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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 MONDAY 22 JULY 2013

AT 2.29PM

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

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

MR DOWNING: Thank you, Commissioner, and I do apologise for the delay. Just before we resume Mr Booth's evidence, this morning Mr Bender, counsel for Councillor Salvestro-Martin produced some documents to me and I'd ask just so that we can have something done formally in respect of them that he could indicate what they are and where they came from and I'll have them marked.

MR BENDER: Yes. The first bundle which was produced at 11.50am to Mr Prince is a bundle of invoices issued by The Weekly Times to Councillor Salvestro-Martin for the period from July 2012 to October 2012.

ASSISTANT COMMISSIONER: So what do you actually have there? Are they the originals of what was given to Mr Salvestro-Martin?

MR BENDER: No, these are copies of what were given to him and I understand what was given to him as in fact copies in any event.

ASSISTANT COMMISSIONER: I'm sorry, you mean that were originally sent to him when he was first invoiced?

MR BENDER: No, that have been procured overnight by my instructing solicitor from The Weekly Times, copies of invoices that one assumes were once issued to him.

ASSISTANT COMMISSIONER: So you're saying these copies were obtained from The Weekly Times?

MR BENDER: Correct, in compliance with the notice to produce that was referred to during his examination.

ASSISTANT COMMISSIONER: So you're - he didn't have any of the invoices originally issued to him, is that - - -

MR BENDER: He may have, my instructing solicitor certainly didn't have them, my instructing solicitors weren't retained at the time the notice to produce was issued or complied with. There was no sense either on my part or my instructing solicitors that it hadn't been complied with fully until the issue was raised in examination so in order to effect speed things up the invoices were procured by my instructing solicitor from The Weekly Times overnight.

ASSISTANT COMMISSIONER: From whom at The Weekly Times?

MR BENDER: Somebody called Narelle.

ASSISTANT COMMISSIONER: And procured by making a telephone call and having these faxed or sent or how?

MR BENDER: A phone call and an email.

ASSISTANT COMMISSIONER: These were sent by email?

10

MR BENDER: Yes.

ASSISTANT COMMISSIONER: In electronic version.

MR BENDER: Yes.

ASSISTANT COMMISSIONER: Well, if you could produce those I'll mark them for identification at this time.

20 MR BENDER: Thank you. I produced them to Mr Prince. Can I hand up - do you want me to hand up a copy as well, Commissioner?

ASSISTANT COMMISSIONER: Yes.

MR BENDER: I'll also hand up another bundle that I'm about to describe.

ASSISTANT COMMISSIONER: I'm sorry, do you know the last name of the person Narelle?

30 MR BENDER: No.

ASSISTANT COMMISSIONER: No. Yes.

MR BENDER: The other bundle is a bundle of copies of printouts from Councillor Salvestro-Martin's Commonwealth Bank account statement in the period 1 July, 2012 to October 2012 and one further invoice from The Weekly Times.

40 ASSISTANT COMMISSIONER: Well, that one's already marked as an exhibit so - - -

MR BENDER: Yes, there's a reason it's been attached, I don't need to go into it though.

ASSISTANT COMMISSIONER: Well, I presume there's a reason. Why don't you need to go into it?

MR BENDER: Oh, I can go into it. It's that it's not entirely evident from the relevant account statement for that invoice that the payment being made is in respect of The Weekly Times so for convenience the invoice has been attached to show that the amount and the date correspond to a line item in the account statement.

ASSISTANT COMMISSIONER: Yes. I will make the bundle of invoices from The Weekly Times MFI 2.

10

#MFI 2 - BUNDLE OF TAX INVOICES FROM THE WEEKLY TIMES – MR J SALVESTRO-MARTIN

ASSISTANT COMMISSIONER: I will mark as exhibits the bank statements and they will be Exhibit 49.

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#EXHIBIT 49 - COMMONWEALTH BANK STATEMENTS – MR SALVESTRO-MARTIN

MR BENDER: May it please the Commission. I can also indicate, Commissioner, that I produced to Mr Downing shortly before the Commission resumed, or I should say shortly before 2.00pm, another invoice issued by The Weekly Times but I'm told by Mr Downing that it won't be necessary for me to have that marked because he intend to take the appropriate steps in respect of that.

30

ASSISTANT COMMISSIONER: Yes, thank you.

MR BENDER: And I apologise for not having produced that earlier, the reason for that was simply that it wasn't evident to my instructing solicitor or to me that it fell within the terms of the notice to produce until we were discussing it over lunch for the purpose of Mr Booth's examination when it became clear that it might.

40

ASSISTANT COMMISSIONER: So are you indicating by that that the document was produced some time earlier?

MR BENDER: No. It was produced yesterday evening I believe but it didn't occurred to either my instructing solicitor or to me that it might fall within the scope of the notice until lunch.

ASSISTANT COMMISSIONER: Yes, thank you, thanks for that.

MR DOWNING: I understand that there might be some similar documents from Councillor Petch that Mr Hyde wants to raise with the Commission.

MR HYDE: Commissioner, some further documents were obtained over the course of the weekend. I provided those to counsel Assisting just prior to the resumed period after lunch. I can indicate that all but one of the invoices that is the invoice of August 2012 were in possession of Mr Petch, he was directed by me through my instructing solicitor to search his records on Saturday morning and he produced these documents this morning. That I can indicate that there are now records, that is tax invoices from TWT Weekly Times of 31 January 2012, of 29 February 2012, 30 March 2012, 30
10 April 2012, 31 May 2012, 29 June 2012, a second one for June 2012. Next 31 July 2012, August 2012, 29 September 2012, 31 October 2012, 30 November '12 and 21 December '12.

So what you're producing original invoices that were sent to Mr Petch?
---Yes. With the exception of the August 2012 document these are the original as I'm instructed invoices sent by The Weekly Times to Mr Petch and there is some hand markings of them indicating the dates when some of them have been paid by cheque or paid in other ways primarily by cheque with the cheque numbers identified.
20

ASSISTANT COMMISSIONER: Yes.

MR HYDE: And I've provided a copy to Mr Downing and - - -

ASSISTANT COMMISSIONER: Yes.

MR HYDE: Apologise they weren't produced earlier.

ASSISTANT COMMISSIONER: Yes. Should these be marked at this
30 time, Mr Downing?

MR DOWNING: Yes, Commissioner.

ASSISTANT COMMISSIONER: Yes. All right. Well those invoices will be made Exhibit 50.

**#EXHIBIT 50 - COPIES OF TAX INVOICES FROM THE WEEKLY
TIMES – CLR IVAN PETCH**
40

MR BENDER: In respect of Exhibit 49, Commissioner, my instructing solicitor has just noticed that the documents bear both the account name and account number. I might ask that both of those matters be suppressed.

ASSISTANT COMMISSIONER: The account name?

MR BENDER: Yes. It's a company under the control of Councillor Salvestro-Martin, its identity obviously isn't relevant. My main concern is -
- -

ASSISTANT COMMISSIONER: Oh, you mean the - yes, the company name.

MR BENDER: Yes. The company name from the statements and the actual account number of these bank statements in Exhibit 49 are
10 suppressed.

THE COMPANY NAME AND BANK ACCOUNT NUMBER IN EXHIBIT 49 IS SUPPRESSED

MR BENDER: Thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Downing.
20

MR DOWNING: Thank you, Commissioner.

Now, Mr Booth, before the break I was asking you about some invoices and some ads that you had produced to the Commission and I'll - the documents are now part of Exhibit 21 but I'll provide a paper copy to you so it's easier to move between the documents.

