the proposal the subject of this Commission?---No, there wasn't.

Now just about to be marked please, ma'am, at this stage and I'll move on if I may.

ASSISTANT COMMISSIONER: Yes. I've marked it MFI 3.

MR STANTON: Now you see, Mr Etmekdjian, you've made no note of the conversation of 21 January 2012 in terms of what was said, we've agreed on that have we not?---(No audible reply)

10

There's no independent note of that conversation that you say took place at that meeting - - -?---No, I don't, I don't make notes of my meetings.

I didn't say, I didn't say whether you made, I'm asking you about your practice, sir, as to meetings and notes taken there of. That particular meeting has no written record by you does it not?---None of the meetings do.

20

I didn't ask you, sir, about any of the meetings I'm asking about that meeting. It has no written record of it does it?---No, it doesn't it.

Does it?---No, neither do the others.

I'm not worried about the others I'm worried about that one. Do you understand the question?---Yes, I do.

MR DOWNING: I object. The question has been answered, Commissioner.

30

MR STANTON: Well, Commissioner, it hasn't been answered responsively. I'm asking about that meeting.

ASSISTANT COMMISSIONER: He told you he made notes of no meetings which logically means he did not make notes of that meeting.

MR STANTON: Oh, yes, ma'am, yes, appreciate that - - -

ASSISTANT COMMISSIONER: That is a response.

40

MR STANTON: It may well be, ma'am, but it's that particular meeting I'm focusing on.

And it's your recollection here today is it not of what occurred, without any - - -?---I clearly recall what occurred that day.

Yeah. And in terms of the conversation you had you say with Mr Goubran the best evidence you can give is what you've said here today is it not?---Is what I recall in my recollection of what happened that day.

Now, sir, what I'm suggesting to you is that when you met him in 2011 over the LEP he expressed to you his sympathy with your position concerning the deadlock in Council, did he not among other things?---He may have touched on it but it was more, more in detail on 21 January.

I'm talking about when he met you in 2011, sir?---Predominately the LEP.

ASSISTANT COMMISSIONER: He knows that and he's answered it and he's answered it and said he thinks - - -

10

MR STANTON: Well, ma'am - - -

ASSISTANT COMMISSIONER: - - - it's more in the other meeting.

MR STANTON: But see, Commissioner, it's very much like the old verbal or what I would, must say, ma'am, when a police officer wants to say to you oh, yes but et cetera. I mean ma'am, I'm focusing on early, sorry, late 2011 not back to 2012, ma'am, and the 21st which he's so quick to volunteer - - -

20

ASSISTANT COMMISSIONER: He's answered your question, he's answered your question.

MR STANTON: Well, ma'am, he wants to be a boy scout and volunteer the 21 January every time be that as it may. But my question is, ma'am, but I'll move on if I may.

ASSISTANT COMMISSIONER: Yes.

30

MR STANTON: From those meetings in 2011 over the LEP and expressions of sympathy for you as your position with the deadlock he I suggest came to you on 30 March and put the proposition that he as a concerned resident of the community in terms of his acquisition of property and as a developer there thought that the way forward for you and for Council was to have this consensus in terms of this committee, isn't that the case?---No, I clearly don't recall any sympathy in November meetings and it was only on 21 January that we clearly discussed the proposal that was being put forward.

40

And I want to suggest to you, sir, that at no stage did he mention he was going there on behalf of Councillor Petch?---He clearly did.

I'm further suggesting to you, sir, that that is something that you have made up to give Councillor Petch a little more of a veneer that he does not justly deserve. What do you say to that?---No need for me to do that.

You see, sir, there's no need for you to do it you say but my, my instructions are that at no stage did Mr Goubran indicate that he was there for Councillor Petch or anyone other than himself. What do you say to that - - -?---He clearly did on 21 January.

Yeah. Now you see, sir, on how many occasions were there, sir, a deadlock in terms of the Council vote?---From memory it may have been half a dozen times and that's even if we ever had a meeting because we didn't have a quorum.

And on those half a dozen times you used your casting vote did you not?
---Yes, I did.

10 As the Mayor?---That's correct.

As you're entitled to?---That's correct.

Yeah. And I want to suggest to you, sir, that public perception of you using your casting vote was causing you damage in your position as the Mayor?
---Not from what I was gathering on my visits to the local community groups and functions I was attending. I was getting encouragement from the community.

20 Now, you see, this conversation you had with him, you say on 21 January, was a matter that you were utterly revulsed by, were you not?---Excuse me, I didn't understand.

Revulsed, you were upset about it, that someone had approached you, allegedly by another Councillor, when the Councillor didn't have the courage or the wherewithal to come to you directly, that's a, that, that is what upset you did it not?---No, it didn't upset me, nothing upsets me and all I made the clear statement on 21 January to Mr Goubran was that I didn't think it appropriate that you act as a messenger for a fellow Councillor of mine but nothing every upsetted me, I was quite happy to move on with my position as Mayor and if a Councillor felt that they had the desire to make any proposals made available they should have approached me.

30 Yeah. Now, sir, just so we can get back to where I'm taking you, it's 30 March that he approached you and discussed the consensus, what do you say to that?---No, that's not correct.

40 And he discussed the committee and you suggested he should go to Tony Abboud to see if he could put it forward, what do you say to that?---Not correct. On 21 January he didn't raise that with me.

On 30 March is what I'm asking about, Mr Etmekdjian?---I didn't have a meeting on 30 March.

Well, I'm suggesting you did and I'm suggesting in the course of that meeting on 30 March you put to him that he should go to Tony Abboud, what do you say to that?---Well, there was no meeting so I can't recall what happened on 30 March.

And it was at your suggestion that he then contacted Tony Abboud, what do you say to that?---Never made that suggestion.

Now the chronology prepared in Exhibit, the chronology that was shown to you by my learned friend Mr Downing has the first entry as 4 April, 2012 with Mr Neish, do you see that?---Correct.

Do you recall that?---Yes, I recall that.

10

And you asked Mr Neish if Tony Abboud had met with you?---Correct.

Because that's because you say Abboud and you had a meeting on the 3rd at the Rotary?---Not a meeting, a brief discussion.

A brief discussion. And just tell us again what that brief discussion was about?---Tony had approached me at the, at the Rotary meeting and stated that he'd been contacted again by Mr Goubran about the proposal and I clearly stated that it wasn't appropriate for us to get into further discussion that night and that as I previously stated to him in our meetings that he had to deal with the matter as he thought appropriate and fit.

20

Did Tony Abboud say Goubran came to see him?---Not that night on 3 April because we had met as I said in the February and March period and yes, he had, he had a meeting with Mr Goubran but didn't actually explain where or how the meeting occurred but that he had been approached by Mr Goubran to put the proposal to the General Manager.

Did Tony Abboud say when he had this first meeting with Mr Goubran - - -?
---No.

30

- - - in terms of date?---No.

Did he mention a month?---No.

Did Tony Goubran say where they met?---No.

Sorry, Tony Abboud say where they met?---No.

So just out of the blue Mr Abboud said that he had a meeting with Mr Goubran?---Not out of the blue.

40

Well, did he say how - - -?---We had met, we had met, I had met Mr Goubran on 21 January with the proposal that he was putting forward to me and I clearly stated on that 21 January that it was inappropriate for that to happen and I do not want to further discuss the proposal that he's putting forward and then I had a meeting with Tony Abboud on 18 February and in that discussion, which may have been one of our regular meetings he raised

the fact that he had been approached by Mr Goubran to put forward a proposal to the General Manager.

Just testing you on that if I may, please sir, when did you tell Abboud that you had a meeting with Mr Goubran on 21 January?---It would have been on 18 February.

10 And you, you say that you've got a record of telling Mr Abboud that on 18 February?---Not the telling, it's in my diary that I met with Tony Abboud on 18 February.

And you say that that entry allows you to recall that you told Abboud on that day that you'd met with Goubran on 21 January and the proposal was discussed?---Well, it's not in the phone, the actual recollection is my recollection. It's not written down, it's not written down anywhere.

20 So Mr Goubran, so, so Mr Abboud knew from you in February that Mr Goubran had approached you about this proposal, is that what you're saying?---Well, that was discussed.

What did Mr Abboud say to you about that?---Well, Mr Abboud had opened the subject that he had been approached by Mr Goubran to take that proposal to the General Manager.

Was that in February?---February.

What date?---As I said, 18th.

30 Okay. And when did Mr Abboud say Mr Goubran approached you about that approach by Mr Goubran to him?---Excuse me, I missed that question.

All right. I'll withdraw it and put it this way. Your meeting on 18 February with Mr Abboud - - -?---Yes.

- - - who raised the approach by Goubran?---Mr Abboud.

And did he say when Mr Goubran had approached him?---No.

40 Or where?---No.

Or what the approach was?---Yes, the approach was mentioned. As I said, I had met with Mr Goubran on 21 January, 18 February Mr Abboud in one of our meetings raises the fact that he had then been approached by Mr Goubran himself and he went through the process of what the approach was about, the proposal and what were the, the conditions.

