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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION CAVILL

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 20 SEPTEMBER 2013

AT 2.03PM

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

ASSISTANT COMMISSIONER: Please be seated. Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

Mr Goubran, just before lunch you recall I was asking some questions about you having, - I took you to the advice from Mr, that you'd obtained from
10 counsel, from Mr McNally senior counsel do you recall that just before
lunch?---yes.

And I think you agreed with me that by the end of 2012 you had seen the two reports from Mr Johnson in respect of the two applications or submissions to change the use of land?---Yes.

All right. Now can I suggest to you by that point, I think you told us that you'd spoken Mr Dresdner about the change in the way in which the advice from the Department of Planning and Infrastructure of 20 June 2012 had
20 been quoted?---No, it was Mr Dresdner that introduced that to, to the committee - - -

So he identified that difference?---Yes. Yes, he did.

So I take it he explained to you that, there were differences in the way in which it had been quoted?---That's correct.

And I take it that it was then something that you wanted to see in order to actually find out in which of the two reports it had been properly quoted?
30 ---They presented us with copies that were marked, that he marked himself Mr Dresdner - - -

Sorry. Mr Dresdner didn't have the advice from the Department. Remember at the beginning of your evidence I took you to the document which is at page 855?---I'm sorry, I wasn't aware you're referring to the advice from the Department.

But I am. What I'm suggesting is having seen the two reports from Dominic Johnson you were very keen to actually see the advice that it
40 quotes?---I, I don't understand your question to me, sir.

Two reports had quoted in each of the parts of the advice that the Council had receive from the Department of Planning and Infrastructure?---That were published by Council?

The reports were published. I'm asking you though in those two reports it quoted from and advice of 20 June 2012?---Yes.

And I take it you were keen to see that advice?---The advice from the Department?

Yes?---No, I wasn't keen I had no need for it.

Well you've got two reports that in different way, in each of them slightly differently quote from that report or that advice - - -?---It didn't matter one of them was wrong.

10 But didn't you want to find out whether it had been misquoted in your, the advice in respect to the land you had an interest or the other report?---Once advice was correct the other one was the misquoted one, it was word for word and they changed a few words in the second.

You wouldn't have know whether they were both misquoted would you?
---They could have been.

20 So what I'm suggesting to you is that by the end of 2012 you were keen to see the actual source document, the advice?---I had no need for it, I had two reports there that they're supposed to be identical, one of them a few words in it was changed.

Well I'm suggesting that by the end of 2012 having had this issue identified to you by Mr Dresdner you were keen to see the source document? Do you agree or disagree?---We had - no, we had, we made the conclusion we had commenced the process before I received that.

30 And I'm suggesting that you asked either Councillor Petch or Mr Stavrinis to find it for you?---I don't have to ask anyone to find anything for me.

So I take it you disagree?---totally.

So you say that this document though, the, the very same document the advice of 20 June 2012 was coincidentally handed to you by Mr Stavrinis at some point you think in early 2013?---He handed it to me, yes.

40 Just coincidentally the same document that had been quoted in these two reports that you'd seen from Mr Johnson?---It was the only report that Mr Johnson was always referring to.

But you say it was just a, it was a coincidence that Mr Stavrinis happen to hand you the very source document that had been quoted in those two reports?---To me it was a surprise, yes.

You are lying to the Commission to try and explain away - - -?---I'm not lying, sir, and I will never lie and don't say that again to me, please.

I'm suggesting you are lying to the Commission in order to try and explain away the, the manner in which you obtained this document?---You are completely wrong. The two documents are before you, you can read them.

And I'm suggesting to you that you obtained it from Mr Stavrinis knowing that it had been obtained originally through Councillor Petch?---I took it from Stavrinis and I gave it to my lawyer to put it in the file.

10 Did you make any inquiry of Mr Stavrinis where he got it from?---No.

So I take it you knew he wasn't an employee of the Department of Planning and Infrastructure?---I wasn't interested at all, I wanted that document left on file because we had already commenced our process and I didn't need anyone's help for it.

What process did you commence?---The process of getting the legal opinion about our submissions.

20 And when did you say that was commenced that process?---That was commenced before I received this email.

So, so coincidentally Mr Stavrinis turns up with you and gives you the very source document that you needed in order to properly compare the two advices?---That's correct, yes.

You're lying aren't you, Mr - - -?---No,. I'm not lying and I don't lie.

30 What I'm suggesting is you obtained it having asked for it, do you agree or disagree?---I, I did not ask for any document and I'm not lying and I had no need for it.

I'm suggesting - - -?---Because the evidence was there. There was two letters and you're a lawyer, if you look at the two submissions you will see that one is relating to one property that reads differently than the other one that reads to the other property. So one of them has been manipulated.

And I'm - - -?---Which one?

40 I am suggesting that that you obtained it knowing that it had come from Councillor Petch?---I took it from Stavrinis I didn't ask where it came from I took it.

So what, you thought it had just fallen in his lap?---Well, I don't care where he got it from he gave it to - he's a journalist he handed it to me, I took it and I gave it to my lawyer and told him to put it in the pack.

To give to the senior counsellor to get advice?---No. I did not ask him to do that. I told him not to deal with it, just keep it in there.

Did you say you had no interest at all in finding out how Mr Stavrinou had got his hands on it?---No. I don't go into these stories. I'm not interested in any of that.

The truth is, Mr Goubran, that you knew where it had come from. You knew it had come from Councillor Petch. Is that, is that the case?---I could guess that it did but I have no certainty of that.

10 When you say, "I could guess," do you mean you could guess now or you did guess at the time that that's where it - - -?---No, I could guess now.

But at the time you turned your mind to where it had come from didn't you?---No, I just didn't want this document to appear anywhere except in the pack with my lawyer. That's my only interest.

And I'm suggesting to you that you knew that it had been obtained improperly?---I can't see when someone hands you an email that is written that you would consider that that is improper before you read it and see
20 what's in it.

Well, I'm suggesting you knew that it had come from Councillor Petch who had forwarded on an internal Council communication, that is something from the department of - - -?---He didn't say to me that it was confidential and there is nothing on it that says to me that it's confidential.

And I suggest to you that when you received it it did have the cover page that I took you to originally, page - - -?---I told you there was only page that was given to me that didn't have the cover page on it.

30 You say only one page?---Yes. Page 857 I think it is.

Now, it's the case isn't it that you, you gave this document to Mr Parisi for the purpose of obtaining legal advice?---No, I gave it to him to keep it in the pack relating to this matter. I didn't ask him to use it, to obtain the legal advice.

Now, Mr Parisi in his evidence, you weren't present before when he gave his evidence?---No I wasn't.

40 But have your lawyers told you about what Mr Parisi said or shown you the transcript?---No.

Are you aware he, that Mr Parisi said he couldn't recall whether he received the advice from the department without the covering page or whether he received the advice from the department with the front page folded over and stapled in the corner?---Did he? I don't know but you've got the pack, you've - - -

Well, do you - - -?---You took the pack from his office.

Do you recall if you might have given it to him, that is the advice from the department with the front page folded over and stapled?---No, all I remember is the front page, the page that I quoted to you which is 857.

10 And what I want to suggest to you is that you were conscious when you passed it on to Mr Parisi that you needed to be very careful of the way in which it was referred to in any advice you got because you knew you'd obtained it improperly. Do you agree with that?---If I took it from Stavrinou why would that be improper? It had nothing on it, what he showed me had nothing on it to say that it's confidential and I'm not supposed to have it, or anyone else not supposed to have it.

So I take it you disagree with what I've put to you?---Yes I do.

20 All right. Now, you went and saw Mr Parisi in order to obtain some advice in February this year, do you recall that?---I don't recall the timing but it's probably about that time. And I didn't go to him, he came to my office.

Well, you organised to meet with him to seek some advice about this?---That's correct, yes.

And you asked to get a barrister's advice about it?---Yes.

And the advice came back, do you recall on 21 February, it was emailed to you by Mr Parisi?---It was emailed. I don't remember the date.

30 Do you recall at the first meeting that you had with Mr Parisi to discuss with him the advice you wanted Mr Cerreto was there?---He might have been. I don't recall.

What was his interest in this?---There was no interest in him in this except that he was the one that recommended Mr Parisi to me.

I mean, you and Mr Cerreto are both friends with Councillor Petch?---Yes.

40 Had you told Mr Cerreto about the fact, well, I know you disagree with the proposition that you'd asked Councillor Petch for this advice from the department but had you, I'm suggesting you might have discussed with Mr Cerreto the fact that you had sought this advice from Councillor Petch?---No, I - - -

Do you recall at or around the time that you went and saw Mr Parisi for advice there was a period between when you saw him and when the, the Senior Counsel's advice came through?---That's correct, yes.

About a week?---I think longer because he was dragging the chain, he was taking too much time.

All right. Well, do you recall having a number of phone conversations with Mr Cerreto around that time about this issue?---About - - -

About your concern about the way in which Dominic Johnson had relied upon advice from the Department in dealing with this application that you and others had made for the change of use land?---Yes, probably yes, yes.

10

Can I ask you to have a look at – I withdraw that. Are you aware that a number of telephone conversations have already been played to the Commission involving you speaking to Mr Cerreto?---Yes, I am yes.

And have you seen the transcripts of those?---I saw them, yes.

So you accept – don't you – that you were talking to Mr Cerreto about this subject matter?---Yes.

20

Can I ask you to have a look at Exhibit 68 which is a transcript of a phone call on 18 February.---It it, is it within this bundle here?

No, it will be brought up on the screen, it will come up on the screen in front of you in a moment Mr Goubran. All right. Do you see it up in front of you, if it's too small to read let us know?---No, it's okay.

You can read it?---I can yes.

30

Accept from me this is a transcript of a call on 18 February and that the advice from Mr McNally was received on 21st, so this is three days before it was received. Have you see this before?---Yes.

And you recall a discussion at this time as recorded in the transcript?---Do I recall, sorry what?

A discussion with Mr Cerreto as recorded in this transcript, do you recall the discussion now?---Yeah, yes.

40

And you were referring in that discussion to the fact that QC was to give an opinion and there had been some discussion with Mr Parisi about what the opinion would be?---Of – discussion with Mr Parisi as to what this – what is the question sir, sorry.