You'll see there are numbers on them, on the top right corner. But can I ask you first of all to have a look at Exhibit 21, page 1302, you should see a
30 number towards the top right corner. It's an invoice. Do you see that?
1302?---1303?

No, 1302?---Two?

It's probably, the number is probably actually in the TWT logo on the top right corner?---Oh, yes, yes. Ah hmm.

Now, you'll see that this is a July, 2012 invoice from The Weekly Times, you see that?---Sorry? What was the question?
40

You see that this is a July, 2012 invoice from The Weekly Times?---It's a July - - -

2012 invoice from The Weekly Times?---Oh, oh, I'm sorry. Yep. Up the top there, yep.

And it's made out to Corporate Development Australia?---Yes.

And it refers to ads from The Weekly Times covering the period 4 July to 25 July?---Yes.

Can I ask you to then go in the same bundle of documents to page 1336. It's on the screen in front of you as well Mr Booth, if that's easier. It's on the screen in front of you?---Oh.

Do you see that?---1336. Oh, ah hmm.

10 Do you see that's a July, 2012 invoice as well from The Weekly Times?---
Ah hmm.

This time made out to Norm Cerreto?---Ah hmm.

And do you see that the customer number, oh sorry, the client number on those two invoices, that is the one at page 1302 which you have open in front of you, and the one on the screen at 1336 is the same? So in the paper copy if you could go back to the front page you see the client number on that? You're familiar with the client numbers on your bills aren't you?---
20 The client - - -

Do you see the client number under tax invoice, copy, July, 2012 there's a client number?---Oh yeah, you mean 315829, so, you're referring to, yep.

Yes, you see that?---Yep, yep. Ah hmm.

And that's the number on the bill made out to, or the invoice made out to Corporate Development Australia?---Ah hmm.

30 And if you go then to the one on the screen in front of you, the one that's, I'm sorry, the one on the screen in front of you. If you go back to 1336 do you see that's the same, we can move it, scroll up, it's the same client number? Can you scroll up please?---Okay. 315829. Oh yep, ah hmm, yes.

And do you see that there are various ad numbers referred to in those two ads?---Yes.

And can you look through them please, covering the period 4 July to 25 July and confirm that those are the same ad numbers?---For the - - -
40

On those two invoices, the one for July, 2012 made out to Corporate Development Australia and the one for July, 2012 made out to Norm Cerreto?---Oh um - - -

Do you see the ad numbers in those two documents?---Oh, yes. 6826, 6827, are they the two you're referring to?

Yes. And if you look at the other document, the paper one in front of you they're the same ad numbers aren't they?---Yes. Yes.

And they refer to, when you look at the description, the same ads on each occasion, that is 18 by seven colour Coxs Road?---Ah hmm.

Now do you recall that Norm Cerreto, I think you told me before lunch, that, well for that, that, you were, some ads were placed in The Weekly Times in respect of the Coxs Road Landowners master plan?---The master plan, yep.

10

And do you know were they organised by Mr Cerreto?---Yes.

So that he organised the ads to be placed in The Weekly Times?---Yes.

And are these the ads that are referred to in the invoices?---No.

Well, you produced tot the Commission didn't you the invoices and the ads that were said to correlate with them?---Yes.

20

So for instance - - -?---Well, by my, somebody did for me, yep.

You directed someone to do it?---Yes.

On your behalf?---Yes.

Do you see the first ad that you produced at 1303?---On - - -

1303?---Oh, yep. Yep.

30

Now can I ask you just in terms of dimensions is 18 by seven colour, is that a half-page ad?---That's correct.

So a colour half-page ad?---Yes, yes.

And the advert appears for Councillor Salvestro-Martin at the bottom of page 1303, I take it that's an 18 by seven ad?---It is.

Now, that's an ad that you produced on the basis that it corresponds with one of the ads in the invoice didn't you?---I don't think so, no.

40

Well - - -?---No.

On what basis - - -?---That, that is one of Mr Jeff Salvestro-Martin's own ads that he's paid for himself.

But you recall, don't you, that you received a notice from the Commission asking you to indicate what ads these various ads referred to in the invoices referred to?---Yes.

Well, if you go to the next page - - -?---Yeah.

- - - you see there's 1304, there's an ad there, is that at the bottom of the page in respect of the Coxs Road landowners community master plan?
---Yeah.

And that's an 18 by seven ad?---Yes, it is and that's - the date is July 4.

10 So is that one of the ads that's referred to in your July 2012 invoice?
---Yes.

And then if you go to the next page - - -?---Yes.

- - - you'll see again this is a page from the 4 July edition of The Weekly Times?---Yes.

And again it's an 18 by seven ad, isn't it?---Correct.

20 And it's for the Coxs Road landowners community master plan?---That's correct.

So if we go back to the invoice at page 1302, are the two invoices that are referred to there as booked published for 4 July the ads that appear at pages 1304 and 1304?---Ah hmm. Oh, sorry, 1304 and 1305, yes.

Ah hmm. And they were ads placed by Mr Cerreto?---Yes.

30 All right. Can you then - - -?---They were the last of his ads.

For the Coxs Road community - - -?---Yeah.

Well, you see the invoice refers to Coxs Road ads on dates after 4 July?
---Yes.

Well, can you go ahead to page 1307, that's an ad for Councillor Tagg if we scan down the page?---Yes, yes.

40 Is that an 18 by seven?---No.

That's a document that you've produced to the Commission. Is that not one of the ads that's referred to in the invoice for July 2012?---Ah - - -

You'll see that's from a date of 11 July?---July 11, July 11. I'm sorry, what was the question in relation to those?

Well, you've produced that ad, the one involving Commissioner Tagg from 11 July?---Yes, sure, ah hmm, yeah. Yes.

Is that one of the ads that's referred to in the invoice or not?---Yes and no.
Can I explain what's happened?

Well, first of all can you just tell me to the best of your knowledge is that an ad that was placed by Councillor Petch or not - sorry, by, by Mr Cerreto or not?---No.

10 Right. Well, can you tell us why you've come to produce that document?
---Yes, I can. Because I think you should have another revised schedule since then. Apparently we had - it was a mistake in the invoicing and from 4 July was the finish of Mr Cerreto's advertising.

Well, can you go to the next page, page 1308 and indeed then 1309?
---Yeah.

Do you see they're ads for the Coxs Road - - -?---That's right.

20 - - - community master plan of 11 July?---Yes, and, and they were, they were incorrectly placed.

On what basis do you say that?---I'm sorry.

On what basis do you say they were incorrectly placed?---Well, when I say incorrectly starting on that, that date Barry O'Grady, a fellow from West Ryde, Melrose Park, he had booked advertising and when his ads hadn't appeared - - -

30 Sorry, what sort of advertising?---For electioneering, he was wanting to support some of the candidates, those who he felt were supporting the good interests of the community and what we termed the good guys, the six who opposed the redevelop, redevelop, we, some say illegal or certainly immoral redevelopment of the Top Ryde Precinct Centre. He was very passionate, he came to see me - oh, perhaps I shouldn't go - you should ask me a question shouldn't you or - - -

You say that the advertising for Mr Cerreto finished on 4 July?---Yes.

40 How do you know that?---How do I know it?

Yeah?---Well because that's when, when it did finish.

Well didn't these ads appear in The Weekly Times? There's a page 1308 that shows an ad on the 11 July?---Those two there did, I'm trying to explain to you those two were basically a filler ad when the ads that were supposed to be there hadn't come through and we had to go into the press. Sometimes everybody does it. You got to not just have a hole, a hole there. The ads that, on that position the previous week were just put in there just so

we can get on the press to have the paper printed and they were not charged to Mr Cerreto because he'd finished his advertising on 4 July.