All right, well take us through the approach that Mr Abboud gave you on 18 February that Mr Goubran had given to him?---Well, to the words of the

effect that Tony had said that, "I've been approached by Mr Goubran to take a proposal to Mr Neish because the communities not happy with the civic development project. It should get delayed. It should be the formation of a committee to review the whole civic precinct redevelopment process," which naturally my response was, "Well, it's already been debated in Council, it's been there for 15 years. I don't think that that should be appropriate." But I said that, "If you've been approached to take that message to the General Manager it's clearly your decision you need to make on how you do that." And during the course of that conversation as I was getting more and more information from him he made it quite clear to me that the approach had been on behalf of Councillor Petch and that there was a condition attached that if the General Manager had agreed to make sure this happened then his employment would be secure post the election in 2012.

And you remember all of that from the meeting in February, 2012?---
Clearly do because it has been an issue on my mind for that whole period of time.

20 It had been an issue on your mind?---I've been very concerned about what's been happening in the City of Ryde.

I see. And did it accord with the same proposition put by Mr Goubran on 21 January?---Yes it does.

In, in all facets?---Well, Mr Goubran, when he discussed it with me did not mention to me on the 18, 21 January about the condition regarding the General Manager. I received that information from Tony on 18 February that that was the condition of it.

30 And what did you say to Tony about that?---Well again, I said that the whole approach is inappropriate and you need to make that decision yourself. I'm not going to be involved as I said to Mr Goubran on 21 January, I do not believe the initial approach was appropriate and I need to be approached directly by any of my fellow Councillors who wish to bring up any kind of a suggestion or proposal for this precinct committee.

Mr Etmekdjian, there was something more sinister about it was there not?---
Excuse me?

40 There was something more sinister about it was there not?---About what?

In terms of what you say occurred on 28 February, for the first time you were told that Mr Neish's position could possibly be in jeopardy, is that not the case?

MR DOWNING: I object to that. 18 February or 21 January?

MR STANTON: 18 February. Thank you. For the first time on 18 February you now found out that there was a further feature to the proposal concerning Mr Neish's employment, isn't that the case?---Well, there was a suggestion. Whether it was going to eventuate or not I had no idea.

10 But that was of some concern, surely to you was it not?---It was a concern but I just had to weigh up the situation of whether it was going to actually happen or whether it was just purely a, a threat because as you had mentioned earlier there was certain pressure being put on me but none of that was bothering me but I had to be reserved about what I was going to do with this kind of information that I was receiving.

But Mr Etmekdjian, this is Mr Abboud relating to you that Mr Goubran had told him that not only was the proposal in the same respects as given to you in January but there was a further feature, namely Mr Neish's employment might be in jeopardy, is that the case?---It was only a proposal at that stage.

20 Only a proposal. Well, what was the proposal that was going to effect Mr Neish's employment. Just give it to us again as you heard it on 18 February?---Well, the fact that if Mr Neish had supported the establishment of the committee and seen through the delay of the project post September, 12 elections then his employment would be secured.

Did you wonder how that could come about?---No. I actually wondered how that could happen if he didn't have any opportunity to manipulate Councillors or their numbers on Council with an election coming up in September 12. It just surprised how that could ever happen and therefore for me it was not of a serious nature that it could actually eventuate.

30 And of course there was no doubt that Abboud told you this on 18 February, was there?---No.

Something that Mr Abboud clearly would have obviously remembered bearing in mind he had a meeting with you on that date?---Well, as I said earlier - - -

MR DOWNING: (not transcribable) 18 February?---18 February?

40 MR STANTON: I withdraw that.

MR DOWNING: Please, please - - -?---18 February?

Please, Mr Etmekdjian, when there's an objection please stop.

MR STANTON: I withdraw that (not transcribable).

MR DOWNING: The question's been withdrawn, you don't need to answer it.

MR STANTON: Thank you. Now, Mr Etmekdjian, if you just need to, have a drink. So Mr Etmekdjian, Mr Abboud and yourself had this meeting you say, right. Did he, did Mr Abboud indicate to you that he would meet further with Mr Goubran?---No.

10 Did you of yourself sir, say to him, “You should just cease and desist with Goubran after this”?---No. I simply reiterated what I had said to Mr Goubran, that I was not going to be involved in this kind of approach and that I had made it clear to Mr Abboud that he needed to make the decision of how he wished to deal with the matter.

And Tony Abboud’s no fool is he, I mean, he’s, it’s not something he’d engage in again to your knowledge. I mean, is that case?

MR DOWNING: I object. This calls for the witness to speculate, Commissioner.

20 ASSISTANT COMMISSIONER: Yes. I don’t think that question’s helpful, Mr Stanton.

MR STANTON: Well, I appreciate that but, you’ve got a perception of Mr Abboud do you not, Mr Etmekdjian, of a man of some savvy in terms of not getting involved in matters that could get him into trouble?

MR DOWNING: I object, on the same basis, Commissioner.

30 ASSISTANT COMMISSIONER: I think that’s a matter for submissions, Mr Stanton.

MR STANTON: It may well be, ma’am.

40 Now you say that you told Mr Neish that Tony Abboud had met with you on the 3rd and that he was going to see Mr Neish, is that the case, is that effectively what was a result at the Rotary meeting - - -?---No. On 4 April at one of my regular meetings with General Manager I simply had inquired of the General Manager as to whether he had been contacted by Mr Abboud to catch up for a meeting and Mr Neish’s response was yes, Tony has contacted me and we are meeting on 13 April and I had left it at that.

I see. Now as you understood it from speaking with Mr Abboud was he going to take the proposal from Mr Goubran to Mr Neish?---No. As I said on 3 April during the Rotary meeting all I had been advised by Mr Abboud was that Mr Goubran had contacted him again about the proposal and we had left it at that because it was a Rotary meeting. So on the following morning when Mr Neish advised me that a meeting had been arranged I still had no knowledge of what was going to be the content of that meeting, I could have assumed that it was going to be the proposal, to what extent of

the proposal was going to be put on the table I had no idea of what was going to happen.

Now on 13 April you say you had a meeting with Mr Abboud, is that the case? Sorry, on the, sorry. On the 18 April you had a meeting with Mr Neish?---Yes. My normal weekly meeting which is a Wednesday.

And Mr Neish in the course of that meeting indicated that he'd had the meeting with Mr Abboud?---That's correct on the 13th.

10

And that he was concerned that Mr Goubran allegedly to Mr Abboud had indicated that his employment would be in doubt if he didn't agree to the proposal?---Correct.

Words to that effect?---Correct.

And you then said to Tony Abboud, sorry. You then said to Mr Neish you'd need to get written confirmation of that?---No, that's what Mr Neish had wanted to do.

20

I see. So in terms of Mr Neish wanted to get written confirmation of it did you support him in that regard?---I said it's your decision it's your call at the end of the day you are the General Manager if you believe that the written confirmation is going to strengthen your disclosure then you need to make that decision.

Well you see, sir, this was a matter that Mr Neish had some extreme concern about as he communicated to you did he not?---Well he had stated that date as he thought it was inappropriate the meeting that he had with Tony on the 13th.

30

And you understood in subsequent conversations with Mr Neish that he was having trouble getting Mr Abboud's written confirmation?---Yes.

And you see it's allegedly what Mr Abboud's telling Mr Neish that's causing Mr Neish the concern is it not?---Can you re-question that, I just - -

Well Mr Neish's concern was based on what Mr Abboud was telling him, isn't that the case?---Correct.

40

As related to him, that is as related to Mr Abboud by Mr Goubran? ---Correct.

Yeah. And you had no further conversations with Mr Goubran about this matter according to your evidence did you?---No.

Apart from 21 January there was no further discussion of the proposal, that's what you say?---Yeah.

Yeah. At all?---Correct.

And of course you say Mr Abboud was unwell or interstate and couldn't get the written confirmation to Mr Neish, is that the case?---That's what I was being informed, yes.

Yeah. And yet Mr Abboud in Exhibit 9 - might he be shown that please, ma'am.

10

ASSISTANT COMMISSIONER: Yes. I don't know if it is Exhibit 9.

MR STANTON: Well I thought it was, ma'am.

ASSISTANT COMMISSIONER: Is it a - - -

MR STANTON: This is, this is the, this is the Council meeting - excuse me.

20

ASSISTANT COMMISSIONER: Of 8 May?

MR STANTON: 8 May, ma'am, yes, that's exactly right, yeah. Yeah.

Do you see that? That's written by Mr Abboud is it not?---How can I tell? I don't have any - what name is on there?

Well there's no name on it but do you recall this being what Mr Abboud read in the gallery in support of your position on the Ryde Civic Project?---I do not recall it.

30

You don't recall it?---Well let me have a proper read of it but there's no name on the documentation.

I didn't say there was any name on it, sir, I said this is what Mr Abboud prepared and read at the meeting?---Okay. Well - yes, I've read it.

And it's what Mr Abboud had prepared did he not?---Well again I don't recall if that, if that's what you're stating that that's what he's prepared and actually read out in the Chambers then it must be true.