I withdraw that. Can I ask you to look at the bottom of the first page of this and onto the top of the second page, do you see at the bottom Mr Cerreto says, “A QC is as well, there's enough there John, he said emphatically to be in the definition of corruption.”---Yes.

And do you recall Mr Cerreto telling you that that was the advice that he understood was going to be provided by the barrister?---Yes.

If you go over the page you see Mr Cerreto said, so I spoke to all the other fellows and everyone, everyone's doing well.---Yes.

Do you understand who meant by the other fellows when he was referring to it in this conversation?---Can we go back up so I can see the rest of the conversation.

10

Do you see the top, the bottom of page 27 going to page 28 or are the numbers not on it?---I can't (not transcribable)

I'm sorry, bottom of the first page top of the second page. Have you read that Mr Goubran?---Yeah, I'm reading it.

What I want to know is, do you think that Mr Cerreto might have been referring to Councillor Petch at the time as one as the other fellows?---I'm not sure, it's hard for me to - - -

20

Well, by this point, had you spoken to Councillor Petch about your concern about Mr Johnson?---I must have spoken, I must have spoken to Councillor Petch about my concerns with Mr Johnson, yes.

And did you tell Councillor Petch specifically that there were these two reports that appeared to have been misquoting some advice that Council had received from the Department?---No, it was introduced to him by Mr Dresdner and Mr Wilson, they went to see him and they told him the documentation, that was the first time - - -

30

But did you - all right. But after that - - -?---I wasn't present.

- - - did you speak to Councillor Petch about that?---After, no, I didn't. He, he called me once and asked me if I had the legal opinion and I said no.

All right. Can I ask you then to have a look at Exhibit 69 which is a phone conversation, the transcript of a phone conversation on 20 February, it will again come up on the screen in a moment?---Okay.

40

You'll see this is a, hopefully you've seen this before, it's one of the transcripts of phone conversations between you and Mr Goubran recording a call - sorry, you and Mr Cerreto recording a call that Mr Cerreto made to you on 20 February at 6.51pm. Can you go to the second page, I want you to read that?---Yeah.

Do you see there's a part where you say, "I was getting the opinion yesterday for them to come and have a look at it." Mr Cerreto says,

“Okay,” and you say, “And that the Mayor (not transcribable) because you went to have a meeting with the Mayor”?---Sorry, sorry.

It’s the first half of that page?---That’s not what I’ve got.

It’s page 2, page - 69, the second page. Just on the top of it.

ASSISTANT COMMISSIONER: It’s not the second page, it might be the next one. Yeah.

10

MR DOWNING: Oh, I’m sorry.

ASSISTANT COMMISSIONER: It’s the third page.

MR DOWNING: I’m sorry, it is the third page?---Yes.

20

Looking at that, in that conversation were you referring to Mr Cerreto having already met with the Mayor about this, that is this issue?---No, no, this is - as far as I know Mr Cerreto had nothing to do with meeting with the Mayor about this, it was Mr Dresdner and Mr Wilson that met with the Mayor.

Well, do you see in the conversation - - -?---Yes.

- - - the transcript records you saying, “I was getting the opinion yesterday from them to come and have a look at it” - - -?---Yes.

30

- - - and that the Mayor, because you went to had a meeting with the Mayor,” this is something you said to Mr Cerreto?---That’s right.

“And presented that situation to him, he wants you to present him with all of this and he will try and use it till I get justice”?---Oh, I’m sorry, I can’t see where, where you’re, where you’re referring to, which part of it.

Start at the top of the page and read to about halfway down the page please? ---Sorry?

40

Start at the top of the page can we, start from that “um” to about the line where it says - - -?---Yeah.

- - - “to present him with all of this and ah, he will try and use it to ah, to get justice”?---(not transcribable)

Do you see that, Mr Goubran?---Yes, I see that.

Do you recall that in this conversation you were talking to Mr Cerreto about your understanding that he had spoken to the Mayor about this and that the

Mayor wanted things to be presented to him, that is the complaint about Mr Johnson so he could then get justice?---Probably yes.

So that Mr - at this point, 20 February, did you understand that Mr Cerreto had already gone and made representations on your behalf about this issue?

---No, I didn't ask him to go and do anything.

Did you understand he had?---No, I didn't, no.

10 Can I ask you then to go ahead to Exhibit 70 which is a phone conversation on 21 February, it'll just take a moment to come up. I want you to read the first page and then the second page down to about halfway if you could. Tell us when you're ready to go to the second page please? And if you could read it down to the line that ends with the words, "Meeting with somebody"?---Can you slow, just - - -

Sure. Have you read that?---Yes.

20 Now, except again from me that 21 February, which is the date of this call was the date that you received Mr McNally's advice. And this is a call made to you at 9.21 in the morning. Do you recall that on that day Mr Cerreto called you and it was at a time before you'd actually read the opinion?---I don't know.

In that, in that - - -?---Can I ask on what basis you're saying that it's the day I received the email?

All right, I can take you if you want, but there is, if we go to Exhibit 18?---I'm sorry. I - - -

30 That's all right. I'll show you?---I don't know if I should have asked you a question.

Exhibit 18. Page 865. You have Exhibit 18 in front of you Mr - - -?---Sorry.

It's the thicker bundle?---Yes.

Have a look, top right corner, page 865?---Yes.

40 Perhaps if we just bring the screen back to - do you see at the bottom of the page it's got, "Privileged legal advice, Dear John/Norm"?---Yes.

And it's an email from Charles at Parisi Associates to Norm Cerreto and you?---Yes.

Dated 21 February, 2013 at 9.25, do you see that?---Yes.

And then it says, "Dear John/Norm, please find attached a copy of senior counsel's advice"?---Yes.

All right. Well, if we can now go back to Exhibit 70 well, is this Exhibit 70? Okay, if we can go back to the first page please. So this is a call on the same day, 21 February but at 9.21 so about four minutes before that email was sent by Mr Parisi enclosing the advice. Do you see the time at the top?--Yes.

10 Do you see in the course of that transcript it records you saying to Mr Cerreto, or you asked him, "Did they make reference to that email"?---Yes.

And he said, "Sorry," and you asked, "Do you make reference to the email," and Mr Cerreto says, "Yes." And you say, "Well you shouldn't"?---Yes.

MR STANTON: Commissioner, I think the transcript was corrected. It says, "Well they shouldn't."

MR DOWNING: Oh sorry, "Well they shouldn't."
20

MR STANTON: I'm sorry Mr Downing. Just that that's the record.

MR DOWNING: I think they're, I think my friend is correct - - -

MR STANTON: Yes.

MR DOWNING: - - - that there was that correction.

MR STANTON: Sorry.
30

MR DOWNING: "Well they shouldn't"?---Yes.

In the course of that conversation the email you were referring to was the one from the Department of Planning and Infrastructure?---That's correct.

And you were asking Mr Cerreto about whether it had been referred to in the advice?---Yes.

And expressing that it shouldn't have been referred to?---That's correct, yes.
40

And the reason you were expressing that was because you it had been obtained improperly I suggest?---No, because I told you before that I asked Mr Parisi to put it in the file and not to use it.

Well, why? Why did, why were you concerned about it being referred to in the advice?---Because I had no need for it, sir.

So what if you had no need for it, why were you concerned about, why were you suggesting it was wrong - - -?---Because it was handed to me by a journalist.

MR DOWNING: By Mr Stavrinis?---That's correct, yes.

10 And by this point in February 2013 had it crossed your mind that the likelihood was it, it had come from Councillor Petch?---I didn't know at the time where it came from and I didn't know if it was authentic, I didn't know anything about it except when I read the text the text was exactly the same as what was published on the Council's website signed by Mr Johnson.

What I'm suggesting to you is the reason you expressed that in the call that you were concerned about being referred to in the advice and that it shouldn't been was 'cause you knew it had been obtained improperly through Councillor Petch?---Well it's obvious I'm not going to change your opinion about that. I deny that completely but you can continue on with your opinion, sir.

20 And you recall in the second page, if we can go to the second page of that transcript. Mr Cerreto's saying, "Well that's the thing we discussed yesterday, we've got to work out how we got that in our hands and from what I understand I think Ray Dresdner had a meeting with somebody"? ---Yes. Ray Dresdner had a meeting with the Mayor and he was the one that presented all this information to him which I told you before, sir.

30 But what you - what Mr Cerreto was referring to in that conversation was that you and he had got together the day before to try and work out a way to explain how you got this email hadn't you?---Were you there with us or the day before? Why are you referring to the day before?

Because in the conversation Mr Cerreto said, "That's the thing we discussed yesterday"?---Well I don't recall any, I don't recall this, I'm not going to meet with - - -

You're lying aren't you, Mr Goubran?---Well obvious to you that I'm lying about everything. Is there anything that I said good?

40 Please if you could just try and address my questions. You are trying to explain away what you know was an improper means of accessing that email from the Department?---I told you the journalist gave it to me in my hand, I gave it to the lawyer asked him to put it in the pack and in the conversation there before you here it says that I didn't want it to be used.

And - - -?---If I wanted it and I had in my hand why didn't I use it?

Because you knew it had been obtained improperly that's why you were concerned to try and - - -?---It was word for word on the Council website on

a number of occasions. Mr Johnson quoted it on a number of occasions in the meetings.

The reports were on the website but the advice from the Department wasn't it, was it?---There is also recordings of all the meetings at Council, sir, you can obtain that and you can see that he quotes the letter word for word. Differently for our side of the road then Bunnings side of the road.

10 Did you ask Mr Parisi not to annex the, that email, that is 20 June advice in a letter that he subsequently sent to Council on your behalf?---I didn't want - my instructions to Mr Parisi was not to use that at all just to keep it for safety in the pack.

So did you tell him not to annex it to the letter he sent to Council?---Yes.

Because again - - -?---I didn't specifically say Council. From the day I handed it to him I said this is not to be, this is to be kept for safety in the pack.

20 All right. I'll move onto a different subject matter, Mr Goubran. It's correct isn't it that you've known Councillor Etmekdjian for some time? ---Only since 2011, sir, not like he said in his, in his evidence that I knew him from 2003.