Has, has Mr Cerreto or someone on his behalf asked you to give that evidence?---Sorry?

Has Mr Cerreto or someone on his behalf asked you to give that evidence?--
-Certainly not.

10 Well you recall you came into the Commission earlier this year and gave some evidence in a compulsory examination?---Yeah.

And you were asked about these ads weren't you?---Yeah.

And about the placement of the ads, who was behind them and who was responsible for paying for them. Do you recall that?---Yeah.

Do you recall that you didn't mention the name, is it Barry O'Grady - - -?---
Barry O'Grady.

20

- - - on, on one occasion during that evidence did you?---I don't know.

Do you say you don't recall what you told the Commission before?---I can't really - no, there as so much of it I can't remember any of it quite honestly.

So do you say, when do you say - I withdraw that. So your evidence is that Mr Cerreto had placed the ads but you always understood they were to finish on 4 July?---Yes.

30 You always knew that?---Yes.

And I take it you directed your staff to that effect?---Sorry?

You directed the staff at the weekly Times that they shouldn't appear after that - - -?---That's right.

- - - date?---Ah hmm.

But so the ad appeared again on 11 July?---Yeah, those two, yeah.

40 And then go ahead to the next page, page 1309 on 18 July. Do you see 1309?---Which way are we going?

Top right corner are the numbers?---Oh, 1309, yeah.

Do you see the bottom half of the page there's another ad for - - -?---Yeah.

- - - the community, Coxs Road Lane known as Community - - -?---Yeah, yeah.

- - - master plan?---Ah hmm.

And you'll see in the top left-hand corner the date is - - -?---Yeah.

- - - Wednesday 18 July?---Ah hmm.

So it appeared again then?---Yeah.

10 What, and you say what you told your staff that that shouldn't be appearing then?---No.

Sorry, no, you didn't tell them that or you did tell them that - - -?---It shouldn't have been, no.

Well who's responsible for actually laying out the paper, Mr Booth?---Yeah, well we, when you have a hole you got to fill it with something.

20 Well you could have filled it with an article?---No, you can't you haven't got articles but you'd put it on straight away onto the press. When you're waiting, they're screaming at the printers where's the bloody pages coming through, you got the press waiting there, you just got to fill it with something.

So at the time the papers went to print on 11 and 18 July you understood that these - - -?---On 10 July, yeah.

30 Well, I'm sorry, so the date before so the - - -?---The day before on the Tuesday, yeah.

So the day before would have been the 10th and then on the 17th?---Yeah.

So you say the paper went to press with you having the understanding that these are ads that we're just putting in to fill the space, we're not going to have to bill anyone for them because no-one asked them to be printed?---That's right.

Right?---Everyone has them, every newspaper has fillers.

40 So why then when it came time to doing a bill in July 2012 did you include ads in there, two ads 18 by 7 colour, Coxs Road at a cost of \$950 each in the bills that were sent and you can go back please to the bill at 1336 is the bill to Mr Cerreto?---13?

36. We'll bring that up on the screen - - -?---Okay.

- - - in front of you. Have a look at the screen in front of you. We'll just enlarge it?---Oh, on there.

Do you see there's two ads there?---Ah hmm.

Well there's ads for the 11 July and the 18 July?---Yeah. And the 25th.

10 And do you say - you've told us that at the time those editions that is 11 July edition and the 18 July edition went to press you understood that these have just been put in as fillers and that you hadn't been asked to place them by Mr Cerreto?---Not, not all those. That one we're talking about here, the other ones there are also, you might see the whole thing he's got Cerreto going through and that was incorrectly billed.

Well we'll come to how it came to be that you had bills to Norm Cerreto and Corporate Developments - - -?---Yeah, I know it's a difficult, I find it hard to explain 'cause I don't look after that at all myself personally.

Irrespective, irrespective of whether we're talking about the bill to Corporate Development Australia or Norm Cerreto - - -?---Yeah.

20 - - - you say at the time those two editions of the paper went to press the ads were only there as filler and you understood that no-one was to be billed for them?---Sorry?

You've told us that the ad appeared, that is the Coxs Road Landowner's community master plan appeared on the, in 11 July edition and 18 July edition purely on the basis of filling a space?---Yes.

30 That you knew then that you'd been told to stop placing them - - -?---Yes, yeah.

By Mr Cerreto?---Yes.

And you knew that he therefore was not to be billed for them because he didn't want the ads to be placed?---Sure.

40 So why then do the bills show ads placed on those dates at a cost of 950 each?---Because the, the girls that were doing the invoicing just um, automatically were going on and doing that and it was quite wrong. We only, we found out some time later. I mean, I, I didn't see any of that at the time. Ulrike was overseas. The girls were doing, filling them in.

Now I, I should stop you then. Ulrike is your partner?---Yes.

And is that Ulrike Eichmeyer?---Yes.

E-i-c-h-m-e-y-e-r?---Correct.

And does she work in The Weekly Times?---Yes.

And is she responsible for some particular job at The Weekly Times?---Yes, well she, she looks after, she does the pays, she does, we sort of call her office manager. But when we have people away she has to do other things as well. She does about three people's jobs. Um, we've had staff off ah, she was away about this time as well overseas. I was away in June, she was away in June. She went away again to Colombia for another month um, for a birth of a granddaughter. Um, it was a pretty turbulent time. And also it was a time we were having the, the argument with the State Government to
10 try to save the Ryde/Hunters Hill Hockey Centre which was successful eventually. And that took a hell of a lot of time for me personally fighting O'Farrell and all that mob - - -

ASSISTANT COMMISSIONER: Excuse me. Could you please just try to answer the question?---Certainly.

Which everyone's forgotten now. Could you try to ask the question again?
---Well the thing was that the girls who were doing the invoicing just
20 continued on incorrectly invoicing to that account.

MR DOWNING: Mr Booth, you obviously have an interest in having invoices go out and being paid?---Yes.

You'd agree with that wouldn't you?---Yes. Yeah.

And generally speaking you try not to have issues, invoices issued to people where you know that they didn't place an ad to be in The Weekly Times?---Well, I'm afraid I don't look at those at all personally. I, I, I've got so many other things to do.
30

But you say - - -?---I don't look at invoices at any time.

When do you say Mr Cerreto communicated with you that his ads in respect of the master plan, the Coxs Road Landowner's community master plan were to stop? When do you say he communicated that to you?---Oh, that would have been um, possibly a couple of weeks before the termination. He had a program - - -

That is before 4 July?---Yep, ah hmm.
40

And did you communicate that to your staff, that this is the last date for publication?---I don't know if I told anyone quite honestly. But I was away myself um, and - - -

Well who, who made the actual decision to place the ad on 11 July, that is to print it in the, in The Weekly Times?---11 July um, I was probably just back then. I, I probably did just to get the paper on the press.

And again on 18?---Um, possibly. Possibly. Yeah.

And did you communicate with your staff then that these are ads that are just filling space and they shouldn't be billed to anyone?---Well, only the graphic artist would have known that. Not the girls who do the invoicing.

So when do you say you let people know that in fact these ads shouldn't be billed to anyone?---Sorry?

10 When did you communicate to your staff that these ads shouldn't be billed to anyone?---Um, oh, good question. I think um, well only when I found out I guess. But I - - -

Well, how did you come - - -?---I didn't realise this was still going to the wrong place and I didn't find out till, till almost end of the year. Only when we found they hadn't been paid ah, not these ones but some others.

If you, can I ask you then to look ahead from page, the one I've taken you to for the Coxs Road master plan, 18 July is 1309. So if you start at 1309?
20 ---Ah hmm, yep.