40

Yeah. And he certainly had the time and the resources to do that as at 8 May had that typed up - - -

MR DOWNING: I object, Commissioner. It's not a question.

MR STANTON: Well be that as it may - I withdraw that.

Certainly - - -

MR DOWNING: Commissioner, can I just ask you, I'm not sure whether now is an appropriate time for the morning tea adjournment or whether Mr Stanton has much longer to go.

MR STANTON: A little bit longer to go, ma'am, not a lot but a little bit longer.

10 ASSISTANT COMMISSIONER: Yes. We will adjourn for morning tea at this time.

SHORT ADJOURNMENT

[11.35am]

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Stanton.

MR STANTON: Yes, thank you, ma'am.

20 Mr Etmekdjian, before the break I was asking you about the concern of Mr Neish to get from Mr Abboud the written confirmation, you recall that?
---Yes, I do.

Did you do anything yourself in speaking with Mr Abboud at your regular meetings to get him between April to July 2012, to get from Mr Abboud that written confirmation any quicker?---Yes, I would have made a few phone - -
-

30 No, no, sir, not would have, what did you do?---Yes, I did make a few phone calls or raise them during our, our meetings as to when you're going to get that, the information that the General Manager's requested from you to him and on the few occasions when I did try to contact him it then became evident to me that he had either been away or he was ill and, and sick and that there was a bit of a time lap in between in responding.

And Mr Neish was quite concerned was it not that he wanted to get this to ICAC as soon as possible?---Well, he'd always expressed to me that he had received it and he wanted to get that before he did submit anything.

40 And your meetings with Mr Abboud, did you ever see him compile a journal in the course of those meetings?---No, I didn't.

Have you ever seen Mr Abboud use a journal?---Yes, I have.

Okay. And did Mr Abboud ever tell you that he'd made notes in his journal concerning the meeting with Mr Goubran?---Never mentioned it to me but as he was making notes all the time I only assumed that he'd made notes of his meetings.

Did Mr Goubran - sorry, did Mr Abboud ever tell you that he'd made notes in his journal about the meeting with Mr Goubran, that's my question?
---Not categorically, no.

Well, what do you mean not categorically?---As I said, I had seen him, every time we meet I see him with his little journal and his book - - -

10 Yeah?--- - - - and he does make notes and I can only assume that if that's his habit that he's been doing, as he's always told me, for how many years that he may have, that he would have made notes in his book of any meetings and I guess important meetings he would make notes of them.

And how does he write in that, with a pen or - - -?---No, pencil.

Pencil?---Yeah.

I see, always a pencil?---Yes.

20 What sort of pencil, 2HB?

ASSISTANT COMMISSIONER: Mr Stanton.

MR STANTON: I withdraw that, ma'am.

ASSISTANT COMMISSIONER: Thank you.

MR STANTON: Too hard to believe ma'am, yes.

30 In any event - and what does his journal look like, Mr Etmekdjian?---Oh, it's one of those popular brands, the little B5 size that has the plastic, elastic rubber band that you can mark it and - I can't remember what colour, it might be black, I'm not too sure what colour it is but it's one of those popular brands.

Could I just go back to Armenian Catholic Church at Lidcombe that you attend. You gave evidence to Mr Downing about it a bit earlier, do you recall that?---Yes, I do.

40 Yeah. Did you say Mr Goubran was a parishioner at that church?---I don't think I said that he was a parishioner but I do clearly know that his sister is heavily involved in the women's auxiliary and, and his, his brother-in-law is on the actual executive committee and, and going back a few years my wife and I would attend on regular occasion and, and that's where I originally met Mr Goubran.

Yeah. But it was nothing more than a meeting at the church was it not?---
No, that's right. It was just bump into each other, I was introduced to him
and - - -

But the first time you had any contact with Mr Goubran was in November,
2011. That, that's the case is it not?---Regarding the LEP, yes.

Yeah?---Yes.

10 And that's the only time you've really had any affective communication
with him in terms of meeting with him for the purpose of your business as a
Councillor?---Again, I can't recall accurately but I think that in the first
three years up to '11 when I was a Councillor I may have received the odd
email because Mr Goubran did have a, a tendency to make sure all
Councillors were aware of his issues and he may have sent me emails or
documents about his, his own issue.

But the first physical meeting was in 2011?---Correct.

20 Thank you. Now, just finally if I may please sir, or course what I'm putting
to you sir is that your evidence concerning the January meeting is nothing
more than a lie. What do you say to that?---Definitely not a lie.

And that you have done that sir, with a view to putting a timeframe on Mr
Goubran's alleged overture to in no uncertain terms give a further veneer to
Councillor Petch, isn't that the case?---Definitely not the case.

And Councillor Petch's name is never mentioned I suggest to you as the
initiator of this venture. What do you say to that?---Yes, it was on 21
30 January.

Mr Goubran would take his grandson, Marcus to the Jamberoo Complex
which is next door to the Council Chambers is it not, every Saturday?---I
did see him that time doing it. I don't know whether it's every Saturday but
yes, that was on one occasion I bumped into him.

Well, I'm suggesting to you sir that, that on one occasion you certainly did
bump into him with his grandson Marcus?---That's correct. That's correct.

40 And that complex opens at 9 o'clock does it not?---Possibly.

Yeah, and that's the only time you've ever seen him there with his grandson
which was a Saturday at or around 9.00am?---I saw him at 9.00am, yeah,
possibly crossing the road, taking his son.

Yeah, and from, and he parks in the Council car park, do you, do you also
know that from that meeting?---On that occasion he did because I - - -

On that occasion I should say?---I parked, I parked my car in the Mayoral spot and I bumped into him in the Council car park.

And that's the only time you've seen him on a Saturday and at no meeting whatsoever, what do you say to that?---That was the only time I saw him on a Saturday.

10 And when Mr Abboud told you about the meeting on, the meeting with Goubran that he recounted on 18 February surely you realised then that this was more than just a mere coincidence that he would have raised this with you on the 21st, as you say that he's also going to Mr Abboud to do it, isn't that the case?---Ah, could please ask that question again?

I withdraw that. Did it cause you any alarm that he'd been to see Abboud, as you say, having seen you on 21 January?

MR DOWNING: Sorry, I object. Perhaps we should be, we could be clear about at what point we're talking about.

20 MR STANTON: Well, yes I will.

MR DOWNING: The question is did it cause Mr Etmekdjian some alarm.

MR STANTON: Yeah.

ASSISTANT COMMISSIONER: Yes.

MR STANTON: Well, I'll make it a bit clearer. You say there was a meeting on 18 February with Abboud do you not?---Correct.

30 And you say that in the course of that meeting Abboud raised Goubran overture to you?---Correct.

40 And you then would have realised that this is becoming a little more than just a one off with Mr Goubran, that he's now gone to Abboud to do this, is that the case?---Well, whether or not I'm alarmed or not obviously on 21 January when I did not react positively to Mr Goubran's proposal because I simply said it's inappropriate for him acting as a messenger that he'd obviously taken it upon his own accord to find another avenue for that proposal to find it's way to the General Manager.

And of course by this stage the threat to Mr Neish you say was well and truly made according to Mr Abboud?---Well at 18 February when I met with Mr Abboud he clearly stated to me that that was part of the proposal that had been put to him. But it was not put to me on 21 January as a proposal that Mr Neish's future was in question.

Right. And did Abboud say he was receptive to this on 18 February?---No. No comment.

No comment whatsoever?---He simply asked, "What do you think," and I said, "Well, it's your, your decision. You've been approached to take this to the General Manager," and I clearly explained to him that I refused to do it back on 21 January and that it's purely up to him to make his decision as to what he would like to do about it.

- 10 And then Mr Abboud told you that he entertained a further overture allegedly on the, sorry, by Mr Goubran in the meeting on 3 April in the Rotary meeting, is that the case?---No, on 3 April as I said earlier all I ever got was a brief statement from Tony saying that, "I've been contacted again by Mr Goubran about the proposal." And my response to that was, "As I've said you in the past, Tony, you need to decide how you're going to deal with that matter and what you're going to do about it."

Did Tony say he was going to speak to him?---No.

- 20 Did Tony ultimately tell you he did speak to him?---Well, as I said the following morning when I had the meeting with the General Manager and I questioned the General Manager as to what had happened or if he'd been contacted by Mr Abboud and the General Manager clearly advised me that morning that he had been contacted and that a meeting had been lined up for April 13.

And that's the meeting with Mr Neish and Mr Abboud is it not?---No, yes, 13 April was between the GM and Mr Abboud.

- 30 Did Mr Abboud tell you he'd seen Mr Goubran prior to that though?
---Don't know. I haven't, I didn't see him but I don't know whether Mr Abboud had.

And just finally if I may, Councillor Etmekdjian, the reality is, sir, that there was no threat to Mr Neish, that's the case is it not?---No, it's not.

And that you and Mr Abboud together have ensured that that threat was fabricated I want to suggest to you?---No reason for us to do that.

- 40 No. No reason for you to do it despite the fact that your political, when I say political your Mayoral career was in some jeopardy was it not?---No, it wasn't.