So - - -?---The first time I knew him was in the second half of 2011 and I think it wouldn't have been before October 2011.

So you've never met him before then?---No, I've never met him before then.

30 All right. Do you recall meeting him on some occasions in 2011 about the proposed LEP?---Yes, I do.

Now you were present here today when you heard Councillor Etmekdjian's evidence about a meeting on 21 January 2012?---That never took place.

Well you did hear his evidence though didn't you?---I did see it.

40 And you heard what he said in terms of what he claims you raised with him on that occasion?---I never met him on 21 January.

I know but in fairness to you rather than going through everything point by point you heard his evidence and you heard what he said he, that you discussed with him?---Yes.

And I take it you deny that?---No, I don't deny that I suggested to him - - -

No, well --- - - - to have the committee to involve the public because there was a public backlash against him and the General Manager that they were not part of the process.

But is, is your evidence that there was no such meeting on 21 January?

---No, it wasn't on 21 January.

Your evidence is that there was a meeting on 30 March?---On or about the 30 March, yes.

10

So on or about?---It was towards the end of March. Yeah, I don't remember the date but it was towards the end of March, yes.

Well I suggest to you that in fact the meeting was on 21 January. Do you agree or disagree?---I don't remember that and I disagree with it.

You don't remember it?---No.

20

You heard his evidence though in terms of what he claims you put to him on that occasion didn't you?---Yes, I do.

Was there anything in terms of the actual content of what he says you put to him that you deny putting to him on one occasion?---No, can you be more specific, ask me specific questions so I can answer you.

All right. You're aware that he says on that occasion - - -

30

MR STANTON: Could the occasion be specified please, Commissioner?
Could the occasion be specified, Mr Downing, by date?

MR DOWNING: You're aware that he says the meeting was on 21 January, you're aware of that, aren't you?---That he said that, yes.

Yeah?---Yeah.

And he says at about 1 o'clock and he, you're aware that he says that on that occasion you raised with him this idea of creating a community committee?
---Yes.

40

And you're aware that he says that you indicated that this was something that Councillor Petch had asked him to raise?---Councillor Petch asked him, he said that Councillor Petch asked me to raise it with him, is that what he said?

No, you heard his evidence today didn't you?

ASSISTANT COMMISSIONER: I think you did put it the other way around.

MR DOWNING: Oh, I'm sorry.

ASSISTANT COMMISSIONER: You said he said Councillor Petch asked him, Etmekdjian, to raise it.

MR DOWNING: I'm sorry.

ASSISTANT COMMISSIONER: Yes.

10

MR DOWNING: In the course of the meeting you indicated didn't you that this community consultative committee was something that Councillor Petch had asked you to raise with Mr, with Councillor Etmekdjian?---No, that was my idea, it wasn't Councillor Petch's idea.

All right. Can I ask you what was your, did you have a view about the Ryde Civic Precinct redevelopment?---Yes.

Did you support it?---Yes.

20

And I take it you knew then as at the early of part of 2012 that whilst the vote was locked that the project was being progressed with a casting vote from the Mayor?---That's correct, yes.

So I take it this proposal, the committee that you say you proposed, what was the idea that that would be something that would put the Ryde Civic Precinct redevelopment on hold effectively until the election?---No, I, I didn't know how long that committee would take to produce some findings if they would have agreed on that committee.

30

Well, was part of your proposal about this committee - - -?---Yes.

- - - this community committee that the matter would be referred to it and that it would report back after the election?---No, referring back, when I proposed that to Mr Abboud, okay, the terms of reference were to be set by the General Manager and I was emphatic about that and I, and I, and I told him more than on one occasion that the terms of reference for that committee will be set by the General Manager so the person that sets the term of reference to that committee, he's the one to determine the timing.

40

But, Mr Goubran, you were in favour of this redevelopment?---Yes.

And at that stage even though it was a tied vote with the Mayor's casting vote - - -?---Yes.

- - - it was being progressed?---Yes.

With a view that a tender process would be completed before the next election?---That's correct.

Well, why were you keen then on in effect put it on hold to then go back to the community to consult again about something that you thought was appropriate?---No, because the community felt that they haven't been, hadn't been given the opportunity to be consulted on the project and that was the attack from the gallery onto the, the, the General Manager and the Mayor.

10

Well, I'm suggesting to you that this meeting occurred not in March but on 21 January?---Well, you can suggest whatever you like, I don't recall the January meeting.

And I'm suggesting to you that you raised the committee, you raised that it would have approximately four Councillors, the General Manager, Director of Planning, some community representatives but you also said that this was an idea that Councillor Petch was proposing, do you agree or disagree?
---No, that's not how it happened, I disagree with you.

20

And do you recall also saying that Councillor Petch was intending that he would at some point bring a motion before Council to this, to this effect?
---I'm sorry, could you - - -

Do you also recall communicating in this meeting that Councillor Petch would bring a motion about this community committee before Council at some point?---No, that never has taken place.

30

Do you recall in this meeting Councillor Etmekdjian saying to you in effect if Councillor Petch has something he wants to put he can come and see me, I don't really like the idea of go-betweens communicating?---Well, they see each other for a couple of hours before every meeting, they have dinner in the same together.

Do you recall Councillor Etmekdjian saying that to you in the meeting?
---No, I don't.

40

All right. Now, can I suggest to you that after this meeting on the 21 January, later in March, indeed on 30 March you left a message for Tony Abboud at work asking him to call you back?---I left him a number of messages before that date I think.

Do you recall on that occasion leaving a message where you, the person that took the call said, "What's it about?" And you said, "He'll know what it's about"?---I think it was on a recorded message, it was a recorded - - -

You rang him at work didn't you?---Oh, probably, yes.

Well, there's a, if you accept from me we can, if you bring up Exhibit 7, page 2453. You'll see that's a message on 30 March from the reception at Snowden Parkes? You know that that's Mr Abboud's real estate agency don't you?---Yes I do. Yes.

So your message, he said you'd know what it was regarding?---Yes.

Do you recall saying that to the person that took the message?---Most likely yes.

10

At that point you didn't have any reason to believe that Mr Abboud would know what you were calling about?---I did have a very good reason.

Right. What was that?---The reason that I make, my meeting with Artin was prior to that and Artin knew everything about it and they're very close friends. And Artin asked me to speak to Tony Abboud so I was of the opinion that he must have briefed him.

20

But that's not the truth is it, that Artin had asked you to speak to Tony Abboud about this proposal?---It is the truth.

Do you recall at that point Mr Abboud called you back that day on 30 March?---Probably yeah.

And do you recall then saying to him that you wanted to meet him to discuss some things and you agreed on a time of 3 April, 2012 at 8.00am in your office?---Oh, I think so, yes.

30

And can I suggest to you that on this day, 30 March there was no meeting with Artin Etmekdjian?---I think there was, yes.

Now, it's correct isn't it that on 3 April Mr Abboud attended your office at 8.00am as arranged?---Yes.

And after discussing some other matters you spoke to him about the Ryde Precinct redevelopment?---Um, yes.

40

And do you recall saying to him words to the effect of that the real reason you wanted to meet was that you'd been asked by certain people to speak to Mr Abboud to ask if he would be prepared to broker a deal between the different factions of Council?---Ah, yes.

And can I suggest to you that the person that asked you, that the certain people you're referring to were Councillor Petch?---You said people and you tell me one name only, sir.

Well, who else do you say had asked you to, to approach Mr Abboud?---Only Artin.

So Mr Etmekdjian had asked you - - -?---That's correct, yes. I'm sorry, we're on first name basis.

All right. That's just not the truth is it?---It is the truth, yes.

And can I suggest that you said that you would call back later in the day to speak to Mr Abboud about the details of the deal you wanted him to put?---That's not correct, no.

10

And do you recall in that meeting, that is the face to face meeting at about 8.00am saying that you wanted Mr Abboud to take the deal to Mr Neish and convince him to make it happen?---That's a lie.

And that you said in that meeting that if Mr Neish so, that is that he made the deal happen his job would be secure beyond the September, 2012 election?---That is even a bigger lie.

20

And can I suggest to you that the message that you were conveying in this meeting was a message from Councillor Petch?---That is even a big lie than the first two lies.

Now, later that day do you recall that you did have a telephone conversation with Mr Abboud?---Correct, yes.

Do you recall on that same day that you actually received a phone call from Councillor Petch?---Yes.

30

And was it the case that Councillor Petch was calling you to inquire about how your discussions with Mr Abboud had gone?---No, I think Councillor Petch's call was after my call to him.

Well in Exhibit A if we can bring that up. You'll see that that's a phone log and you'll see there is a call at, on 3 April 2012 from Councillor Petch to you of about, it looks about four minutes, 242 seconds. 13.33.59 or 13.34, it seems to have actually, the same call has been recorded twice. Do you see that, it's at the fourth, third and fourth entries on the phone log?---Are these calls from - - -

40

It's a call from Councillor Petch to you?---Yeah.

What I'm asking is do you recall that day Councillor Petch had known before, before the 8.00am meeting that you were to meet with Mr Abboud with this proposal?---No, this is a record only from 1.22pm there must have been records of other conversations before that because my meeting was with Tony Abboud at 8.00am and I told Tony that I'm going to put the proposition to Ivan Petch and then I'd get back to him in the afternoon. In the meantime between Tony leaving my office I did ring Councillor Petch

told him about the deal and he told me to tell him to go and get a four letter word because they gave me my election ticket, why should I make any deals with them and I conveyed that Tony Abboud in the afternoon.

You're making that up aren't you, Mr Goubran?---Well if you know everything why am I here then?

Are you seeking - - -?---I mean if you know all the truth about it and I'm lying about everything - - -

10

But are you seeking to protect Councillor Petch because you know he - - -?--From what, protect him from what?

If you'd let me finish the question. Because you know he leaked material to you that was highly inappropriate?---Is that why you call me an associate of Petch because of that?

I don't recall calling you an associate?---You did in your opening statement, sir.

20

Okay. Could you try and address - - -?---And on TV and on YouTube as well if you haven't seen it it's there on YouTube.

Could you try and address yourself to my question, Mr Goubran?---Yes, I will.

Do you recall later that day having a discussion over the phone with Mr Abboud?---Yes, I do.