Can I ask you to look at the ads then from 1310, 1311 and 1312 you'll see they're two ads for Councillor Tagg and one ad for Councillor Laxale?
---Yep.

You've produced those ads as being referable to the invoices to Mr Cerreto or Corporate Development Australia?---Yeah, they shouldn't have been.

Are they not ads that he placed?---No.
30

Are you explain how it was you came to produce them and say that they related to the invoices?---That, they were, some of those and I think they're clearly indicated now on the Barry O'Grady invoices, the ones that he wanted, he, he was commissioning advertising to promote and support the Councillors who he believed were doing the right thing by the community.

Sorry, are you saying the ad at page 1310, if we go there - - -?---Yes.

- - - you see this is not an 18 by seven ad is it, if you look at the bottom of the page it's - - -?---No, well it's - he, he, he sort of thought that was all right.
40

No, just answer my question please. Is that an 18 by seven ad?---Only, only if you put a line through the page there, it's not an 18 by - that one on the right-hand side which is a - clearly an advertisement is not.

Well, it says advertisement?---It says advertisement, yeah.

And what's on the left, that's an article isn't it?---Well, it's, well, it's advertorial you might say, yeah.

Was it a paid advertorial?---Well, it is in the terms of Barry O'Farrell. Not Barry O'Farrell, I'm sorry, Barry O'Grady.

Sorry, I'm a bit - I want to make sure I, I understand your evidence correctly, Mr Booth. Are you suggesting that the ads for Councillor Tagg at 1310, Councillor Tagg at 1311 and Councillor Laxale at 1312 were - - -?
10 ---Well, 1311's clearly an 18 by seven.

Well, that's - - -?---Laxale's 18 by seven, that's easy to see.

But are you saying those three ads were booked and paid for by Barry O'Grady?---He, he paid for two each week.

I'm going to ask you this again, Mr Booth, on the last occasion you were asked, when you came and gave evidence to the Commission in compulsory examination you were asked about these ads, who'd placed them and who
20 was responsible for paying, do you recall that?---(No Audible Reply)

Do you recall that?---I don't, don't really, no.

I'm suggesting to you that on the last occasion you made no mention of Mr O'Grady and him having any involvement with any of these ads. Do you agree or disagree?---I, I, I can't recall.

Have you been asked now to give evidence to suggest that Mr O'Grady was behind this by someone else?---No.
30

Have you been asked to say that by Mr Cerreto or someone on his behalf?
---No.

Did you agree to suggest that Mr O'Grady had some involvement with these ads because Mr O'Grady's now dead?---No.

You're aware he's dead aren't you?---I am aware of that, yeah, and we had a - he died on New Years Eve with a heart attack.

40 I didn't ask for the details just that you're aware that he was dead. You see, on the last occasion you told the Commission didn't you that these ads were all placed by Mr Cerreto?---Well, I made a mistake obviously.

Well, what I'm interested in is what's changed between then and now?
---Well, I, I think I was probably looking at the old invoices and got, I confused myself or I couldn't recall but it was definitely Barry, Barry O'Grady, he came into the office, he contacted me and wanted to support - -
-

ASSISTANT COMMISSIONER: But Mr - why did you produce these invoices to the Commission?---Sorry?

10 Why did you produce that invoice that listed all of these ads against Mr Cerreto's name? You're saying you found out they were, that wasn't true?---Well, we didn't, I didn't realise that until it would have been - we had a - we thought they, these had been gone out in the name of Cerreto. I didn't associate one with the other but we were trying to get them paid and then we had a letter from Mr Cerreto's solicitor.

When?---I think you have a copy of that. It would have been oh, about - oh, it's not all that long ago because he sent an email and a hard copy, I know Ulrike was overseas so it would have been, oh, it was only this year, it would have been - - -

In June?--- - - - in June.

20 So are you saying - - -?---This year.

- - - in June this year is the first time you knew - - -?---But he contacted, he contacted me, I must admit he contacted me about - - -

30 Yes?--- - - - Christmas time and said he was getting the wrong things and I must admit that I, I didn't refer, it might have been when the office was closed I didn't refer it and let it slip and it wasn't until - I didn't associate these ads with ones that I thought he was owing, I thought he was still owing, which he had still was owing from the original ads and I was chasing to get them, get them paid and eventually - well, then I couldn't contact him, he wouldn't answer the phone, I got onto his secretary a few times and she said she'd get it fixed up and then eventually I got this letter and email from Parisi Solicitors saying that we'd made a mistake, that they owed so much and they would pay that as long as we corrected it and when I'd checked it and found out that we'd made the mistake - what was the problem was was a computer glitch - - -

Yes, look - - -?--- - - - three layers, three layers of - - -

40 That's fine, I understand that, yeah?---Sorry?

I understand all of that. I think Mr Downing should illicit this evidence.

MR SIMPSON: It may just assist you with a reference, Commissioner. Exhibit 18 page 2376 is the letter.

ASSISTANT COMMISSIONER: Yes. I know about the letter. Evidentially there's some technical problem that requires us to take a short adjournment. So we will do that.

SHORT ADJOURNMENT

[3.06pm]

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

MR DOWNING: Thank you, Commissioner.

10

Now, Mr Booth, just going back to the topic I was asking you about before we had a short break your evidence is that the last ad that Mr Cerreto authorised was the Coxs Road Land Owners community master plan that was placed on 4 July - - -?---4 July.

So that there were then two further weeks of ads the 11 July and 18th where the ad was run but you'd been told already that that should stop because Mr Cerreto didn't want it to be placed anymore?---True.

20

And do you say that the rest of the ads that make up Exhibit 21 and they're for the period July, August and September were ads that he had nothing to do with?---Correct.

And do you say that all those ads were ads that Mr O'Grady had wanted to be placed?---That about all, not all the advertising but all the ones that he commissioned, he commissioned the equivalent, the equivalent of two half pages per week.

30

Well let's go through - if I could ask you to have a look at page, just before the break I was asking you about page 1310. The bottom right corner you'll see there's an ad for Councillor Tagg?---Yeah, ah hmm.

Do you say that's something that Mr O'Grady had something to do with? ---Yes.

1311?---Yes.

And 1312. This is an ad for Councillor Laxale?---Yes.

40

Do you say that these are ads, what placed by Mr O'Grady?---Yes.

Paid for by him?---Yes.

All right. If we go ahead you'll then see page 1313 is another invoice this time for August 2012?---Sorry?

If you have a look, if you open the document, I think you might have it open to page 1313?---Oh, 1313, the invoice, yeah, ah hmm.

And you'll see that's an invoice for August 2012 - - -?---Yeah, ah hmm.

- - - made out to Corporate Development Australia?---Yeah.

And if you go to page 1337, we'll bring that up on the screen. Just leave the paper copy open to where you are but we'll bring up 1337. Do you see that's an invoice for August 2012 to Mr Cerreto?---Yeah, Ah hmm.

10 And if you cross reference the page in front of you that is the paper invoice to Corporate Development Australia for August 2012 and the one on the screen for the same period to Norm Cerreto would you agree with me they refer to the same ads?---Yeah, mmm, they would do I think, yeah, yes, yeah.

And behind 1313 you'll see there are a series of ads. If you start at 1314? ---Yeah.

That cover the period or the month August 2012. You'll see they run through until - - -?---To September 5, I think.

20 Well just sealing with August for the moment. The last August that appears at page 1328. So I want you to look at the ads from 1314 to 1328?---Sorry. You, you want me to look at - - -

The start of 1314 which is the first ad that you've produced for August 2012?---1314, yeah.