Certainly by July the deadlock had been well and truly causing Council a lot of embarrassment, had it not?---Not to the Mayoral position.

You using your casting vote on six occasions in order to get the Ryde development through?---It was, it was pushing through what the community had wished to happen.

And you knew that there was a timeframe for the October '12 finalisation of that approval one way or the other, was there not?---The deadline was August '12 by 11 votes to one.

10 Yeah. And of course Mr Abboud provides his statement at around 16 July, 2012 does he not?---I'm not clear on that date, where that's date coming from.

Did Mr Abboud ever send the email to you?---Which email.

The email confirming allegedly what occurred between him and Mr Goubran, did you ever see a copy of that?---Which email are you referring to, sir?

20 I'm referring to the email that was sent by Mr Abboud to Mr Neish as to what he and Mr Goubran discussed so that Mr Neish could use that to found or ground his section 11 application to ICAC?---(No Audible Reply)

I'm sorry, sir, it's 6 July, my apologies, not the 16th, did you ever see a copy of that?---I don't have a clear recollection but the GM may have shown it to me in his preparation of his exposure.

May have shown it to you?---As I said, I don't have a clear recollection of whether I had seen it or not.

30 But something as serious as that?---Well, as I said, it was the GM's responsibility and the GM's decision to take the, the matter any further.

Yes, but bearing in mind the GM and you had a good relationship did you not?---That's correct.

You, you trusted him and he trusted you?---Correct.

You were a confidant of his so to speak?---It depends on what matters.

40 Well, in terms of his security of tenure for employment, he'd expressed his concerns about that had he not?---Yes.

And you were, if I might say so, sir, in terms of assisting him encouraging him to continue getting from Abboud copies of this confirmation?---Correct.

And you even rang Abboud you say and you mentioned it in meetings?
---Correct.

Did you ever see a copy of what Abboud wrote to Mr - - -?---Again, I cannot clearly recall that as the GM had clear procedures and protocols to follow in, in lodging his disclosure.

You've got not recollection one way or the other?---No.

As you sit here today?---Correct.

10 Yeah. Did you bother to look at it to see if you confirmed or conformed to what you understood Goubran was saying as you say in the meetings you had with him?

MR LLOYD: I object to that question. It's based on an assumption which is not established that he saw the email. In my respectful submission if Mr Stanton wants to pursue this line he should at least show Councillor Etmekdjian the email.

20 ASSISTANT COMMISSIONER: I really can't see the significance of whether he saw the email or not, he says he can't recall seeing it and I think that's where it has to be left.

MR STANTON: Indeed, ma'am, thank you. I won't press it.

30 You certainly understood by 3 April that Mr Goubran was - and that's 2012, sir, you certainly understood that Mr Goubran had been venturing into matters that you were not comfortable with in terms of bringing overtures from another Councillor and by 18 February learning from Mr Abboud that he was threatening the, the GM's employment, that's the case is it not? That must have made you uncomfortable about Mr Goubran surely?
---About the way he's proceeded to present that?

Yes, yeah, yes?---Well, as I mentioned to him on 21 January I thought it was inappropriate that that was the procedure he was adopting.

40 My, my question sir, is though by 3 April you must have been somewhat concerned in your own self that not only do you say it was 21 January but certainly 18 February according to you from Abboud Goubran was persisting in this conduct?---Well, obviously he was pursuing it, whether he was persisting I did not know on 18 April what was to eventuate.

18 February is what I said to you, sir?---February, sorry, and until I didn't hear on 4 April that there was a meeting in place and again I didn't know what the contents of the meeting on 13 April was going to be, I only found that out on 18 April, so there was no, you know, real reason for me to think that anything was going to come to fruition

Was it still the same - sorry, I withdraw that. But nevertheless it must have given you some ease about speaking to Mr Goubran again, surely, after

3 April?---There was no need for me to speak with Mr Goubran because I clearly had told Mr Goubran back on 21 January that that approach was inappropriate.

Now, sir, I want to suggest to you, you met with Mr Goubran though on 5 April 2012 at 8.00am at Gloria Jeans. What do you say to that?---I do not recall that meeting.

10 So you can't rule it out? You just don't recall it?---Well if it's not, if it's not in my diary it's obviously not happened.

I didn't ask you whether it's in your diary I'm saying you actually met with him it doesn't have to be in your diary to meet with him does it?---Well normally I do put my meetings in my diary and if it's not in the diary then it's not a meeting that has occurred.

20 Well it's not a meeting that's diarised, that's what I want to suggest to you?--Well that might be the way you wish to put it but it's not, if it's not in my diary it's a meeting that hasn't occurred.

Well I'm putting to you, sir, you met him on 5 April at Gloria Jeans at 8.00am 2012. What do you say to that?---Well again it's not in my diary, I don't recall it therefore it hasn't occurred.

And it was concerning the proposal that was being put to Tony Abboud? ---Definitely not.

30 I want to suggest to you, sir, that you met with him on 21 April 2012 at 8.00am and Café Top Ryde, that's the Top Ryde Shopping Centre. Do you recall that?---Again, no.

And that was about the Gladesville rezoning, the bulk goods situation. Do you recall that meeting?---No. That name you've now mentioned is a land owner up in the Gladesville area and I don't recall having a meeting with that gentleman in Mr Goubran's office and there was actually three or four of the gentlemen who were the land owners up there on College Street and specifically with regards to the LEP and not the development at Civic Precinct.

40 My question, sir, and please attend to, to it. By listening to it and answering it if you can. Is you met with Mr Goubran on 21 April 2012 at 8.00am at a café called Café at the Top Ryde Shopping Centre concerning the Gladesville rezoning. What do you say to that?---No.

And you further saw Mr Goubran on the 27 July 2012 at 8.00am again at the same establishment Café in terms of enlisting his support for your re-election to the Council. What do you say that?---No.

No recall or definitely didn't happen?---No, it didn't happen.

Okay. And finally in December 2012 at 8.00am at College Street, Gladesville you met with Mr Goubran, Mr Dresdner and Mr Wilson concerning the rezoning issue on bulky goods. What do you say to that?

MR DOWNING: Sorry, can I just - I didn't catch the date, was it December?

10 MR STANTON: It's in December 2012.

MR DOWNING: (not transcribable)

MR STANTON: No, no.

MR DOWNING: I apologise.

MR STANTON: No actual date. Whilst it's expected, Mr Downing, you don't have to give it.

20

THE WITNESS: Sorry, can you ask the question again?

MR STANTON: Yes, certainly. I'm sorry, you were thrown off your thoughts?---No - - -

That's okay?---What date was that, and what was the question again?

Well we've already established there was no date suggested but the month of December 2012 within that month you met with Mr Goubran at 8.00am at College Street, Gladesville with Mrs Dresdner and Wilson concerning the bulk goods rezoning. What do you say to that?---That's correct.

30

Thank you. And you see what I'm suggesting to, Mr Etmekdjian, is that if you'd had this conversation with Mr Goubran concerning the proposal as you put it regardless of when you had it or the number of times you had it you would have been extremely uneasy meeting with him again?---No, then why did I meet on 8 December 2012?

40 Because you see, sir, the reason you met with him I suggest to you is because there was nothing to worry about with Mr Goubran 'cause he'd never mentioned anything nefarious or in any way improper at any time with you. What do you say to that?---Well as I said in my earlier statement I meet with any resident any constituent of the City of Ryde that has any concerns with regards to the Council policies and that was as you've mentioned a specific LEP issue with regards to College Street and the, the warehouses down there so there was no reason why I wouldn't meet with my constituents.

And what I'm finally suggesting to you, Mr Etmekdjian, is that you're prepared to lie to this Commission concerning Mr Goubran 'cause it fits your purpose namely to put to this Commission that he in some way was a conduit for Councillor Petch when there was no basis for it whatsoever. What do you say to that?---I do not lie.

No lies.

ASSISTANT COMMISSIONER: Thank you, Mr Stanton.

10

MR STANTON: No lies.

ASSISTANT COMMISSIONER: Mr Chalmers, who are you for?

MR CHALMERS: Mr Abboud.

ASSISTANT COMMISSIONER: Yes.

20

MR CHALMERS: Sir, I'm acting for Mr Abboud in case you didn't catch that.

The first - can I suggest that the Rotary meeting on Tuesday 3 April my client Mr Abboud told you that Mr Goubran wanted him to work out and meet, to work out some deal with Mr Neish, is that about what was said? ---As I said earlier my recollection of that evening was that he made the comment that he'd been contacted by Mr Goubran again about the proposal that was going to be put to the General Manager.

30

And can I suggest to you that your memory's wrong when you said again, that in fact this was the first time he mentioned to you that he'd been asked by John Goubran to see Mr Neish in relation to any (not transcribable)? ---Not according to my recollections 'cause I had met earlier with Mr Abboud on, on that matter.

40

Thank you. See, it's not doubted that you saw Mr Abboud earlier and I think you've given the dates of 18 February, 2012 and 1 March, 2012. What I'm specifically putting to you is that there was no discussion whatsoever of any approach by Mr Goubran to my client, Mr Abboud to go and see Mr Neish, and that that's, your recollection is just wrong on that score?---No, my recollection is clearly on those, on that dates that discussion did occur.