30 And do you recall it was later in the afternoon?---Yes, I do.

And do you recall it was quite a long conversation?---Yes.

And in the course of - - -?---No, I don't recall if it was long or short, no, I don't, but I had the conversation.

Do you recall a conversation of about 15 minutes or so?---It could have been.

40 And it was in the course of that conversation wasn't it that you went through the deal that you were proposing?---No, the deal initially I, I put it to Tony Abboud in the morning at our first meeting in the morning.

Well I'm suggesting at the meeting you said very little about it that when you called in the afternoon that's when you actually gave him the information about it?---Why should I leave it to the afternoon if I've been trying to call the guy for four to five times and he wouldn't return my calls. Finally I got him. You think I wait until the afternoon again to tell him?

Was it the case you wanted to speak to Councillor Petch in order to get the full details of the deal?---There was no particular deal it was a suggestion from me that I suggested to both sides, sir.

Now what I'm suggesting to you - I withdraw that. You, have you seen the evidence that or read the transcript of the evidence that Mr Abboud gave about what he says was discussed with him in the phone call that day?---No, no, I didn't read that.

10

Have you, have you seen Exhibit 5? If we could bring that up. Page, sorry, it's 131. Have you seen this document?---I was, yeah, I saw it only last night, yeah.

Well, what I'm suggesting to you is that - - -?---But I, I really didn't read through it all.

20

Okay. And you - what, you haven't seen a transcript of the evidence where Mr Abboud told the Commission about this?---No, because I couldn't read that material.

All right?---It was a lot of material and I couldn't read it.

Please tell me if you agree or disagree with this, that in the course of this call that you had on the afternoon of 3 April - - -?---Where, where - - -

- - - you said to Mr Abboud that the proposal was that this committee would be formed, there would be a committee or a review board to be formed, do you agree with that?---Yes.

30

That you said that Mr Neish was to prepare the terms of reference for the committee?---Yes.

That it was to be made up of four Councillors, two of which were to be Roy Maggio and Sarkis Yedelian and two others but not Ivan Petch?---No, I said two, four Councillors, two from each side. I don't recall naming names.

40

Right. That it was also to have on the committee the manager of Planning, Dominic Johnson and the Community Manager Danielle Dickson?---No, it, it - I never knew of Danielle Dickson, it was the Director of Planning and Mr Neish or whoever he appoint.

Do you recall also saying it was to have four members of the public from the groups who were opposing the Civic Precinct redevelopment?---That's correct, yes.

So you wanted to have members of the public but only those who were opposing the Ryde Civic Precinct - - -?---No, I meant by them the vocal

ones, the vocal ones that were coming to Council meeting and making submissions because as far as I was aware there was in excess of four, 3,000 submissions against the project were submitted by the public to Council. You can't invite 3,000 people to come so it was just representatives of the, of the group that was opposing the project.

10 Right. Do you also recall saying over the phone to Mr Abboud that the findings of the committee would be delivered after the Council elections in September?---How could I if it's the General Manager that's supposed to set the terms of reference to that committee?

Well, I'm suggesting that's what you told Mr Abboud over the phone?
---Well, I'm suggesting to you I left it entirely up to - my suggestion was to leave it entirely up to the General Manager to set up the, the terms of reference for that committee.

And I'm suggesting you also said the findings would be accepted by the incoming Council?---(No Audible Reply)

20 If you disagree you can just say you disagree, Mr Goubran?---Well, I mean, I mean this, I mean am I Jesus Christ, I mean I was supposed to be the one that knew the formation of the, the new Council, I knew what the outcome of this committee would be? I mean, I mean, this is, this is ridiculous.

Well, if the answer is you deny saying that then just - - -?---I deny it, of course I deny it.

30 And I suggest to you that you also said that the decision will be for the development to go ahead?---Fantastic.

And you say, you said that there was to be a strong push to expedite all DA applications in Council?---All the applications? Why shouldn't I talk about my DA applications, why should I talk about all?

ASSISTANT COMMISSIONER: Could you just answer the question whether you agree you said that or you didn't?---I don't, I'm sorry, Madam Commissioner, I don't recall that.

40 All right.

MR DOWNING: And that you said I'm suggesting in the course of that phone call that, that, that Mr Abboud should slow down his attacks on Ivan Petch?---That's correct, yes.

And you said that you would deliver preferences either way, that there would be a deal on preferences and that you received a phone call from Macquarie Street?---I received a phone call from Macquarie Street?

And you - - -?---No, it wasn't a phone call from Macquarie Street but there was reference made to the, to the Liberal Party's meeting with Artin.

No, I'm talking about - - -?---And I conveyed that to Tony Abboud but - and not the words Macquarie Street, no.

What, what do you say you told Mr Abboud?---It was when I, it was through the discussion with Artin at one stage that the, the head of the - - -

10 Just tell me what you conveyed to Mr Abboud?---Well, can you just take it slowly, I mean, please, sir, I'm trying to gather my thoughts here. Artin - in, in the discussion with Artin about the time that I suggested this committee to him he told me that the research of the Liberal Party showing that there be - there was - the research of the Liberal Party was showing that there would be a swing of 18 per cent in the local government elections to the Liberal candidates, however, Ryde was not showing so well and that was the idea of all of this.

20 Do you recall saying to Mr Abboud something about the particular Councillors who you thought would be returned according to the preferences you thought would be going there way?---No, you're making reference to preferences. What preferences. Are, can you - - -

I'm asking you whether you recall saying - - -?---What is preferences, can you tell me what preferences - - -

Mr Goubran, if you don't recall or you deny saying it - - -?---I don't recall it, sir.

30 And suggest that in the course of that call you asked for Mr Abboud to go and put this to Mr Neish?---Put what to Mr Neish?

This proposal, the creation of this committee?---The creation of this committee?

40 MR STANTON: Commissioner, Commissioner, there must be a point at some stage where Mr Goubran must understand, my learned friend has said to him the proposal was put in a telephone call. He said already the proposal was put in the meeting beforehand. He'd waited four or five calls to get to him. He wasn't going to wait for a telephone call to put the proposal. Mr Goubran is at cross purposes with respect, ma'am, and in his condition I ask that he be made aware carefully as to whether he's agreeing to the proposal being put in the conversation or in the meeting face to face with Mr Goubran in the morning so there's no doubt about where we're going with this.

MR DOWNING: Commissioner - - -

MR STANTON: Because he's already denied that he put the proposal in the morning meeting. Ah, sorry in the telephone conversation.

MR DOWNING: Commissioner, I've repeatedly in the course of my questions indicated to Mr Goubran I'm asking about the telephone call on that afternoon. I don't think I've been unfair to him. I think I've given him ample opportunity to tell me what his position is in his answers.

10 ASSISTANT COMMISSIONER: Do you understand that that's what being put to you?---No, Madam Commissioner, the, the sequence of events were I put this proposition to Abboud in the morning meeting and the afternoon conversation was relating to him the reply that I got from Mr Petch after talking to him during the day.

MR DOWNING: I've said that to him?---I don't remember what time or - - -

20 ASSISTANT COMMISSIONER: Well, and in any case I imagine your evidence about what you said and what you didn't say applies whether it was at the face to face meeting in the morning or in the phone call in the afternoon?---No, no, the first time I put it to Tony Abboud was on 3 April in the face to face meeting. In the afternoon it was a discussion about Petch's refusal, the problems that he had with Petch and the problems that Petch had with him, and how, I didn't want the process to stop, I wanted the process to keep going on and I think at some time I told him we can't stop because one side refused it. We have to keep going. This was, I'm sorry, this was my intention.

30 We understand that's your evidence but Counsel Assisting is obliged to put to you what Mr Abboud says happened. That's what he's asking you about. And you can deny it or say no, that wasn't said then?---Well, this only happened at the face to face meeting and there was telephone conversations in the afternoon.

Yes.

40 MR DOWNING: Do you say during the face to face meeting you asked Mr Abboud to convey this to Mr Neish?---I, I'm not sure if told him on that day or further on in, in telephone conversation but at one point he had to put it to Mr Neish so Mr Neish, if both parties agreed to it first then it goes to Mr Neish so Mr Neish can set up the framework of that committee, the terms of reference and so forth so it has to go to Mr Neish. So I must have told him to take it but at what point I don't recall if it was in the first meeting or in subsequent conversation.

You understood didn't you that Mr Neish's as General Manager was obliged to act in accordance with the Council's resolutions?---Yes.

So that if this proposal that you say that you've come up with is going to go anywhere it needed to go before Council and be voted on didn't it?---That's correct, yes.

Mr Neish couldn't make a decision about anything?---I didn't ask him, Mr Neish to make any decisions. I didn't ask anyone to put anything to Mr Neish to make a decision.

10 Well - - -?---Mr Neish is the one that makes, puts the framework and makes, makes it work.

But before anything could happen wouldn't the way in which this proposal would be properly raised would be for one of the Councillors to put it before Council for a vote?---Yeah, the two, the two sides of Council had to negotiate with each other through me and Tony Abboud the work frame that they agree on and then it goes to Mr Neish to make it work.

Now, Mr Goubran - - -?---That was the intention.

20 Do you agree that some time after this discussion on 3 April that is in the next few days or week that Mr Abboud informed you that he was going to meet with Mr Neish on 13 April?---Yeah, he told me that he was going to meet with him, yeah.

And do you recall on the morning on 13 April you calling Mr Abboud?
---Yes.

30 Did you call him before he was to attend the meeting?---Yeah, there was a phone call from me, yes.

And I'm suggesting to you that you called him and he, there was a message you, he called you back but what you said was that there'd been a change in the deal?---There was no deal in the first place.

Well if you deny it please tell me?---Yeah, I - - -

40 I'm suggesting to you that what you told him in the call was that now the change was that the Councillors on the committee were to include Councillor Petch and Councillor Salvestro-Martin?---Oh, I don't recall that, sorry.

Do you recall having discussions with Councillor Petch or Salvestro-Martin between the 3rd and the 13th of April about their involvement in this proposed committee?---I probably did because Mr Petch was one that was speaking on behalf of the no, no section of, the no support group for the Civic Centre.