30 And then go through to 1328 which is the last of the ads for August 2012 that you've produced. So I want you to look at each of those ads - - -?--- Yeah, yeah, all those obviously are not because - that wouldn't be one, that wouldn't be one of Barry's.

So you're looking at the ad on page - - -?---1319.

1319 which is an ad for Councillor Maggio?---Yeah, ah hmm.

And are you saying that wouldn't be one of Barry's because you know Councillor Maggio was one of the Councillors that was actually arguing in favour of the Civic Precinct redevelopment?---Yeah.

40 Well so you say this is not an ad that Mr O'Grady had anything to do with? ---No.

Are you telling us it's not an ad that Councillor, that Mr Cerreto had something to do with?---Who?

That Mr Cerreto?---No.

Well, you've produced it to the Commission and you've now produced invoices to Mr Cerreto and to Corporate Development Australia referring to advertising during that month. Do you have any idea for instance what this ad - - -?---Well I'm sorry but I, I didn't any of these when it went through because it was requested and Ulrike had to put these through in a hurry. She'd been overseas and she had to put these through in a hurry and all she did was to send what she thought was correct at the time. So I'm, I'm sorry, there are mistakes. We know that.

10 Do you - - -?---We've acknowledge that.

Do you see that there are ad numbers in the invoices?---Ah hmm.

And on your system is there some way of checking for instance, if we looked at the ad at page 1319 for Councillor Maggio do you have some way on your system of being able to say well, the ad number for that ad is, ad, whatever the number is?---Ah hmm, sure.

20 So when a person produces an invoice and an ad you can look at the two documents and just check the number against each other?---Ah, well the, the girls when they're, if they're putting this in they're only going through in an A number. They don't see the, they don't necessarily see the, the ad itself.

But they would check the number from the invoice against the number on your system that correlates to a particular ad?---Um, it goes into the computer, there's an A number for placement in the paper.

Well - - -?---And on the invoice it has that A number.

30 Putting aside the ad for, and dealing just with the ads for August for the moment, putting aside the ad for Councillor Maggio - - -?---Yep.

Would you say the other ads that were ads that were placed and paid for by Mr O'Grady?---Um, not all of them. So I, I don't, I think um, the one here - - -

40 Well, have a look at 1322 which is a 22 - - -?---I, I can give you a specific one I'm sure. It's not that, on 1316 that was paid by Jeff Salvestro-Martin himself. I know because I have checked since. So that's not one of, one of Barry's. Because we had more than, when this has come through Ulrike's tried to get them in a hurry, sent them in because there was a time schedule. It came through very late from the ICAC um, to, to supply all this information. And that one is not one of Barry's ads, that was, that was Jeff's, Salvestro-Martin was paid for by himself.

And you say you - - -?---I've checked since.

You'd say you know that because you've checked that since?---Yes.

What about the ad at page - - -?---Because Jeff Salvestro-Martin paid for all of his. We have checked since. That's why I think he's been very badly done by that, that he's been accused of all sorts of things and his, his advertising is completely 100 per cent up to date.

10 And paid for by him?---And that, it was in the paper about Jeff ah, asked Jeff and they were, they were his advertising and it was claimed in some other papers, and it probably came out of ICAC claiming that this was a freebie and it wasn't.

Forget what the - - -?---That was, that was an advertising - - -

Forget what the media has been reporting out of the hearings of this Commission. I want you to tell me about the advertising in your paper, Mr Booth?---Yes.

20 The ad at page 1318 which is an ad from 15 August, 2012 for Councillor Petch?---Yep. Yes.

Is that one that was placed and paid for - - -?---That, that was commissioned by Barry.

O'Grady?---Yep.

And paid for by him?---Yes.

30 What about, so 1320, the ad for Councillor Salvestro-Martin, is that one that - - -?---That, that, that is, that is one of Barry's, that one authorised by, it was paid for by Barry. I believe that is the one and only one of, that Barry had sort of commissioned.

So tell me when was it that Mr O'Grady came and, and, did he speak to you personally?---Yeah, sure.

And asked you to place these ads?---Yep.

40 And do you know who created them, who sent them to The Weekly Times?--Um, it, there was a couple that we did in house. He came in and he spoke to our ah, graphic artist and he was doing them while he was sitting there, doing a couple. The others were prepared by the, the candidates themselves which Barry then got the approval to sponsor, to pay for.

And can you tell me when was it that you had this meeting and discussion with Mr O'Grady about wanting to pay for certain advertising?---That would have been about last ah, April I think it was. Before the, last year it was, of course.

Well before the election campaign?---Yeah, oh yeah. Ah hmm. Ah hmm.

What about the ad at page 1321?---1321.

For Councillor Laxale?---Well, that's Jerome Laxale. Um, I assume that's one that he put in for Jerome because Jerome was supportive, very supportive of what Barry was standing for. He was trying to save the West Ryde Scout Hall and - - -

10 Please, I'm not interested - - -?---I'm sorry, okay.

- - - in the, the background history of - - -?---Thank you, okay.

- - - Mr O'Grady and the candidates. What about page 1322, there's an ad for the Ivan Petch team?---Yeah.

Is that one that you understand, that's from 22 August?---Yeah, that's one of Barry's yeah.

20 And what about the ad above it for Councillor Li?---No.

So the one at the bottom for the Ivan Petch team placed and paid for by - - - ?---By Barry.

What about - - -?---And on the next page, 1323 - - -

23 there's one for the Liberal, East Ward Liberal candidates, that's from 22 August?---No but above - so I don't know how that got in here either but you can see above that, that's a little story about Barry.

30 I understand there's a story about Mr O'Grady - - -?---Okay, okay.

- - - but I'm interested in the ads?---Yeah.

All right?---He wanted, he wanted to pay for that but I wouldn't pay, I wouldn't take any money 'cause I think he was so big-hearted and I've known him since he was a kid that I wanted to do that story for him.

40 Mr Booth, there's another ad on page 1324 but this time from 8 August? ---Yeah.

And again for Councillor Petch?---Yeah.

Was that one organised and paid for by Mr O'Grady?---O'Grady, yes.

1325 is an ad for Councillor Maggio. I take it you've already indicated it was he - - -?---No, he wouldn't have paid for that, no.

Now 1326 and 1327 is an ad for the six Councillors who were opposing the Civic Precinct redevelopment?---Yes.

And it refers to more information being available at saveryde?---Yes.

Do you know who organised and paid for that ad?---Ah, Barry.

Mr O'Grady?---Yeah.

10 So did he ring you up and tell you that this particular ad was to be placed?
---Actually I think he came in for this one.

What came in and saw you?---In the office, to see me.

And what, said - - -?---He, he came, he came and, you know, about - I wouldn't say every week but maybe every second week when he'd, he'd come in and he'd sort of nominate who he wanted to sponsor this week.

20 So it was on a weekly basis?---Sorry?

On a weekly basis?---Yeah.

And do you know where the actual physical copy for this ad originated from? Did Mr O'Grady drop it off or did someone email or - - -?---I'm going to, no, maybe this - no, this, this one might have been prepared by somebody else but Barry had commissioned this one.

30 Are you certain of that?---I'm just trying to place it now, I don't think that was done in house because I think that came in 'cause I, it didn't look, well, I wasn't over-impressed with that one. You see, I think that was - somebody else did that. Barry sort of commissioned it.

And you say he's been billed for it?---Yeah.

And did he pay for it?---Yes, he's been billed.

No, but that wasn't what I asked, the last question was did he pay for it?
---No, he's been billed but he hasn't paid for it yet.

40 Well, what ads has Mr O'Grady paid for?---Well, it goes back a long way and that's, that was a problem and we're trying to see if we can chase the estate now.