Can I suggest to you that what may have happened, if you consider it, is that there was a discussion about what had happened in relation to the meeting between Mr Abboud and Mr Neish and that that was told to you on 18 April, 2013 after the meeting and you've confused that with 18 February, 2013?---No, I clearly recall meeting in February and March and discussing this matter.

And can I put it to you that the conversation you gave in relation to the meeting in February 2012 where my client spoke about Mr Neish being able to continue in his employment if he agreed with the project, or words to that effect, was actually told to you on 18 April, 2013 and that you because of time, the lapse of time and memory, that you now believe that that conversation was on 18 February, 2012?---I clearly recall discussing on April – on 18 February, 2012 and maybe it was reaffirmed on 18 April, 2012, but clearly the discussion was had in February and March.

10

All right. And can I, can I just put to you as a strict – just to be fair to you, that it's my client's evidence that the first time he discussed with you at all that there was any approach by Mr Goubran to see Mr Neish was on Tuesday, 3 April, 2012 at the Rotary meeting?---Well, clearly as I've stated earlier it's not a topic that can be discussed in 10 seconds or one minute and it was not appropriate that on the Tuesday night during a Rotary meeting we enter into lengthy discussions about some kind of a proposal that's going to be put forward to the General Manager, so therefore my recollection that clearly those discussions were occurring, occurred before 3 April, during those meetings that I did have with Mr Abboud in February and March and on 3 April there was a clear re-affirmation that he had received a call from Mr Goubran about what was going to happen with the proposal.

20

But is it logical if indeed your memory is correct about the meetings in February 2012, what would be new or novel about my client telling you that at the Rotary Club?

30

MR STANTON: Well, Commissioner, I object to that because effectively this witness has given his evidence in circumstances where the logicity of it or otherwise is not a matter that he can comment upon. He's given his evidence several times as to what occurred. Now, for my learned friend to cross-examine him that it's illogical really doesn't arise from the premise. How can it?

ASSISTANT COMMISSIONER: I think, Mr Chalmers, that may be more a matter for submissions - - -

MR CHALMERS: Yes, yes, right.

40

ASSISTANT COMMISSIONER: - - - than something this witness can comment on.

MR CHALMERS: Yes, I hear you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Yes, is there anyone else? No?

MR LLOYD: Sorry, Commissioner.

ASSISTANT COMMISSIONER: Yes.

MR LLOYD: There's one matter that I may wish to take up with Councillor Etmekdjian. It would take less than five minutes. I want to speak to him about it first and it may not arise. I've discussed it with Mr Downing and if it's convenient, if I do wish to take it up with Councillor Etmekdjian he, perhaps he could be slotted in after or today, but after one of the remaining witnesses?

10

ASSISTANT COMMISSIONER: Yes, he could be recalled if you decided with Counsel Assisting that that needs to happen, so I'm happy to just stand him down at this time and excuse him later if it becomes apparent.

MR LLOYD: Thank you, Commissioner. The only other matter is I seek a suppression order in respect of Councillor Etmekdjian's residential address and his mobile telephone number.

20

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

**THE RESIDENTIAL ADDRESS AND MOBILE TELEPHONE
NUMBER OF COUNCILLOR ETMEKDJIAN ARE SUPPRESSED**

MR LLOYD: Thank you.

30

ASSISTANT COMMISSIONER: Thank you. Well, you may step down now, but as you've heard from your legal advisor you may be recalled later. Thank you.

THE WITNESS WITHDREW

[12.19pm]

ASSISTANT COMMISSIONER: Yes, Mr Downing.

40

MR DOWNING: Thank you, Commissioner. The next witness will be John Goubran.

ASSISTANT COMMISSIONER: Thank you, Mr Goubran. Just take a seat.

MR STANTON: Yes. Madam Commissioner, might Mr Goubran be afforded a declaration under section 38 and secondly, ma'am, while we're on the question of other procedural matters, could his address when given be suppressed, please, ma'am.

ASSISTANT COMMISSIONER: Yes.

THE RESIDENTIAL ADDRESS OF MR GOUBRAN IS SUPPRESSED

MR STANTON: Thank you, ma'am.

10

ASSISTANT COMMISSIONER: 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 compulsory, sorry, 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: Mr Goubran, will you take an oath on the Bible or make an affirmation?

MR GOUBRAN: Yes.

ASSISTANT COMMISSIONER: The Bible?

MR GOUBRAN: The Bible.

40

ASSISTANT COMMISSIONER: Yes, could the witness be sworn, please.

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Mr Goubran, could I ask you to tell the Commission your full name?---John Goubran.

And your date of birth?---5/3/1949.

10

And your address?---.....

I might need you to see if you can try and move in as close as you can to the microphone.

ASSISTANT COMMISSIONER: Yes.

MR DOWNING: It just, it may be hard for some of the parties towards the back to hear.

20

MR STANTON: Yes, it is, Commissioner, yes. Thanks, Mr Downing.

MR DOWNING: And, Mr Goubran, I know you've been unwell recently – if you need to take a break at any point, please let me know?---Thank you.

Now, Mr Goubran, I wanted to – well, first of all, it's correct isn't it that you are a, for a number of years you've been a property developer?---Yes.

30

And you own some property holdings in the Ryde Council area?---That's correct, yes.

I wanted you to have a look at a document, and if we could bring up Exhibit 18, page 854. It should come up on the screen in front of you. If you have any difficulty reading it on the screen, please let me know and we can get paper copies made available. Now, if you have a look at that, if you look at that document you'll see that there's an email from Ivan Petch to Anthony at Publicitree on the 26 November, 2012. See that at the top of the page? ---Ah, yes.

40

And if you go down the page you'll see that it's forwarding on or it seems to be forwarding on an email from Linda Smith at Ryde Council to Ivan Petch? ---Yes.

There's no date, but you'll see in the email it says, "Good afternoon, Mr Mayor, I believe this is the information you are seeking. The email was not addressed to Dominic but to one of his staff. The date, subject matter seem to match what you are looking for." Do you see that?---Yes.

If you could go to the next page, 855, please. You'll see that what it was also forwarding on was an email from Ms Danijela Karak-Cooke at Planning New South Wales to Sue Wotton?---Yes.

And that's an email of 20 June, 2012?---Yes.

10 And do you see that if you read down through the email I'd ask you to accept that it's some advice from the Department of Planning and Infrastructure to Council about certain uses of land in the IN2 zone. Do you see that that's the subject matter of the email?---Sorry, I just - - -

Do we have paper copies? Well, perhaps we can have the exhibit made – it might be easier in paper form so that you can move from page to page more easily.

ASSISTANT COMMISSIONER: Yes. Exhibit 18, page 854.

20 MR DOWNING: Page 854, 855 and 856 is what we're after, but I think Exhibit 18 is one bundle. Yes, that's it, thank you. Hopefully it's – so if you're starting at – do you see there are numbers in the top right corner, Mr Goubran?---Yes.

Do you see 854?---Yes.

And that should be the first page I asked you to look at?---Okay.

The email from Mr Petch to Anthony at Publicitree?---Yes.

30 And then if you go to 855, that's the next page I took you to?---Yes.

And 856 is the end of it. So it's the email, 855/856 is the email from Ms Danijela Karak-Cooke at Planning New South Wales of 20 June, 2012, to Sue Wotton?---Yes.

Now, looking at that do you recognise that as a document you've seen before, that is the three pages?---No, I recognise one page only, the 855.

40 855. Do you think it might have been more than one page? Have a look at 856, that appears to be the end of that email?---No, I recognise only the 855.

Well, do you see 855 doesn't actually end at the bottom of that page, it seems to be cut off and the next page it ends? Do you see, go to the top of 855, do you see it's got page one of two?---Yes.

And 856, two of two?---Yes.

So you only recognise the one page, 855?---That's correct, yes.

Do you recall this is something that you received at some point?---Yes I do.

And can you tell me who you received it from?---This was handed to me by hand by Anthony Stavrinos.

Are you sure looking at 854 that you didn't receive that?---854?

Yes?---No, it was only one page. I remember that clearly.

10 Well, can you tell me when it was you say that Mr Stavrinos gave it to you?--No, that I can't tell you. I just - - -

Well - - -?--- - - - could not remember when, no.

It's correct isn't it that Mr Stavrinos you know is a man who does some work as a publicist and PR person?---Yes. Yes.

And he'd done some work for you hadn't he?---That's correct, yes.

20 And he was doing some work for you in late 2012?---Ah, yes.

And was that in relation to some land you held in Waterloo Road?---That's correct, yes.

And was it also in relation to some student accommodation that you owned and were letting out?---Yes. That's correct, yes.

So thinking about Mr Stavrinos when did you first have some contact with him?---Would have been some time in 2012.

30 In the beginning of the year, the middle of the year, the end of the year?---Um, I would think maybe the second quarter of the year.

And how did you come to meet him?---But I'm not certain about that, no, I'm not certain.