And do you recall if Mr Abboud asked you why Councillor Petch was now going to be on the committee and you said he changed his mind?---No, I don't recall that, sorry, no.

Do you also recall in that phone call in the morning of 13 April telling him the people who would be the members of the public on the committee?
---No.

10 Do you recall telling him that Mr Abboud himself would be one?---No, in, in the initial discussions on the face to face meeting he told me something about that, that he want to be included in that committee as well.

Do you recall telling him that Mr Richard Green would be one of the members of the public on the committee?---The name was mentioned, yes.

But you mentioned it didn't you, you told him - - -?---I've never met the guy, I don't know who he is or anything, I don't know who mentioned that name.

20 Had Councillor Petch perhaps suggested to you that he might want to be involved Mr Green - - -?---No, I've never, I've never discussed with Councillor Petch who would be on the committee except that there was two Councillors from either side he's got nominate two Councillors from his side.

Do you recall telling in the course of this phone call on the morning of 13 April telling Mr Abboud that George Papallo and Phillip Peake would be on the committee?---No, I don't know them, I don't know who Mr Papallo is - - -

30 Do you recall?---I don't remember, no.

Do you recall telling Mr Abboud that this deal, this proposal of a committee would be a way out for the Libs, a face saving measure for both camps?
---Yes, I do recall that statement. I made it on a number of occasions.

And do you recall saying that Councillor Etmekdjian supported it?---Yes.

40 And that wasn't the truth was it?---That was the truth from day one because he was the one that supported it and asked me to get into this mess.

And you aware aren't you that Mr Abboud did meet with Mr Neish that day?---Which day?

On 13 April?---I wouldn't know if he met with him or not.

Mr Goubran, can I suggest to you that Councillor Petch prior to these discussions in April 2012 had told you that he wanted this deal put?---No.

And that he told you that he wanted the Civic Precinct halted until after the election?---Councillor Petch was playing around with everyone, that was his election platform and without it he wouldn't have been a Mayor.

Well I'm suggesting to you that he proposed this mechanism and this committee to you as a means of putting the project on hold?---He didn't want the committee he didn't want the issue to go away that was his election platform.

10

And I'm suggesting that he was the one that asked you to put to Mr, indirectly but put it to Mr Neish?---He refused, he refused when I put it to him because he wanted the newspaper articles and his pictures in the paper to continue.

And I suggest that it was Councillor Petch that told you to pass on the message via Mr Abboud that Mr Neish's job would be secure after the election if he went along with the deal?---You are completely wrong. Do you recall after the meeting on 13 April calling Mr Abboud and ask him, asking him what occurred?---I probably did, yes.

20

And you recall Mr Abboud telling you that Mr Neish had said he wouldn't implementing the deal and that if Councillors wanted to put this up it should be put up for a vote - - -?---That's not, I don't think that's, that's what he told me, no.

Well what do you say he told you?---He will get back to me.

Thank you, Commissioner.

30

ASSISTANT COMMISSIONER: Thank you. Yes - - -

MR STANTON: If I might go last, Commissioner?

ASSISTANT COMMISSIONER: Yes. Yes, Mr Stanton.

MR STANTON: In case anyone's got anything first.

ASSISTANT COMMISSIONER: And Mr Stanton, your client's denials of certain things have been noted and his, I would, I'm happy for you to clarify issues you wish to but I don't wish him to be taken through it all again.

40

MR STANTON: Commissioner, on notice. Thank you, ma'am.

ASSISTANT COMMISSIONER: Thank you. Now, yes?

MR LLOYD: Yes. On behalf of Councillor Etmekdjian I seek leave to ask some questions.

ASSISTANT COMMISSIONER: Yes.

MR LLOYD: Thank you. Now, Mr Goubran, you were in the room when you your Counsel, Mr Stanton asked some questions of Councillor Etmekdjian, that's right isn't it?---Yes, I've been in the room since this morning, yes.

10 Yes. Now, there's no chance of you not hearing his questions was there?---
No.

You heard all the propositions that your Counsel put to Councillor Etmekdjian earlier today didn't you?---Yes.

You heard him put to Councillor Etmekdjian that there was a meeting between you and Councillor Etmekdjian on 30 March, 2012. That's right, isn't it?---Yeah, it was, to my recollection it was near that date at the end of March, yes.

20 Sir, I want to suggest to you there was no meeting between you and Councillor Etmekdjian on that day?---Well, you can suggest that but that's my recollection of it.

And when you give that recollection you're either mistaken or not telling the truth. That's what I, what I put to you. What do you say about that?

MR STANTON: Well, that's, that's two questions, Commissioner.

30 MR LLOYD: Well I withdraw the question.

MR STANTON: Effectively.

MR LLOYD: Do you have a recollection of a meeting on that day you say to the Commissioner?---Yes I do.

I want to suggest to you that you're lying when you give that recollection?--
-Well, you'd not be the first one that called me a liar here today.

40 Yes. You heard your Counsel, Mr Stanton put to Councillor Etmekdjian that you and Councillor Etmekdjian had a meeting on 5 April, 2012?---Ah, I'll have to take your word for it.

Well, accept from me that that proposition by your counsel earlier today?
---Yes.

Do you say that you have a recollection of that meeting?---Yes.

Well, I want to suggest to you that there was no such meeting between you and Councillor Etmekdjian on that day?---Well, sir I obtained these dates from my diary and I gave them to my Counsel.

You heard your Counsel put to Councillor Etmekdjian that you and Councillor Etmekdjian had a meeting on 21 April, 2012?---That I had a meeting with Etmekdjian on - - -

10 You heard earlier today Mr Stanton put on your behalf - - -?---Yes.

- - - to Councillor Etmekdjian that you and Councillor Etmekdjian had a meeting on 21 April, 2012, that's right isn't it?---If my Counsel put it yes, it's correct, yeah.

Well, did you discuss this matter with your Counsel before you came here?--Oh, I gave him the list of the meetings that I had in my diary, yes.

20 So you say that there was a meeting between you and Councillor Etmekdjian on that day?---Yes.

I want to suggest to you that that, that there was no such meeting?---Oh, you can suggest whatever you like.

You heard your Counsel put to Councillor Etmekdjian that there was a meeting between you and him on 7 July, 2012?

MR STANTON: No, that's incorrect. The evidence is 27 July?

30 MR LLOYD: Oh, I withdraw that.

MR STANTON: I'm not criticising Mr Lloyd (not transcribable) but - - -

MR LLOYD: I withdraw that question. You heard your counsel put to Councillor Etmekdjian that there was a meeting on 27 July, 2012?---Yeah, probably there was, yes.

40 So when you say probably there was what's your, what's your recollection? Was there are meeting or - - -?---Maybe. I don't, I don't recollect these dates. I took them out of my diary, the meetings that I had and I gave them to my Counsel and that's what they are.

I want to suggest to you that there was no such meeting on that day?---Well sir, you can suggest anything you like.

Just one other matter, Mr Goubran. Your story in your evidence is that Councillor Etmekdjian indicated to you that he wanted you effectively to be the go-between and to go to Mr Abboud and promote this idea of a

Community Consultative Committee, correct?---It was me and Mr Abboud to be the go-betweens.

But your evidence is that the idea came from Councillor Etmekdjian, correct?---No, the idea of the committee was my idea that I relayed to him and he asked me that I contact Tony Abboud, so we'd be the go-between, the go-between between the two parties.

10 I see. And you say don't you that the reason that you think that Councillor Etmekdjian wanted this to be done in this indirect way using you and Mr Abboud as the go-betweens was because he didn't want to be associated with this idea if it failed. That's right, isn't it?---Are you referring to Mr Etmekdjian?

I'm referring to your understanding of why you thought Councillor Etmekdjian was asking you to be the go-between in relation to this idea? ---Like any other politician want others to do the work or if it's successful then they take the credit for it.

20 You were well aware of the dynamics on Council in the early part of 2012, weren't you?---Oh, briefly, yes.

You knew that Councillor Etmekdjian was the Mayor?---Yes.

And you knew that his faction or his allies controlled the numbers?---No.

30 Well, you knew at that time that to the extent there was a deadlock, Councillor Etmekdjian was using his casting vote to break that deadlock in essentially his favour. Correct?---Correct. And he was Mayor with the support of two Labour Councillors.

Yes. You see didn't you think it was odd to say the least that Councillor, Councillor Etmekdjian would be approaching you and Mr Abboud to be the go-between to try and bring about something which you knew full well he could have almost certainly brought about if he'd just put it up to Council? ---I don't think he would have been successful, no.

Well, you just agreed- - ?---To ask me about my opinion, that is.

40 Well, I want to suggest to you that the idea of you going to Mr Abboud about the Community Consultative Committee was never put to you by Councillor Etmekdjian, he never made that suggestion to you. What do you say about that?---I'd say you're absolutely wrong.

And what occurred was that on 21 of January, 2012, you and Councillor Etmekdjian met at about 1 o'clock?---I don't recall meeting with him on 21 January, no.

I see. And it was you who proposed to him the idea of a Community Consultative Committee?---I did propose it to him later on sometime towards the end of March.

I see. Is it the case that you don't recall the meeting on 21 January, 2012, or you definitely recall there was no such meeting?---No, I don't recall at all, no.

10 Well- - -?---I think I was in Fiji at that time. I have to, to stand to be corrected but I'm going to check my passport, I think that was the time that I was in Fiji.

Well, I want to make it clear to you, Mr Goubran, as a matter of fairness, this proposition, that you and Councillor Etmekdjian met on that day, 21 January, 2012, at about 1.00pm at Top Ryde?---How many times do you want me to tell you that that's- - -

Putting it to you as a matter of- - -?---Not to my recollection.

20 Thank you?---Is that, is that better for you?

Thank you. Thank you. That's the examination.

ASSISTANT COMMISSIONER: Yes. Does anyone else apart from Mr Stanton- - -

MR CHALMERS: Yes.

30 ASSISTANT COMMISSIONER: Mr Chalmers.

MR CHALMERS: Yes. I act for Mr Abboud. My name's Michael Chalmers. May I take you directly to 13 April. You've been shown Exhibit 8 which is a whole list of phone calls. Do you remember Counsel Assisting showing you that exhibit referring to- - -?---Ah, yes.