You see, I want to ask you again on about - on the last occasion do you remember coming to the Commission and giving some evidence in the compulsory examination?---I remember coming in, yeah.

And you recall I asked you about these particular ads, that is ads that you'd produced and invoices you'd produced to the Commission for the period July, August and September 2012?---It's all a bit fuzzy.

Well, you remember I asked you about those particular subject matters don't you?---I, I remember in general terms, I don't - a couple of people have asked me since what, what did they ask you about.

10 Forget what people have asked you since, Mr Booth, try and focus your mind for a moment on - - -?---Yeah.

- - - the last occasion you came to the Commission which was on 9 May, so a couple of months ago this year?---May, June, July.

Do you remember I asked you about the advertising that you had produced to the Commission, that is the particular ads for various Councillors and for the Coxs Road community master plan and for saveryde, do you remember that?---Sort of.

20 And I asked you about who had commissioned them and do you remember telling me it was Norm Cerreto?---(No Audible Reply)

Do you remember that?---No.

Right. Well, Commissioner, I can tender a copy of the transcript of the compulsory examination.

30 ASSISTANT COMMISSIONER: Yes, do you want me to remove the suppression order in respect of that?

MR DOWNING: I do, I'd ask that the suppression order be removed and I tender it at this point.

THE SUPPRESSION ORDER OVER THE COMPULSORY EXAMINATION OF MR BOOTH IS REMOVED

40 ASSISTANT COMMISSIONER: Yes. That will be Exhibit 51.

#EXHIBIT 51 - TRANSCRIPT OF COMPULSORY EXAMINATION OF MR JOHN BOOTH HELD ON THURSDAY, 9 MAY 2013

THE COMMISSIONER: Thanks.

MR DOWNING: And I'll have a copy provided to you so that you can see what I'm referring to, Mr Booth. If you look at the bottom of the right, at the bottom right-hand corner of the page you'll see there's numbers and the front page starts at 286, do you see that, bottom right-hand corner?---Oh, yeah, ah hmm.

Can you go ahead to page 303 for me, please?---Ah hmm.

Do you have 303?---Yes, I do.

10

And you'll see if you read down the page I asked you about various invoices starting in May but then June, July and August 2012 and at about line, you'll see there's line numbers in the left-hand margin, at about line 25 I asked you a question, well sorry, it's a bit earlier it's about line 25 I asked you about the generation of the particular invoices and what you said in answer was, "Yeah, well originally they were both commissioned by the same person and we were told later that we were to send the bill to a second party" and I asked you "Well who was the person that commissioned it?" and you indicated "Mr Cerreto"?---Ah hmm.

20

So on the last occasion I asked you questions about the advertising referable to the invoices in July and August and you identified Mr Cerreto as having commissioned it but you said nothing about anyone else?---Ah hmm, I didn't.

You didn't mention Mr O'Grady did you?---I should have.

30

Well, what I'm asking for her on the last occasion when you were asked about this you were asked about this very subject matter, that is that Mr Cerreto according to your evidence had placed ads for various Councillors and you didn't suggest that Mr O'Grady had actually been behind that did you?---(No audible reply)

Mr Booth?---Sorry?

You didn't mention Mr O'Grady last time did you?---Doesn't, doesn't appear to but I, I should have, yeah.

40

Well you say that this was a conversation you had some months earlier in April for the first time and then there'd been weekly discussions where he'd told you about placing particular ads?---Yeah.

You're making this evidence up aren't you, Mr Booth?---No, I'm not.

Are you making it up with a view to assisting someone?---I am not, no.

Have a look at page 308. Again using the bottom right-hand corner for the number. And you'll see at about line 35 I asked you about whether Mr

Cerreto from time to time pays for ads in particular Councillors and then after you didn't seem to hear the question I repeated it, "To your knowledge does Mr Cerreto from time to time pay for ads and place ads for particular Councillors and you said, "I, I think so, yeah, I would say so." And if you go over the page to 309 I took you to a particular ad for Councillor Laxale in respect of advertising on 25 July and I asked you about that and you indicated that that was authorised and paid for by Mr Cerreto. Do you see it, about line 27?---Ah hmm.

10 Do you see that, Mr Booth?---Yeah, I see that, yeah.

You didn't tell me that that was something that had been authorised and placed by Mr Booth did you? I'm sorry, I'm sorry, Mr O'Grady?
---O'Grady. It doesn't appear to but it should have been.

You didn't mention that Mr O'Grady had paid for it?---Well, he's still paying, he's got to - - -

20 You made no mention at all of Mr O'Grady at any point during your evidence on the last occasion did you?---Well I should have done.

Are you giving that evidence about Mr O'Grady now with a view to shielding Mr Cerreto from some attention?---No, no.

Have you had someone approach you and ask you to do, give that evidence?---No.

30 If I could take you back to Exhibit 21, that is the ads, I've taken you to the end of August, 2012. Could you then have a look at - - -

ASSISTANT COMMISSIONER: Mr Downing, I think it would be appropriate to also take into the part where he talks about being told by Mr Cerreto to change the name to the other name.

MR DOWNING: I did want to just finish - - -

ASSISTANT COMMISSIONER: Oh, all right.

40 MR DOWNING: - - - the, the ads and then come back to that, Commissioner.

ASSISTANT COMMISSIONER: Thank you, Mr Downing.

MR DOWNING: Thank you. Can I ask you to go to page 1329 in Exhibit 21?---13 - - -

29?---Um, where do I - - -

Hopefully, well it will be up on the screen in front of you but the, Exhibit 21 which is the yellow colour in, the yellow coloured invoices?---In this one do you mean or is it - - -

No, if you put that aside just at the moment?---Oh.

The transcript, you can put that aside. Go back to the pages there which have numbers on the top right corner?---Oh, right. Yep. Ah hmm.

10 You see 1329?---Yep.

And that's an invoice from September, 2012 to Corporate Development Australia?---Yep.

And it refers to advertising on 5 and 12 September. Do you see that?---Yep. Ah hmm. Sure.

Could I ask you then to also look at page 1339?---1339.

20 That'll come up on the screen. If you just stay on the page that you're on on the paper copy. You see that's also an invoice for September, 2012? Do you see that Mr Booth?---Yep. Ah hmm.

This time made out to Norm Cerreto?---Ah hmm.

And also referring to advertising on 5 and 12 September, 2012? Do you see that?---Ah hmm. Yeah.

30 And you'll see that the descriptions in terms of the ad numbers and the amounts are the same. Now, behind page 1329 at 1330 and 1331 is a further ad. If you turn the page please to 1330 and 1331?---Go this way you mean?

Yes?---Yep. 13 - - -

30?---Yep.

You see that page and the following page again it's, it's a - - -?---Oh, yes. Yes.

40 - - - ad for the six Councillors opposing the Civic Precinct redevelopment?--
-Yep.

Referring to saveryde.com?---Yep.

And then the next page, 1332 is an ad thanking the voters of Ryde for choosing a, "Twin towers bright new future based on fairness, integrity and consistency"?---Yep, that's right.

Referring to saveryde.com again?---Yep.

Now, do you say those ads were placed by Mr O'Grady?---Yes.

And again do you say that there were discussions with him each week prior to the ads being placed?---Yes. Ah hmm.

Do you say that you had some discussion with him about saveryde.com?---
Because I, I think that one was done in-house too, this one here.

10

Do, do you say that Mr O'Grady was behind saveryde.com, a particular website?---Ah, he was associated with it. Ah hmm.