All right. Okay. How did you come to meet him?---Ah, Mr Stavrinos with Norm Cerreto which is a partner, his family trust is a partner with our family trust in the project that we acquired in Concord. And we were - - -

40 So you're business partners in respect of a Concord property?---That's correct, yes.

And you've known Mr Cerreto for some years haven't you?---Yes.

And you're personal friends?---He's friends with my son. He's, there's a big difference in age between me and Mr Cerreto.

I understand. But you have a friendly relationship with him?---Oh yeah, a cordial relationship, yes. Yes.

All right. And so you say you recall that Mr Stavrinis was doing some work for you in late 2012?---Ah, no I think it would have been around the middle of 2012 because I think that's about the time that we've acquired that project in Concord.

10 Right?---I can only relate it to the timing of acquiring that project as to dates. I'm not very good with dates.

Did you, did you ever ask Mr Stavrinis - - -?---Yes.

- - - or indeed anyone else to find you a copy of this email?---No, I have no use for it.

Really?---Yes.

20 Not interest, no interest in the subject matter of it?---No interest what, no, the subject matter, yes. But not in this information.

Do you say until it was, until this page 855 was given to you - - -?---Yes.

- - - do you say you didn't know that it even existed?---No. It was referred to in the Council papers on a number of occasions. Exactly word for word for what was here.

30 So is it the case that prior to it being handed to you by Mr Stavrinis you were aware of the existence of this email?---Everyone was aware of it because it was noted on the Council papers more than five or six times.

Well - - -?---Exact word for word as the correspondence received from the department was quoted by the chairman, by the Director of Planning in Council meetings and it was on Council papers.

40 So you're saying - - -?---Relating to our submission for rezoning to bulky goods and the submission of Bunnings. So if you, if you go to Council website and call the Bunnings submission regarding the bulky goods there you will find this letter and when you call our submission for, on the LEP 2011 requesting that the same zoning be applied to us you will find exactly that letter quoted there. But the difference between the quotation for our submission and the Bunnings submission is that they changed a few words in this letter so it shows that the department supports the bulky goods retail for Bunnings and doesn't support it for us. But it's the same letter.

All right. So - - -?---Which was forwarded to you ICAC to investigate but you didn't investigate.

Well, thank you but - - -

ASSISTANT COMMISSIONER: This is not a vaudeville show, could you please not clap. Thank you.

MR DOWNING: Mr Goubran - - -?---Yes.

10 - - - the point of my question was to ask you about whether prior to receiving this from Mr Stavrinis you were aware of your (not transcribable). Now you gave me a long answer but I take it - - -?---Yes.

- - - the, the short version of that is that yes, prior to receiving it from Mr Stavrinis you were explicitly aware of its existence?---That's correct, yes.

And is the reason you were aware of its existence that you owned some land with others in College Street, Gladesville?---Not land, we don't, it's an industrial complex, it's a strata - - -

20 Right?--- - - - industrial complex, I own part of it - - -

You own part of it?--- - - - and there is another 10 or 15 people that own other parts of it.

Right. I want you to try and do your best in terms of when you believe Mr Stavrinis gave this to you?---I, I would be guessing at this stage but it was prior to me making the submission to ICAC about this matter.

30 Well, that was in early 2013?---Well, early, well, it would have been just before then.

So you think doing your best now, and I accept you say you don't have a precise recollection - - -?---Yes.

- - - you believe that it came to you from Mr Stavrinis - - -?---That's correct.

- - - perhaps in early 2013?---Yeah.

40 And what, did he just bring it to you out of the blue?---That's correct, it just happened that I was outside my office and he came with his car and he handed it to me, he said, "I've got something for you," he handed it to me and he said, "I want the story." I said, "What story?" He said, "I'm giving you this," I started reading it and he said, "You have to give me the story," and I, I said, "There is no story," and I just took it.

Is it the case that prior to this time when he handed you the document you'd never spoken to him about this subject matter before?---About this subject matter?

Well, about the issue of - in terms of the change in use of the land that you, in the IN2 zone?---No, I don't think I've spoken to him about that, no.

So as far - to the best of your knowledge he had no understanding - - -?---I don't think - - -

10

- - - or awareness of your issue in relation to the land in Gladesville?---No, I can't say categorically a hundred per cent that I haven't spoken to him, that document, this document or it's the others that are the same shown on the Council website I would not but as far as the issue is concerned I might have talked to him about it, yes. I didn't give you the answer that you - - -

I'll come back to it, Mr Goubran?---Or I don't know what precisely your question was but - - -

20

It's all right, I'll, I'll come back to it. Now for how long have you known Councillor Petch?---For approximately 30 years or more.

Do you know him well?---Pardon?

You know him well?---For 30 years I know of him, yes.

Is he someone that you contact from time to time?---For what purpose would I contact him?

30

Please, if you just try and address yourself to the question. Is he someone that you contact from time to time?---No.

So you never call him?---Yes, I do call him, yes.

You don't regard that as contacting him from time to time?---Well, when you're talking about 30 years what is time to time in 30 years?

Well, let's think, let's focus not on the 30 year past, let's focus on the period say from 2011 to now?---Yes.

40

Is Councillor Petch - I mean, you knew during that period that he was for part of the time Mayor and part of the time a Councillor?---That's correct.

And you were someone that had some interests in the Ryde area?---Yes.

That sometimes involved Council?---Yes.

Was Councillor Petch someone, again thinking about that period, 2011 to 2013, that you from time to time contacted?---Yes, I would have, yes.

And did you meet with him from time to time?---As far as formal meetings?

Ah, well, formal meetings, yes, did you have formal meetings with him?
---I, I might have had one formal meeting, yes.

Were there occasions when you met more informally?---Yes.

10

For instance, you're aware that Mr Cerreto owns the Delitalia Café - - -?
---That's correct, yes.

- - - in Coxs Road?---Yes, I know that.

And you're aware that he has been friends with Mr, Councillor Petch for many years?---Yes.

20

Were you from time to time present at Delitalia when - - -?---Oh, yeah, many times.

- - - Councillor Petch and Mr Cerreto were there?---I was at Delitalia many times when Mr Petch would have been there on a number of occasions, yes.

Now going back then just to the land at, is it 43 to 51 College Street, Gladesville, land at 43?---Yes.

30

43 to 51 is that where the strata title building is?---That's - not one building it's a number of buildings, yes.

A complex?---It's a complex of industrial units, yes.

And you own part of it?---That's correct, yes.

And is it correct that in 2012 you were seeking to change the use of that land from light industrial to bulky goods?---When you say you, you are directing the question as if it was only me, I was part of a group that was doing that.

40

Okay?---So it wasn't only me. It was - - -

ASSISTANT COMMISSIONER: Well, Mr Goubran, you're not being helpful in your evidence. You're asked if you've had any contact with Councillor Petch and you say oh, why would I have contact with Councillor Petch then you admit you're in contact with him all the time. Could you try to listen to the question, answer it without being so defensive. You and others were interested in getting this land rezoned on this complex rezoned weren't you?---That's correct, yes.

Yes. Well you don't have to make a big song and dance about it just answer the question.

MR STANTON: Well in fairness, ma'am, he wasn't asked whether he and others were asked to - - -

ASSISTANT COMMISSIONER: Yes.

10 MR STANTON: No, ma'am, but - - -

ASSISTANT COMMISSIONER: What is the difference - - -

MR STANTON: Well because - - -

ASSISTANT COMMISSIONER: - - - for our purposes? No difference.

MR STANTON: Well, ma'am, with respect the difference is he's not doing it as a sell out.

20

ASSISTANT COMMISSIONER: That is irrelevant.

MR STANTON: Well it may be but - - -

ASSISTANT COMMISSIONER: It is irrelevant. He had an interest in it. That's what - he knows that's what he's being asked, Mr Stanton - - -

MR STANTON: I'm sure he does, ma'am, but as to whether it's him on his own is not the case. He's entitled to say that.

30

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

Is it the case that there were a number of owners at that strata property who were interested in having it rezoned?---That's correct, yes.

And on occasions did you represent them for the purpose of making submissions or applications to Council?---I represent them in a committee that was formed with adjoining land holders.

40

Right. Now - - -?---As I am the chairman of the body corporate.

And is it the case that in about the middle of 2012 you had sort through Council to have the land rezoned from light industrial to bulky goods?---We didn't submit any applications but we have made, we made a submission on the proposed LEP for 2011.

And as part of that submission you sought to have it rezoned?---That's correct. No, sorry, we wanted to be part of the process of rezoning.

But the aim of your submission was - - -?---The ultimate, and yes.

- - - to have the use changed from light industrial to bulky goods?---That's correct, yes.

10 Correct. Now can I ask you to have a look at page 857 of the same bundle in front of you. If you go to 857?---Yes.

Do you have that open?---Yes.

20 MR STANTON: Commissioner, could I just rise to my feet, ma'am, some of my, the members of the public have indicated they can't hear the witness and being in mind it's an open hearing. I'm just communicating their concern and they can't, they've got no right of appearance obviously but, ma'am, they have asked me to indicate that they can't hear Mr Goubran's evidence. Could he please be told to speak up.