And he specifically referred to you on 13 April to a, to a phone calls at 8.18 and 8.21am that morning?---Yes.

40 Yes. And that was discussions about the meeting that Mr Abboud was to have with Mr Neish that morning?---Yes.

Yes. So when in your private transcript that's been made public on page- - -

MR DOWNING: Your Honour, I object to this. Just so that everyone's aware, because of Mr Goubran's ill health there was a time at which it was circulated to try and ascertain from parties whether they wished to cross-examine or not. There's a suppression order in relation to this and I think we need to be careful in the way in which questions proceed.

MR CHALMERS: All right. Well, I'm glad I was, I'm glad I was stepped upon. And I suppose if reference- - -?---And I received about three copies of it in my office.

If reference, if reference is not made to that document- - -

ASSISTANT COMMISSIONER: Yes.

10 MR CHALMERS: - - -and I won't go through the Browne v Dunn issues pertaining to that, Commissioner.

MR STANTON: Yes, if I may please, Commissioner. My learned - - -

MR HYDE: I'm sorry, Mr Stanton.

MR STANTON: Yes.

ASSISTANT COMMISSIONER: Yes, Mr Hyde.

20

MR HYDE: Commissioner, I have one question if I might?

ASSISTANT COMMISSIONER: Yes.

MR HYDE: Mr Goubran, I appear for Mr Petch in these proceedings and I have one question for you and it it's this, Mr Petch did not at any stage ever ask you to convey the proposition that if this deal was done Mr Neish's job would be secure, do you agree with that?---I never discussed that with Mr Petch, I never heard from Mr Petch about that at all.

30

Thank you, nothing further.

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Stanton.

MR STANTON: Yes, thank you, Commissioner.

Mr Goubran, you ever never asked by Mr Downing about the 18 February meeting with Mr Abboud were you?---No.

40 And no such meeting occurred did it, with Mr Abboud on 18 February?
---No, I've not - no.

You heard Mr Etmekdjian say that - well, when I say on 18 February you heard Mr Etmekdjian say that just prior to 18 February Mr Goubran, sorry, Mr Abboud had told Mr Etmekdjian that he in fact had met with you concerning this proposal, you, you recall Mr Etmekdjian saying that?
---Could you please repeat the question, I lost my concentration.

I understand, sir, take your time. Mr Downing, Counsel Assisting, took you through your meetings with Mr Etmekdjian, do you recall those questions?
---Yes.

And he took you through what he says was a meeting on 21 January, do you recall that?---Yes.

And you denied that meeting?---That's right.

10 Mr Lloyd took you through that meeting and you have no recollection of that meeting?---Yes.

Right. Then Mr Etmekdjian in his evidence today also referred to a meeting that Mr Abboud told him about prior to 18 February but within the month of February that he had had with you concerning this proposal, you recall hearing that?---Yes, yes, now I recall, yes.

20 And was there any such meeting with Mr Abboud in February?---No, the first meeting, the first time I seen Tony Abboud after about 20 years was some time in, in December where he invited me to a Liberal Party function benefit night for John Alexander. The, the following time that I saw Tony Abboud was 3 April, I haven't seen him between November/December or April.

Thank you. Now there was some evidence given in these proceedings where Mr Parisi said you attended a meeting at the offices, of his office or thereabouts above Café Deli with Mr Belling and Mr Petch?---Oh, above Café Delitalia.

30 Café Italia?---Yes.

It's a Freudian slip on my part?---Yes.

Anyway, it doesn't matter. Okay. That's a café in Griffith, ma'am. (Not transcribable) Anyway, so the meeting at that café that is alleged to have been attended by you as Mr Parisi says, were you there at that meeting?
---No, I was not there at that meeting and I've never met Mr Belling and I don't know what he looks like, I don't.

40 Now when Mr - - -?---I've never spoken to him or anyone.

Yeah. When Mr Parisi had given that evidence, sir, I think you were a patient, and I want you to accept that it was about 16 July in this Commission - - -?---Yes, I was at St Vincents Hospital, yes.

And were you able to be spoken to at that time?---No.

I think you were on morphine?---I still am at some time, yes.

Okay. And it was only until recently that you gave me those instructions to be able to put that today?---That's right, yes.

Thank you. Now, just two other matters if I may please, sir. You were taken at length to the material concerning the email from Mr Stavrinis or its custody - and Mr Stavrinis sent to you, you heard about that?--- Yes.

10 And you say at no stage did you seek from Mr Petch any such material?
---No.

And finally, sir, if I may, in terms of the threats that Mr Abboud said were communicated by you to him concerning Mr Neish, were any such threats made?---Never.

And insofar as Mr Abboud refers to it as an implied threat did you give any indication of the nature of that implication to Mr Abboud by words that you used or otherwise?---Could you be more - - -

20 MR DOWNING: I object, I don't know how he could possibly answer that.

MR STANTON: I withdraw that. Well, I must say, Commissioner, it is, it is the concept of an implied threat from Mr Abboud.

Anyway, doing the best we can with how he's put it together.

MR DOWNING: Well, I impliedly object, Commissioner.

30 MR STANTON: Well, you may, Mr Downing, and rightly so.

Anyway, insofar as Mr Abboud in whatever manner he refers to the threat being communicated you effectively deny that, do you not?---Yes, I do.

40 Yeah. Now, Commissioner, just before we conclude bearing in mind that his compulsory examination has been disseminated is there any utility in seeking a lifting of the suppression order on it? Because it was his evidence at a particular period in time and ma'am, I would be seeking that there'd be, at least be an exhibit in these proceedings, he wasn't taken to it in terms of any variance with it but I think, ma'am, effectively it is his evidence and it was disseminated and in so far as it was albeit for a restricted purpose I'd ask that it be lifted in terms of the suppression order and be an exhibit in these proceedings.

ASSISTANT COMMISSIONER: I don't favour that because lots of other people also gave evidence at compulsories as you would know.

MR STANTON: Understand that.

ASSISTANT COMMISSIONER: It was, it was circulated for the limited purpose of trying to avoid Mr Goubran having to come because he was ill and no, I will not lift the suppression order and tender it.

MR STANTON: Ma'am, I, I can only make the application and I accept your ruling obviously as I must. Thank you, ma'am.

ASSISTANT COMMISSIONER: Thank you. Yes. Yes, if there's nothing else you we, we can now excuse you, Mr Goubran?---Thank you.

10

You are excused now and you may leave?---Thank you, ma'am, Commissioner.

THE WITNESS EXCUSED

[3.21pm]

ASSISTANT COMMISSIONER: I understand there are two relatively brief witnesses? See, Mr Downing, all is forgiven.

20

MR STANTON: I object to that, Commissioner.

ASSISTANT COMMISSIONER: Mr Stanton, does not forgive but his client does.

MR DOWNING: There are two other witnesses I anticipate will be relatively short, Commissioner. The first is Mr David Antoun.

ASSISTANT COMMISSIONER: Is Mr Antoun here? Yes.

30

MS EVANS: Commissioner, Ms Evans, I seek leave to appear on behalf of Mr Antoun.

ASSISTANT COMMISSIONER: Yes, Ms Evans, you're given leave to appear.

Ms Evans, is your client seeking a section 38 declaration?

MS EVANS: Yes, yes, he is, your Honour, and he'll take an oath.

40

ASSISTANT COMMISSIONER: An oath?

MS EVANS: Yes, thank you.

ASSISTANT COMMISSIONER: Thank you. Thank you. Mr Antoun.

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 examination 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.

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 COMPULSORY
EXAMINATION 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.**

ASSISTANT COMMISSIONER: Yes. Thank you, Mr Antoun. Mr Downing will now ask you some questions.

Just before I do the evidence really touches upon Mr Henricus in the evidence he gave previously. I wasn't sure he had anyone - - -

10 MR STEWART: Yes. For the record Stewart solicitor for Mr Henricus.

ASSISTANT COMMISSIONER: Yes, Mr Stewart.

MR DOWNING: Mr Antoun, if you could state your full name for the Commission?---David Antoun.

You might just need to move - - -?---Sorry.

20 - - - in closer to the microphone so it picks you up and everyone can hear you. And your date of birth?---26th of the 5th of '68.

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

And I'd seek a suppression order in respect of the address?

ASSISTANT COMMISSIONER: Yes. I suppress publication of the address.

30 **MR DAVID ANTOUN'S ADDRESS IS SUPPRESSED**

MR DOWNING: And is it the case, Mr Antoun, that you're a builder by trade?---That's correct, yes.

And can I ask whether you recall having a look at a particular property in Victoria Road in Gladesville earlier this year?---Yes, I did.

40 And you're familiar with Mr Richard Henricus aren't you?---I am, yes.

And were you aware that at that time in about say May to June 2013 that he was doing some work at the Weekly Times Newspaper?---I am, yes.

Can I ask if you can recall how it was you first learned about this particular property?---Yeah. Well he worked at the TWT and um - - -

That's Mr Henricus?---Mr Henricus and basically they were selling the property and he mentioned to us and we said yeah, we'll have a look at it.

I take it he was someone you'd known for a while or - - -?---Well Richard I've known for about 15 years, 18 years something like that.

Okay. And was t he course of your business - sorry, I withdraw that. Was your business one where you would sometimes properties, develop them and then sell them?---No. WE don't actually develop, we, we're builders basically, we do a lot of renovation work and um, as in to do development no, we bought DA approved sites and we just built them, yeah.

10

So Mr Henricus mentions this, mentioned this property?---Yeah.

Did you go and look at it?---No, I didn't, no.

Do you know, did someone else from - - -?---My brother, yeah.

Your brother?---John.

John?---Yeah.

20

Did you have some discussion with him about the property?---With - - -

With your brother?---Yeah, of course, yes.

And do you recall if you then had some meeting with a particular person about the property?---I didn't personally no, but my brother did.

So you weren't present at the meeting?---No I wasn't.

30 Okay. Do you recall, and it may be on the basis of what your brother's told you, that an offer was put in respect of that property?---Yes it was, yes.

Did your brother tell you whether he understood that there was a development approval over the property?---We were led to believe there was, yes.

Do you recall whether the offer was put, did you know the details of the offer?---I did know the details, yes.