What did he tell you about it?---Um, I don't know, there were a few different people associated with it. I, I don't - - -

Well, who else did he - - -?---I don't know - - -

20 Who else did you understand to be associated with it?---Um, I'm not sure quite honestly. I, I didn't go, because there were quite a lot of groups running around. There was the Ryde something and there was this one and the other one and, there was all sorts of groups. Um, and they were forming a bit of a coalition together to, to support um, you know, selling up, to support the opposition to selling off the Civic Centre so - - -

30 Forget the groups. Who did you understand to be associated with saveryde.com, Mr Booth? You've told us Mr O'Grady - - -?---Mr O'Grady, yep. Um, I don't know who else particularly. Because I know there were different groups, I, I um, if you looked at some of the photos in the paper during that time over a couple of months you had lots of different groups. There were um, they also intermingled a bit. I don't, I didn't get to know each of them individually but - - -

Well, you've, you've told us that those ads in September were organised for, organised by Mr O'Grady?---Yes.

Did he pay for them?---Yes.

40 So they've been paid for?---No.

So when you say yes he paid for them you meant no he hadn't paid for them?---Well, but, well they were, they were commissioned by him and had been billed to him.

But he hasn't paid for them?---But they were incorrectly billed. That's what I'm saying. Because of that glitch when there were layers of um, of the computer ah, that didn't, that went to Cerreto rather than to O'Grady.

Well, in fact there's two invoices aren't for each of these months, July, August and September you've produced a series of invoices made out to Corporate Development Australia haven't you?---Yes. I don't know how that's happened.

Well, I'll come to that in a moment but that's what you've produced from your records, The Weekly Times' records?---The Weekly Times, yeah, I didn't personally do it.

- 10 So for each month, for July, August and September you have an invoice made out to Corporate Development Australia for certain advertising?
---Yeah, ah hmm.

And take it from me that invoices for the same periods have been produced by Mr Laface from AJL Legal, you know the lawyer Mr Laface?---Ah
hmm.

- 20 He's produced invoices for the same months but made out not to Corporate Development Australia but to Norm Cerreto. Do you recall that there was an occasion when you were contacted by Mr Cerreto and asked to have the issues, sorry, the invoices reissued because of an issue about who was going to pay for them?---Yeah.

And was it the case that you were contacted and told that the ads that had been placed for Coxs Road community master plan or the landowners community master plan was supposed to be shared in terms of the costs between the Bietolas and Mr Cerreto?---The two families, yeah, ah hmm.

- 30 So was the original version of the invoice one that was issued to Mr Cerreto? Is that how they were originally made out?---Yeah, well, to my knowledge it was going to Cerreto, it wasn't until later that Mr Cerreto told me that they were be shared so we had to split it and to, to bill the other party and then later on when we still didn't get much satisfaction there we spoke to the parties, they said that they weren't fully committed to it and so then I said to Mr Cerreto, you know, this is a bit of a balls up, you were the one that commissioned it and so eventually he agreed that he would pay their share as well, that he would sort it out between them because they were doing a deal for the master plan to do Coxs Road master plan as a whole,
40 both sides. They had been almost warring facts you might, you might say, the two family groups but then they got together to do that combined master plan.

Mr Booth, can you explain how it came to be that the original invoice or invoices for that period made out to Mr Cerreto came then to be made out in the name of Corporate Development Australia? Did you have some communication with Mr Cerreto about that?---There must have been, there must have been something for that to happen, I'm not, not sure.

Well, you were normally the point of contact for Mr Cerreto, weren't you, when it came to advertising in The Weekly Times?---I was originally yeah, ah hmm.

Well, do your best. You've got a series of invoices for July, August and September referring to the Coxs Road ads that are made out in the name of Corporate Development Australia. How did that come to be?---I'm not certain. I, I thought that was to do with the break up of the two payments for the master plan but I - - -

10

But you say at some point, what, later in 2012 you had some discussion with Mr Cerreto about the invoices?---Later on I tried to contact him and I couldn't get through to him, I spoke to his secretary a few times.

But do you say that there was some communication what, at some point in late 2012 about the fact that the invoices had been issued and it was - - -? ---Oh, yeah, yeah.

20

- - - Norm Cerreto and they should be issued to a different name?---Yeah, yeah, that's right, yes.

But at that point there was no complaint was there that these were for ads that I've not placed?---There was no - - -

Complaint by Mr Cerreto that the invoices were for ads that he hadn't even placed?---Sorry, I didn't quite get the last little - - -

30

Well, you've told us that in recent times you've had some communications with a lawyer about Mr Cerreto and whether he believes he should be paying for certain ads?---Oh, Mr Parisi, whoever he is, he wrote but that was quite recently.

All right. Well, I'm asking you to think though, if you look again and compare page, just by way of example, page 1302 which I'd ask you to go back to, it's the first page Exhibit 21 in front of you, the paper copy, go right back to the beginning, 1302?---Oh - - -

You see that, that's the July 2012 - - -?---This is the yellow one, yeah.

40

- - - Corporate Development Australia invoice?---Ah hmm.

And on the screen we'll bring up page 1336 which is the invoice to Mr Cerreto for exactly the same period and for exactly the same ads? ---Yeah, yeah, it was a real balls up, yeah.

So you had a discussion with him didn't you at some point after this was issued where he raised with you the need to change it from one name to the other?---Yeah, yeah.

And was it changing it from Norm Cerreto to Corporate Development Australia?---Yeah.

But he didn't at that point say anything to you about the fact that it related to ads - - -?---But, and it wasn't to do with all these ones though that was to do with his original market.

10 Well this is, these are the invoices aren't they, the ones that you're looking at - - -?---Yeah, I know but I'm saying that's, that was a balls up, I'm trying to tell you that.

All right. I understand you're saying that but wasn't the nature of Mr Cerreto's complaint when he first raised it with you that it was in the wrong name that it was issued in his name Norm Cerreto but instead it should in fact be issued in the name of Corporate Development Australia?---Ah hmm. That was to do with the master plan.

20 But he didn't raise any complaint with you then did he about the fact that the ad, the invoices related to ads that he had nothing to do with?---I don't, he didn't, I didn't go into the detail with him it was, it was only on the - - -

Not, I'm not interested so much in the detail you went into but I'm interested in the nature of his complaint. Was the nature of his complaint when he first asked you to have these invoices changed from one name to another simply to do with that issue, that is that he wanted it changed from his name to Corporate Development Australia?---Yeah, that's right, yeah, that was for the master plan.

30 He made no complaint about the fact that the invoices that is for July, August or September referred to ads that he not commissioned and didn't think he should pay for?---Well there was no reference to it as far as I can recall, yeah.

But your invoices go out each month don't they?---Yes.

So at the end of July this July 2012 invoice would have been issued initially to Mr Cerreto - - -?---It should, should have been, should have been, yeah.

40 Well that's how your business functions isn't it, at the end of each month you issue invoices?---Yeah, Ah hmm.

And at the end of August the August 2012 invoice to Mr Cerreto would have been issued?---Should have been, ah hmm.

Well you know they go out don't you I mean - - -?---Well I hope they do.

- - - you've been running the paper for many years?---I certainly hope they do. I, I don't do it personally you know I just have to you know depend on somebody else doing it but - - -

And the system is at the end of September 2012 that invoice goes out?
---Yeah.

10 So the September 2012 invoice to Mr Cerreto according to your system would have been issued?---Yeah. And that's what he said that there was a, there was an error.

Sorry, are you saying September 2012?---Towards the end of the year when we've, you know haven't been paid and eventually had some conversation with him and he said there'd been an error.

That he'd been billed for things that he shouldn't be billed for?---Yeah.

Right?---And - - -

20 But you're talking about very late in 2012 aren't you?---Yeah, oh, sure, yeah.

December?---Yeah.