ASSISTANT COMMISSIONER: Yes. Mr Goubran, I know you've been ill but could you try to speak up - - -?---No, it's okay I'm - - -

I know you can speak more loudly on occasion when you want to but if you could just try to, if you just try to speak up and move a little closer to the microphone.

30 MR DOWNING: All right. Now do you have that page 857 open in front of you, Mr Goubran?---Yes, I do.

And do you see the top that's an email, is john@jg.com.au that's your email address?---That's correct, yes.

And do you see that's an email you sent off to Mr Parisi, Charles Parisi on 15 February this year?---Yes.

40 If you go down the page you'll see you were forwarding on an email from you to a number of people and you'll see from the content below that it involves the, the proposed change of land, use of land in the IN2 zone?
---Yes.

Now do you see from that email 27 June 2012 the addresses that it goes to? Do you see the email from you to various people 27 June?---Yes, I do, yes.

Are they other people that had an interest in the land in that complex?
---That's correct, yes.

And do you see in that email you say, "Please find below Mr Johnson's reply to Councillors?"---Yes, I do, yeah.

So you understood that it was Mr Johnson who you knew was the – or I withdraw that. Did you understand what his position was?---He was the Director of Planning at Ryde Council.

The Group Manager Environment and Planning?---Yes.

10 ASSISTANT COMMISSIONER: He said Director of Planning. I don't know if that's the same thing.

THE WITNESS: I thought that that was his title, I'm sorry.

MR DOWNING: So you understood that this was Mr Johnson's email to Councillors in respect of the land that you had an interest in?---Ah- - -

If you look at 857?---Yeah, but where's the email for Johnson, from Johnson or Johnson - - -

20

Well- - -

ASSISTANT COMMISSIONER: I mean the email start from you says- - -? ---Yes.

- - -"Please find below Mr Johnson's reply to Councillors?"---Yes.

So you knew this was- - -?---That is my email, yes, I sent this email.

30 - - -Mr Johnson's, yeah, well, that's all you're being asked. You knew this was something Mr Johnson had given to Councillors. That's what your email says?---Yeah, but what I was asking, I can't see the document that Mr Johnson supposedly gave to Councillors.

MR DOWNING: I'll come to that in a moment, Mr Goubran. But you accept, don't you, that that's what you were doing, you were forwarding on to the other people that had an interest in this complex Mr Johnson's email to Councillors about the land use?---Yes.

40 Now, do you recall where it was you got Mr Johnson's reply to Councillors from?---Ah, no, I don't, but it will be on the email that I forwarded, 'cause it would have who it came from.

Well, you'll see between the – you see your email starts with the words, "Please find," and ends with, "Regards, John," and then underneath that it just starts, "Dear Councillors." Do you see that?---Yes.

But the part, "Dear Councillors several of you have forwarded to me," et cetera, et cetera, you understood you were forwarding on some sort of communication from Mr Johnson to Councillors. Correct?---Yes.

And I'm asking you where you got that from?---I cannot remember where I got it from.

Do you recall from time to time that you would get sent things by Mr, By Councillor Petch?---(No Audible Reply)

10

Documents relating to particular interest you had in terms of the Ryde area? ---No, I, I don't think I got anything directly from Councillor Petch, I got something maybe for, from Norm Cerreto or Anthony Stavrinis.

So did Norm Cerreto sometimes act as a conduit, that is that Councillor Petch would send things to him and then he would then send them on to you?---What do you mean by, what is conduit if I may ask?

20

Well, was he the person that passed things on. So Councillor Petch would send things to Mr Cerreto and Mr Cerreto would send them on to you. Did that happen from time to time?---It did happen that he gave me documents that he thought that might interest me.

Right. And sorry, that Councillor Petch thought might interest you?---No, that Norm thought that might interest me.

30

Can I ask you to look at Exhibit 19 and we'll get some paper copies given to you. I want you to have a look at that document and compare it side by side with page 857, please. Do you see at the top of the page- - -?---Yes.

- - -Exhibit 19 starts with an email from Ivan Petch to Norm Cerreto?
---That's correct, yes.

And it says, "Hi, Norm, this may be of interest to John Goubran, regards, Ivan."?---Yes.

Sent from his iPhone?---Yeah.

40

And do you see below there's an email from Dominic Johnson to Councillors- - -?---Yes.

- - -that starts, "Dear Councillors, several of you have forwarded to me," and then you can read on?---Yes, yes.

Do you see that that email, even though it seems to be cut off- - -?---Yes.

- - -at the bottom of the page to some degree- - -?---Yeah.

- - -seems to be the same communication from Mr Johnson that you were forwarding on to the other- - -?---That's correct.

- - -owners on 27 June?---Yes.

So do you see the email from Councillor Petch to Mr Cerreto seems to be sent on 27 June at 3.35pm and your email to the other owners seems to be sent on 27 June at 4.31?---Sorry, could you, the times, I don't understand.

10 Do you see your email?---Yes.

Your email to the other landowners - - -?---Yes.

- - - is timed 27 June, 2012 at 4.31pm?---Yes.

That's after the email that Councillor Petch sent to Mr Cerreto saying that this may be of interest to you?---Yes.

20 Does that assist you in recalling now that this came to you from Councillor Petch via Mr Cerreto?---Well, that's what I said to you at the beginning.

When you, do you see when you forwarded it on though, that is the communication from Mr Johnson you didn't include the communications from Councillor Petch to Mr Cerreto nor did you include the email from, headings from Mr Johnson to the Councillors? Do you see that's missing in your version?---Yes.

Did you do some cutting and pasting?---Probably, yes.

30 And was the reason that you cut and pasted those things out because you knew the way in which it had come to you was inappropriate?---Why would it be inappropriate, does - - -

Well - - -?---I mean, this is a reply to what I have written to them about.

You understood didn't you that this communication from Mr Johnson was an internal advice to Councillors in respect of land in which you had an interest?---Yes.

40 And this is something that Councillor Petch, a friend of Mr Cerreto and a friend of yours has sent onto Mr Cerreto with the intent that it come to you?--I'm sorry, yeah. Okay. Yeah.

You agree with that?---I agree with that. Okay.

And this is, you understand don't you that this advice from Mr Johnson to Councillors isn't something that's generally disclosed to the public?---Well,

is there a different advice, the Councillor sent different advice to the people that - - -

Could you please try and answer my question?---What is your question, sir?

You understood didn't you that this advice, that is an advice from Mr Johnson, the Manager of Environment and Planning to Councillors was not something that was generally made available to the public? It was internal advice to Councillors?---No, I wasn't, I wasn't aware of that, no.

10

Well, can you think why when you sent it on to the owners you cut and pasted the document with the email you'd received so as to remove the trace of Ivan Petch and Norm Cerreto?---But I, I said on the top that this is Johnson's reply to Councillors.

But you see - - -?---And the content of the letter is there. I didn't deny that this is Dominic Johnson's reply to the Councillors. It's all there.

20 But what you did take out was the trail showing how you'd received it didn't you?---Well, the trail has got nothing to do with it. What's the - - -

Well, I'm suggesting to you - - -?---I didn't consider that that was a - - -

Well, why did you cut it out?---Probably to fit it on one page or two pages or whatever.

It's an email document. Why do you care how many pages of scrolling people have to do?---Because I'm not a technical person so for me to get these things done I have to give to others to do.

30

Well, you were technical enough that you managed to cut and paste it so that it removed - - -?---No, I've probably given instructions for that to be done that's - - -

Well, why did you give those instructions, Mr Goubran?---It was, I don't see any - - -

Well, can I suggest the reason why you did it?---Well, suggest. You may suggest.

40

I suggest that you did it, that is you removed the traces of it being an original email from Mr Johnson to Councillors and then it being sent on - - - ?---But sir, I didn't deny it.

Please wait, please wait till I finish my question, Mr Goubran. Can I suggest to you that you removed the trail of where it had come from and how it had gotten to you because you knew you had received something that

you should not have received? Do you accept that?---No I don't accept that, sir.

So you accept the proposition though don't you, that you were friends with Mr Cerreto?---Yes.

You were friends with Councillor Petch?---Yes.

10 This is an email that Councillor Petch has sent on suggesting it might be of interest to you, his friend?---Yes.

You accept don't you that that's not a communication that members of the public would get if they had something before Council?---No, I don't accept that last one, sir.

20 So what, members of the public might get Mr, Mr Petch might send them on something that touched on their land or application if something happened before Council that interested them?---That is a reply about a submission I made to Councillors. And I did not deny that it came from Mr Johnson and I didn't deny that it was addressed to the Councillors.

But what you did try and mask I suggest to you was the trail of where it had come from in order to get to you?---Where did it come from, does it matter where did it come from? The text is the important thing, what it means is the important thing, what they're doing, what he's doing is the important thing. He's behaviour is the important thing. My behaviour is the important thing. But not the trail.

30 I suggest to you - - -?---Let's get down to the substance of it, what is the substance here?

We'll get to the substance of it, Mr Goubran?---Yeah, let's get to the substance of it.