40 And was the offer put on the basis that it was, that the DA was approved?---Correct, yes.

Did you understand from the communications of your brother there had been some delay in the DA coming through Council?---Yes I did, yes.

At any stage did you ask Mr Henricus to contact someone to inquire about the problem with the DA?---No I didn't, no.

Did Mr Henricus volunteer to do that for you?---I think so, yes.

Did you authorise him to do that?---No I didn't, no.

What did you say to him?---Um, basically said um, we're looking, you know, we're looking at the property and if subject to Council approval and we need to, we need to speak to Council and see why, what the reason why it's not going through.

10 Well you say - - -?---And that was it.

You say he volunteered though to go and try and - - -?---Yeah. Well he, we spoke about it and we, and we said, and he said, "Oh look, you know, I'll go," or something like that.

And - - -?---And that was it, yeah.

And did you authorise him to do that?---No I didn't.

20 Do you recall after the offer had been put what happened with that particular property?---That was the end of it. The, the offer was put in and we didn't hear back for a couple of weeks so we rang up the owner and - - -

Was it you or your brother?---My brother.

And what happened?---Nothing.

Nothing as in it was rejected or it was sold to someone else or - - -?---Well, what I was told it was sold to somebody else.

30 Did you ever ask Mr Henricus to try and, oh sorry, I withdraw that. Did Mr Henricus contact you seeing what was happening with it?---Yes he did, yes.

And did at any point you authorise him to contact someone at Council in relation to the - - -?---No I didn't.

- - - the property?---No. No.

Or the DA?---No.

40 Did he ever have your authority to represent you, you or your brother in making inquiries or making representations?---No he didn't, no.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. I imagine Mr Stewart might be the only person - - -

MR STEWART: Just just, yes, just very briefly.

ASSISTANT COMMISSIONER: Yes.

MR STEWART: Mr Antoun, you've known Mr Henricus for some 15 years you said, 18 years?---Yes, correct. Yes.

10 Were you aware that in April of this year he was admitted to Ryde Hospital?---I was, yep.

And were you aware that he was admitted to the mental health area of that hospital?---Oh yeah, that's what he told me, yes.

And are you aware that he was under treatment for mental issues continuing from April through May/June of this year and - - -?---Yeah, that's - - -

- - - ongoing?---Yep.

20 And I believe he previously worked for your company for some 12 years? ---No, that's not correct.

That's not correct?---No.

Was the last job that he worked as a safety officer with your company? ---That's correct, yes.

And was that on a job at Hunters Hill?---No.

30 It wasn't?---At Petersham.

And you say that at no time you ever asked him to approach anybody on your behalf?---No, never.

And it was a general conversation with Mr Henricus concerning this, this property?---Yes.

You were developers. He said that it could be up for development?---Well, he - - -

40 It was vacant?---Yeah, he said it was a DA approved site.

And you and your brother then obviously went ahead and reviewed the project?---Yeah.

And nothing came of that?---Nothing.

Thank you, Commissioner. No further questions.

ASSISTANT COMMISSIONER: Thank you.

MS EVANS: No thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Yes well, that concludes your examination?---Thank you.

Thank you for coming and you are now excused.

10

THE WITNESS EXCUSED

[3.29pm]

ASSISTANT COMMISSIONER: Yes, Mr Downing?

MR DOWNING: Thank you, Commissioner. John Antoun.

MS EVANS: Commissioner, I seek leave to appear for Mr Antoun and - - -

20 ASSISTANT COMMISSIONER: Yes.

MS EVANS: - - - we also seek a declaration.

30 ASSISTANT COMMISSIONER: Yes, Ms Evans. Just take a seat there, Mr Antoun. 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.

40 **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. You'll take an oath on the Bible?

MR ANTOUN: Yes.

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Mr Antoun, if you could please state your full name for the Commission?---John Antoun.

10 Again, you might just need to move in for the microphone- - -?---John Antoun.

- - -so people can hear you. And your date of birth?---26/11/1972.

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

And I seek a suppression order of Mr- - -

20 ASSISTANT COMMISSIONER: Yes. I make a suppression order in respect of the address.

MR JOHN ANTOUN’S ADDRESS IS SUPPRESSED

MR DOWNING: Now, Mr Antoun, are you also a builder?---Yes.

And you, you work on building projects with your brother?---Yes, I do.

30 That’s David?---David.

And do you recall earlier this year having a look at a particular property at 826 Victoria Road?---Yes, I do.

And was that a property that you heard about through Mr Richard Henricus? ---Yes, it was.

And Mr Henricus is someone you’d known for some years beforehand? ---Yes.

40 Were you aware in about May to June 2013 that he was doing some work at The Weekly Times?---Yes, I was.

Did he come and speak to you, do you recall, about the property?--- Possibly. I think it was either, it was both of us or just me, I can’t remember, but he did mention it to us.

And what, did he identify it as what, a site that was being developed or what did he say to you?---He said that there was a site for five villas at the TWT if you're interested.

A site for five villas, as it exists or it's got approval or- - -?---Or it's, it's going to be approved or it's approved, he just told us that there was something there.

10 But it wasn't built, it was- - -?---No, it was just a, it's just a block of land.

So he suggested you might have some interest in looking at it?---Yes.

And did you go and look at it?---Yes, I did.

With anyone else?---Ah, my, my other brother.

Who is?---Joseph.

20 Right. And did you form a view that you might have some interest in the property?---Yes, we did.

And is the course in your business that you sometimes buy sites with DA approval and then do the building and sell things off?---Yeah, that's what we do, and build it and sell them, yes.

After looking at it did you – did you become aware of who the owner was? ---Yes.

30 How did you, is it Mr Booth?---Well, yeah, it is Mr Booth.

And how did you find that out?---Through Mr Henricus.

Did you meet with Mr Booth?---Yes, I did.

And was Mr Henricus present for that?---Not at the meeting, no.

In the course of the meeting did you discuss with Mr Booth whether there was approval actually, a DA approval on the site?---Yes, I did.

40 Did he indicate there was or that it was pending?---That it was pending, it should be out soon.

And did you make an offer on it?---Yes, we did.

Was that subject to the- - -?---Subject to DA.

DA approval?---Yes.

And did Mr Booth say something at the meeting about there being some problem or delay in the process of approval of the DA?---He said that it's been in for a while and it should be out soon.

After that meeting – sorry, I withdraw that. Did you make the offer on the property at that meeting?---Not at that meeting, no.

Some time afterwards?---Some time afterwards, yes.

10 Do you recall having a discussion with Mr Henricus after that meeting about the property?---Yes.

Did Mr Henricus offer to – I withdraw that. Did you ask Mr Henricus to go and meet with Councillors to try and sort out the problem with the DA?
---No, I didn't.

Did you ask him whether he could go and talk to find out what the source of the problem was, that is to talk to Councillors on your behalf about that?
---No.

20

Did he volunteer that he might be able to go and do that?---I think so.

Did you authorise him to go and- - -?---No, I did not.

- - -represent you- - -?---No.

- - -or your brother- - -?---No.

- - -in dealing with Council?---No, I didn't.

30

After the offer had been put, was there a period before you heard anything back?---There was, we actually didn't hear from him so- - -

Is that Mr Booth?---Mr Booth, sorry, yes. And then I went in and saw him to see what was going on.

And what did he say?---He said he actually had an offer which he thinks he's going to accept. And I said, "Fair enough, thank you."

40 Did you understand it was a higher offer than yours?---Higher offer, yeah, he said it's a higher offer and I think we're going to accept it, and I said, fair enough, I'm not going to go to that, and thank you.

And was that the end of it?---That was the end of it.

Did you have any further discussions with Mr Henricus about the property?
---No, no.

At any point did you ask him to go and contact Councillors on your behalf to try and work out what the problem with the DA was?---No.

At any point do you recall him volunteering to do that?---Not to me, no.

Did you ever authorise him to go and speak to - - ?---No, I didn't.

- - -Councillors about the DA and the problem with it?---No, I didn't.

10 Do you recall him making any inquiries of you after you made the offer about what was happening and what was going on with the property?---
Inquires to me?

Yeah?---Oh, he asked how, how things were going.

And did you tell him?---And I said I, we've done what we had to do I'm just waiting for Mr Booth.

20 ASSISTANT COMMISSIONER: Thank you. Does anybody wish to ask any questions of this witness? No. Mr Stewart?

MR STEWART: Just briefly.

Mr Antoun, you've known him for, you've known Mr Henricus for some 18 odd years?---Not as, not as long as my brother.

Not as long as your brother?---No.

30 But you're aware that in April of this year he as admitted to hospital?---Yes.

And you're aware that it was a mental health clinic at Ryde Hospital?---Yes.

You aware that he's been receiving ongoing treatment since that time?---
Yes.

And as you've just said to Counsel Assisting there was general discussions and he volunteered that he might be able to assist you?---Yes.

40 And that was the total aspect of it?---That's it.

And then you didn't hear back from him at all?---From?

Mr Henricus, you didn't hear from him again after that offer?---After we gave the offer to Mr Booth?

Yes?---Not about that but I do, we did.

But you didn't - nothing, nothing came - - -?---No.

Nothing came of anything that Mr Henricus said he might be able to do?
---No.

And you acted independently of anything that Mr Henricus said or did?
---Yes.

Thank you. I've got no further questions.

10 ASSISTANT COMMISSIONER: Thank you, Mr Stewart. That concludes
your examination, Mr Antoun, thank you very much - - -?---Thank you.

- - - for coming, you are now excused?---Thank you.

THE WITNESS EXCUSED

[3.36pm]

20 ASSISTANT COMMISSIONER: Yes, Mr Downing?

MR DOWNING: That concludes the live evidence. Possibly with one
exception. There's just some documents that we've obtained and it might
be - if we could have perhaps a few minutes we might need to briefly recall
Councillor Etmekdjian just to tender some documents that, the diary entries?

ASSISTANT COMMISSIONER: Yes.

30 MR DOWNING: In the meantime and I might just ask Commissioner, if
you could just go off the bench just for a few minutes so we can get copies
made for the parties.

ASSISTANT COMMISSIONER: Yes.

MR DOWNING: But before we do that there is a letter from Mr Woodward
of three, of the Department of Premier and Cabinet to the Commission of 3
September 2013 just dealing with corruption prevention issues which may
be something that I'll address in submission. So I can tender that. We can
have copies made available to the parties.

40 ASSISTANT COMMISSIONER: Yes. That letter will be Exhibit 96.

**#EXHIBIT 96 - LETTER FROM ROSS WOODWARD, PREMIER
AND CABINET TO THE ICAC DATED 3 SEPTEMBER 2013**

And we will now adjourn for a few minutes.

SHORT ADJOURNMENT

[3.37pm]

ASSISTANT COMMISSIONER: Thank you, please be seated. Yes, Mr Downing.

MR DOWNING: Just briefly I'd ask that Councillor Etmekdjian be recalled.

10

ASSISTANT COMMISSIONER: Yes, Mr Etmekdjian, you're on your former oath and the orders I made previously apply.

MR ETMEKDJIAN: Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Councillor Etmekdjian, you gave some evidence earlier today about dates upon which you recall various meetings occurring?

---That's correct.

10 And indicated in your evidence that you were relying on I think it was your Outlook calendar and entries that you were made in that?---Yeah, entries I make in my iPhone.

Right. And is that calendar kept on your iPhone?--That's right.

Can I ask you to have a look at the bundle of documents. Do you see the, the, the first one is one for Thursday 3/11/2011?---That's correct.

20 And you recognise these are screenshots? Have a look at each of them please but if you could after looking at them indicate to me whether these represent screenshots from your calendar as stored on your iPhone?---Yes, they do.

And you see they span a period 3 November 2011 to 7 July 2012?---Yes.

If I can ask you just to identify on each of the pages which are the entries that are relevant to meetings you've given evidence about? So starting with 3 November?---Yes, at 8.00am a breakfast with John Goubran.

30

Thank you?---Monday, 21 November, breakfast with John and Bruce being John Goubran and being Bruce Lyons. Saturday, 21 January, 1.00pm lunch with John Goubran. Saturday, 18 February 8.00am coffee with Tony being Tony Abboud. Thursday, 1 March 2012 9.00am meeting with Tony being Tony Abboud.

The next one is 30 March and you'll see there are times for the whole day. Are you aware that's the time that Mr Goubran says he had a meeting with you?---That's correct.

40

Do you have any entry there to refer to an entry, a meeting with him?---No, it seemed a busy day for me so it would have been hard to make any time on that day.

But there's no entry I take it that refers to any meeting with Mr Goubran? ---No.

All right. If you then go to the next entry which is 5 April?---Yeah.

Again that's a date where he's given some evidence about a meeting with you that is Mr Goubran?---Yes. Again that was a busy day as it can be seen.

But is there any record there of an entry?---No, there isn't.

21 April. Again a date I understand he's given some evidence about a meeting with you?---That's correct. Nothing on that day. Being a Saturday.

10 The last one is 7 July but I think and I'm sure Mr Stanton will correct me if it's not right but the evidence of 27 July.

MR STANTON: 27 July, Mr Downing.

MR DOWNING: So don't worry about that last entry, Mr Etmekdjian? ---That's fine.

I tender the screenshots of the diary.

20 ASSISTANT COMMISSIONER: Yes. They will be Exhibit 97.

**#EXHIBIT 97 - COPIES OF MR ETMEKDJIAN'S OUTLOOK
CALENDAR SCREEN SHOTS**

MR DOWNING: Thank you, Commissioner.

30 ASSISTANT COMMISSIONER: Yes.

MR LLOYD: Councillor Etmekdjian, have you had a chance to also look at your diary for the 27 July?---Yes, I have and that was an actual Friday and again when I checked it was quite a busy day so very hard for me to have any other appointments on that day.

And does your diary in fact record any entry to the effect that there was a meeting with Mr Goubran?---No, it doesn't.
Thank you. Thank you, Commissioner.

40 ASSISTANT COMMISSIONER: Thank you. Yes. Well if there's nothing else for this witness, you are now excused, Mr Etmekdjian?---Thank you, Madam.

Thank you.

THE WITNESS EXCUSED

[3.59pm]

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: I have also been given by the legal representatives for Mr Goubran's diary entries which I've now mislaid. But I was in fairness going to have them tendered as well, Commissioner.

ASSISTANT COMMISSIONER: Yes, well, I will mark them Exhibit 98.

10 MR STANTON: May it please the court, thank you, ma'am.

ASSISTANT COMMISSIONER: Oh, have you found them?

MR DOWNING: I have found them. I've only got one copy at the moment.

ASSISTANT COMMISSIONER: Yes.

20 MR DOWNING: But I'm sure we can have copies and have them distributed. So they're entries for the period November 2011, April/May 2012, July/August 2012 and December 2012.

ASSISTANT COMMISSIONER: Yes. Well, they will be Exhibit 98.

**#EXHIBIT 98 - COPIES OF MR GOUBRAN'S OUTLOOK
CALENDAR DIARY ENTRIES**

30 MR DOWNING: Finally, Commissioner, I've been given some documents by the legal representatives of Councillor Salvestro-Martin and I think this is correct, and I'm sure they'll correct me if it's not, that what they demonstrate is that he has very recently, that is after the hearings that we had in July of this year, made payments for certain of the invoices from last year being invoices that relate to the Save Ryde ads.

MR BENDER: And one other ad.

40 MR DOWNING: Oh, and one other ad. So I accept that they have some relevance when it comes to submissions, so I'll tender them. There is a TWT invoice of 28 August, 2013 of one page and then there is a Commonwealth Bank statement for Mr Salvestro-Martin for the period August to September 2013 which I'm assuming demonstrates the payments that were made. I'll tender those and again ask that the bank account details of Mr, Councillor Salvestro-Martin be suppressed. Well, I think the PO box is already in evidence on his electoral ads. So if we could just have a suppression in respect to the bank account details.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 99 and I suppress the bank account details.

#EXHIBIT 99 - COPY OF TWT WEEKLY TIMES INVOICE OF MR SALVESTRO-MARTIN AND COPY OF COMMONWEALTH BANK STATEMENT

10 **THE BANK ACCOUNT DETAILS OF COUNCILLOR SALVESTRO-MARTIN ARE SUPPRESSED**

MR DOWNING: And again I only have the one copy at the moment but we can have copies made available.

Commissioner, that thankfully completes the evidence.

ASSISTANT COMMISSIONER: Yes.

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MR DOWNING: There's obviously an issue now about submissions.

MR LLOYD: Just, I don't want to interrupt, but there's one – I withdraw that – two matters that I wish to raise. The first is that I wish to tender and am content obviously to do this through Mr Downing, he has a copy of the documents, a letter from my instructing solicitors, Riley Gray Spencer, to Minter Ellison dated 30 July, 2013, and the response from Minter Ellison dated 31 July, 2013.

30 ASSISTANT COMMISSIONER: Are these relevant, Mr Downing, do you know about this?

MR DOWNING: I do and they relate to issues that were put during the evidence of certain of the Councillors and matters that were cross-examined on. I accept that they have some relevance so I'm content for them to be tendered.

ASSISTANT COMMISSIONER: All right. They will be marked Exhibit 100.

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#EXHIBIT 100 - LETTER DATED 30 JULY 2013 TO MINTER ELLISON FROM RILEY, GRAY- SPENCER AND LETTER IN RESPONSE DATED 31 JULY 2013 FROM MINTER ELLISON TO MR JAMES RILEY

MR LLOYD: Thank you. Commissioner, I also wish to seek a suppression order in relation to Exhibit 97 which would cover those entries in the diary of Councillor Etmekdjian which are other than those upon which he was examined, so that is to say in relation to 3 November, 21 November and 21 January, 18 February and 1 March the suppression order that I seek wouldn't cover the entries in relation to the meetings with Mr Goubran and Mr Abboud but it would cover the other entries and the basis for the suppression order is obvious in a sense that the other things that Councillor Etmekdjian was doing are just not relevant.

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ASSISTANT COMMISSIONER: What about the days that are tendered to show that there's no meeting?

MR LLOYD: I'd seek a suppression order in relation to those dates, as to all of the entries on this basis, that the evidence has now been given that there are no relevant entries and in relation to some of those days the evidence is to the effect that they were very busy days but you won't in my submission need the entries themselves in order to make good that proposition .

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ASSISTANT COMMISSIONER: Well, in relation to the entries up to 1 March I suppress publication of any of the entries except those that Mr Etmekdjian gave evidence about and in relation to the entries from 30 March, 2012 onward I suppress those entries entirely.

PUBLICATION IS SUPPRESSED FOR THE ENTRIES UP TO 1 MARCH THAT COUNCILLOR ETMEKDJIAN GAVE EVIDENCE ABOUT AND THE ENTRIES FROM 30 MARCH, 2012 ONWARDS ARE SUPPRESSED ENTIRELY

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MR LLOYD: Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes, is there's nothing else, Mr Downing's submissions, when would you be able to have your submissions?

MR DOWNING: I was going to ask for three weeks from today, Commissioner.

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ASSISTANT COMMISSIONER: Yes. And I think two weeks then for parties to respond would be appropriate.

MR DOWNING: That's 11 October.

ASSISTANT COMMISSIONER: So 11 October for your submission and 25 October for submissions in response and I make a non-publication order

in respect of both Counsel Assisting's submissions and any submissions received in response.

**NON PUBLICATION ORDER IS MADE IN RESPECT OF THE
SUBMISSIONS OF COUNSEL ASSISTING AND ANY
SUBMISSIONS RECEIVED IN RESPONSE**

10 MR HYDE: Commissioner, might, might we have three weeks because I apprehend that we'll probably have a fair bit of material to traverse?

ASSISTANT COMMISSIONER: But you're only acting for one client, Mr Hyde. Mr Downing has to prepare submissions that cover everybody. I'll leave it at two weeks, I'm happy to - if, if for some reason you haven't been able to do it and you require an extension I would gladly entertain applications at that time.

MR HYDE: Thank you, Commissioner.

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ASSISTANT COMMISSIONER: Thank you, Mr Hyde. Yes, is there's nothing else we can adjourn this public inquiry indefinitely. Thank you.

**AT 4.07PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.07PM]**