40 I suggest to you that you deliberately made those changes to the email before it was sent on because you knew it had been linked to you being a friend of Councillor Petch?---It, it does not say anything about what you presented me with here, it does not say anything that it's a confidential document, does it, sir?

Can I ask you do you, did you honestly suggest - - -?---Yes.

- - - that advice not provided, not a response that you as a landowner receive in respect of your submission but internal advice from Mr Johnson to Councillors is a public document, do you honestly say that?---Yes, why not? Why shouldn't the truth be out, sir?

Putting aside your interest that the truth should be out there - - -?---Yes.

- - - you don't genuinely believe that, do you, that this is - - -?---I do believe that.

You genuinely believe - - -?---That's right.

10 - - - that all advice that Councillors receive from Council staff are made available to the public, you believe that?---If it, sir, if it's referring to a submission that I have made then I should be aware of it. It is exactly like Council matters when you put a DA in there's any objectors to it they give you the objection, they tell you who objected to it so you can deal with it, where is the secrets here?

What I want to suggest to you, Mr Goubran, is that on a number of occasions from mid 2012 onwards - - -?---Yes.

20 - - - you spoke to Councillor Petch and raised your concern about this issue, is that correct?---Not only Councillor Petch, sir, if you say, if you, if you have got copy of my submission it was addressed to all Councillors, the 12 of them, the General Manager and the Director of, of Planning, any correspondence between me and Council were sent to all these 14 addresses.

ASSISTANT COMMISSIONER: Mr Goubran, could you now answer the question that you were actually asked which was not at all about any formal submission you put into all Councillors?---Yes.

Listen to the question please?---Okay.

30 MR DOWNING: Had you been - in the course of mid 2012 through to let's say February 2013 - - -?---Sorry, sir.

In the course of the period from about mid 2012 to about February 2013 were you in communication with Councillor Petch about this issue, that is the use of the land and your desire to change the use?---Yes.

40 So he was aware - was that in the course of conversations you had with him at Delitalia at various times?---No, he actually attended my office on one occasion because he wanted me to show him where, where is that land across the road and how it affects us and how it affects others in the area.

What, by himself?---Yes.

So this was just an informal meeting?---Yes.

So this was just an informal meeting?---Yes.

When do you think that was?---I, I don't recall exactly, sir, but it would have been - - -

Well, was it while he was Mayor, while he was a Councillor?---No, while he was Councillor before he became Mayor.

So before the December 2012 elections?---Yes.

And did you express to him at that point that you were trying to have the land, the, the use of the land changed as part of the LEP?---Ah, yes.

10 Now, it's correct isn't it, that in the middle of 2012 that submission had been made by you on behalf of the other owners in the complex to have the use of land changed?---No, the submission was made by a Mr Bruce Wilson and Ray Dresdner on behalf of all of us.

All right. But in terms of the timing, was that the middle of 2012?
---Probably, there was a number of submissions made if I may say.

Well, do you recall, do you recall that your, your submission was considered by Council in about July 2012?---Our submission was considered by the full
20 Council in July.

Is that, do you recall that as being the time?---It could have been, yes.

And at the time did you receive - - -?---No, I'm sorry, it wasn't considered by Council, it was, it was on Council papers and we had the opportunity to make a verbal submission on the written submission that we had given but it wasn't for consideration by Council.

Well, did you get a decision from Council in terms of whether they would
30 support the change in use in about the middle of 2012?---No, we didn't get any, any decisions from Council.

Right. Do you recall, do you recall earlier this year you went and sought some legal advice from Mr Parisi about this issue?---Ah, yes.

And about the conduct of Dominic Johnson?---That's correct, yes.

And you recall didn't you, don't you that you obtained or you had Mr Parisi obtain advice from a member of senior counsel about this issue?---That's
40 correct, yes.

Can I ask you to have a look at the bundle Exhibit 18 at page 859?---Yes.

Do you have that open?---Yes.

And do you recognise that as the first page of the advice you received? That is the advice from Mr McNally - - -?---I accept that it is but I, I - - -

Well just have a look at page 864 is the last page - - -?---Sorry?

- - - of Mr McNally SC's advice. 864 you'll see the signature on it?---Yeah, I accept that, I accept - - -

Now I want to just check if the facts as recited by Mr McNally are correct, can you go back to 859?---85, yes.

10 And do you see it provides that at paragraph 3 in 2012 the company that is John Goubran and Associates and other property owners made submissions to Council in response to draft LEP, that is your sought the consideration for a rezoning of the property from light industrial to bulky goods?---That's - Ah hmm.

That's correct?---Yes.

20 And that Council consider the rezoning submission on 24 July but decided not to rezone the land, is that correct?---I'm not sure if that is correct because the draft LEP has not been finalised, we did not put in an application, we merely put in a submission.

Well this refers to a submission but says at paragraph 4 that Council considered it for submission on 24 July 2012 - - -?---No.

- - - and decided not to rezone?---The, the Council officers would have considered our submission and Council officers would have made a recommendation on the LEP and that, and it goes to the Minister for gazettal with the officers recommendation but it, it is not - - -

30 Please, Mr Goubran, we're going to be here all day if - - -?---Well you asked me - - -

Every time I ask you a question you give me the whole - - -?---Well I'm trying - - -

- - - kit and caboodle of the relevant facts. Can you try and just tell me is it your understanding that it's, that, that Council considered your rezoning submission on 24 July 2012 but at that point decided not to rezone it?---No.

40 So that's wrong?---Yes.

So do you say you got no communication then about whether it was going to happen or not that is from the Council about whether the rezoning would occur?---No, no communication, no.

So at that point you had no idea whether Council was for it or against it, is that correct?---No. There's only Council, Council officers recommendation

in reply to our submission that has gone with the LEP for the Minister's consideration.

Well as at July 2012 did you understand that Council's recommendation was not to support the rezoning?---No, the Council officers recommendation was not to support the rezoning.

10 And if you look at paragraph 5 do you see it says at the time a report to Council on the matter was prepared by Group Manager Environmental Planning Dominic Johnson and it quotes from his July 2012 report to Council?---Yes.

And you see the quote goes over 859, 860?---I'm sorry.

The quote from Mr Johnson's report goes from 859 to 860. Do you see that?---Yeah.

20 So is it the case that by July 2012 or about that time you had access to this report from Mr Johnson?---Yes.

And how did you get access? Was that something that was available on the Council website?---That's correct, yes.

So at that point you'd seen the report from Mr Johnson?---Yes.

And you'd seen that he'd quoted from – and if you look over the page, he quoted from some advice that the Department of Planning and it says Industry provided on 20 June, 2012?---Yes.

30 And you understood from the report that Mr Johnson wasn't supporting the change in use of the land?---Correct.

Now, is it the case also that later in the year you became aware of a similar application to change the use in land of some nearby land?---Sorry, could you repeat that question, please?

Sure. Well, I'll do it in two parts. Three was some land nearby to your College Street land- -?---Yeah.

40 - - -located at 461-495 Victoria Road, Gladesville?---Yes.

And do you recall that at some point in 2012 you became aware that the owners of that land were seeking a similar change in use?---No, they have been given the change of use.

Well, did you become aware that an application or a submission had been made to change the use from light industrial to bulky goods?---No, we became aware when it showed on the Council maps that ah, the rezoning

was supported by – Council was supporting the rezoning of the so-called Bunnings site which you’re referring to.

All right. Well, can you look at page 860. You’ll see in Mr McNally’s advice, paragraph 7, he says, “I am instructed that the owners of an adjacent land, of the adjacent land sought rezoning of the land so as to permit its use as a bulky goods site.”?---Yes.

10 So you became aware that they had sought that rezoning at some point in 2012?---Ah, they, yeah, okay.

And- -?---Apparently it was 2011, not 2012.

All right. So you’d learned of that earlier?---Yes.

And there’s a reference there to a 13 November, 2012 report to Council from Mr Johnson in respect of this issue?---Yes.

20 And over the page at 861 there’s a quote from it?---(No Audible Reply)

Do you see that?---Yes.

And again the quote from this report makes reference to advice that Council received from the Department on 20 June, 2012. Do you see that in the quote from Mr Johnson’s report?---Yes.

So is it correct that you obtained access to that 13 November, 2012 report from Mr Johnson?---No, we would have got it from the Website, no.

30 So you got it from the Website?---Yes, yes.

So by the time, certainly by the end of 2012 you’d had access both to Mr Johnson’s report in respect of the land you had an interest in and Mr Johnson’s report of 13 November, 2012 in respect of this land?---Yes, it was actually – if I may just – it was Mr Dresdner that was preparing all this work and he was providing it to us at the meeting.

But you had had access, whether it came from Mr Dresdner or- -?---Yes.

40 - - -or whatever- -?---Yes.

- - -you had had access to these two reports authored by Mr Johnson?
---That’s correct, yes.

And is it the case that by the end of 2012 you had noticed a discrepancy between the two reports?---No, Mr Dresdner did.

All right. Okay. Is that a convenient time, Commissioner?

ASSISTANT COMMISSIONER: Yes, it is. We will adjourn until 2.00pm.

LUNCHEON ADJOURNMENT

[1.02pm]