But wasn't there an earlier conversation where you'd been asked to change the invoices from Norm Cerreto's name to Corporate Development Australia?---Yes, yes.

30 That was a separate complaint?---And that, that was, that was fairly early I think when it was still a, the, just a, that was only the - to do with the, what they, master plan, that would have been fairly early that's why - it probably would have been June or July even.

But there was no complaint at that point was there that Mr Cerreto had been billed for any advertising that he didn't think he was liable for?---Not that I'm aware of.

40 Now, Mr Booth, in October of last year you obtained a loan from Mr Petch?---Yes.

From Councillor Petch for \$250,000?---Yes.

And was it, was the circumstances leading to that loan that you approached Councillor Petch?---Sorry?

Did you approach Councillor Petch and asked for the loan for did you, did he offer something to you, how did it come about?---Oh, it was only in

discussion that he was rolling something over and said well we'd like a better rate than what the bank's giving.

I'll come back to the loan in a moment. There was one last thing I did want to ask about in respect of the, the ads. Have you recently or has someone at The Weekly Times recently produced an invoice made out to Barry O'Grady?---Well there has, there has been ones made out to him.

10 Well have you, are you aware of recent, whether recently someone has requested from The Weekly Times copies of an invoices in respect of the saveryde.com ads?---Of the which?

Saveryde.com ads?---I'm not personally aware of.

Well - - -

20 Can I ask you to have a look at a document and I'll provide two copies to the Commissioner as well. Now, is that a Weekly Times invoice?---Looks like it.

For August 2012?---Ah hmm.

Do you see the date, August, 2012?---Um, yep. Ah hmm.

And it says, "Barry O'Grady, West Ryde"?---Ah hmm.

30 Now, normally you would have a more detailed address for customers who are receiving invoices for advertising wouldn't you?---Um, yeah normally we would, for sure. Yep.

Now, you'll see when you look down through this page that it refers to a series of ads starting on 1 August and finishing on 29 August. Do you see that?---Ah, finishing on 29?

The first ad is for 1 August and the last is 29 August?---Yep.

40 And I'd ask you now to have a look, and we'll bring it up on the screen, page 1337 of Exhibit 21. Do you see that's the August, 2012 invoice to Norm Cerreto?---Ah hmm.

Do you see that?---Yep.

And do you see that also refers to a series of ads starting on 1 August and finishing on 29 August?---Yep.

And would you agree with me that the ad numbers for these two are the same, that is the invoice - - -?---Oh, they, they would be, yeah.

Now, you see, the invoice made out to Mr O'Grady refers to a series of Coss Road ads between 1 August and 22 August?---No, they're not Coss Road.

I'm asking you what the documents - - -?---That, that, that was the, that was the wrong terminology. That was the wrong entry. That's what I explained earlier.

10 And then the entry for 29 August refers to an election double?---Yep.

Mr - - -?---Well that was correct.

Mr Booth, do you know when this invoice, this August, 2012 invoice for Mr O'Grady was generated?---Sorry?

When was this created, this August, 2012 invoice?---I have no idea.

20 Has it been created in the last few days or weeks?---No. It would have been, I imagine it would have been whatever the date is I would think.

Well - - -?---It would be end of August. Yeah.

It's unusually isn't it that it just has the West Ryde address there? You'd normally have an address you could post it to?---Um, well it's just that he, he used to come in all the time. I, I know he lived at Melrose Park and I guess ah, hadn't actually written down his thing, his, his ah, home address.

30 So what, you didn't normally post invoices to him?---No. Obviously not. I don't think it would have, would have got, got to him I guess.

Well, this, this invoice refers to the same series of ads in respect of Coss Road that the invoice to Mr Cerreto - - -?---I know, because, because they were incorrectly allocated. They, they shouldn't have gone there at all, to - - -

ASSISTANT COMMISSIONER: Yes, but you didn't know that at the time you said. How would, how could you issue two invoices the same to two different people at the end of August?---Sorry?

40 You wouldn't have issued these at the end of August would you, to two different people for the same ads?---Well, funny things can happen in computers and printing out and, I don't know. I, I'm pretty ignorant of all that sort of stuff, I'm - - -

Well as far as I know this Barry O'Grady invoice has never been produced to the Commission has it, by you?---Sorry?

Did you produce this Barry O'Grady invoice to the Commission in response to a notice?---I, I still don't, I'm sorry. I still didn't quite get that, I - - -

You have not produced this Barry O'Grady invoice to the Commission?---I have not - - -

Produced it? This Barry O'Grady invoice?---Has not been produced?

To the Commission?---To the Commission, has not - - -

10

By you?---Hasn't been?

Well, has it?---I don't know, I don't know because I, I had you know, I physically haven't done any of this we've just had requests and Ulrike was away and she had to sort of do stuff in a hurry and find what she could and she's always going off her bloody brain at the moment trying to get stuff out and, and has to try and keep a business going as well. So I don't know, I could ask the question.

20

Yes, Mr Downing.

THE WITNESS: I'm sorry I can't be much more help than that.

ASSISTANT COMMISSIONER: No. You've been of no help whatsoever.

MR DOWNING: Mr Booth, did Mr O'Grady at some point - I withdraw that. So to the best of your knowledge this was issued in August 2012? ---Yeah, to my knowledge.

30

And in terms of the two invoices that cover the same ads, one issued to Corporate Development Australia and one to Mr Cerreto is your best evidence that the first version was sent out to Mr Cerreto and he later asked for it to be changed to Corporate Development Australia?---Yeah, that and I think that - whether it applied really to the, to the, not to these particular ones but to do, and that's why I say that's why there's a mistake in that being done.

40

Well, Mr Booth, you have produced to the Commission an invoice for August 2012 that is addressed to, to Corporate Development Australia at an address in Cowper Street in Granville, correct?---Yes.

And you've already heard from me that a corresponding invoice made out to Mr Cerreto covering the same ads has also been produced not by you but by Mr Laface. So I'm asking you to tell me as best you can was the version of the invoice that was first set out by The Weekly Times to Mr Cerreto? ---Sorry, what, what was the question?

Was the version of the invoice that was - - -?---The first - - -

- - - first sent out by The Weekly Times - - -?---Yes.

- - - sent to Mr Cerreto?---First of which invoice?

The August 2012 invoice?---The - - -

I'll ask you again to look at page - - -?---Yeah.

10 - - - 1313. Open up Exhibit 21 at page 1313?---1313 that's the - - -

Number's top right-hand corner?---That's this - no, that's wrong. 13, 1313, yeah.

You see that's the August 2012 invoice to Corporate Development Australia?---Yeah.

1313?---Yeah, ah hmm.

20 Now hold the page open, look on the screen in front of you and I'll ask you to look at page 1337?---1337.

That's the invoice for the same month August 2012 but this time addressed to Norm Cerreto - - -?---Yeah.

- - - at a PO Box in North Ryde?---Mmm.

30 Now is your evidence that at the end of August 2012 the first version of this that was sent out was sent out to Norm Cerreto, so the one that's on the screen in front of you?---Ah hmm.

And he later asked for it to be changed so it was re-addressed to Corporate Development Australia. That's the version that's - - -?---Well I'm not sure that - - -

- - - on paper in front of you?---I'm not sure if that's one or be the one earlier that you might have been referring to, I don't know 'cause that was the same story wasn't it - - -

40 Well --- - - - with July.

I'm just dealing with August?---Yeah, yeah.

There are two versions?---Well it's the same, it's the same thing isn't it?

Is your recollection that you sent one out to Norm Cerreto?---I don't know I don't do any of that personally. So I'm sorry I can't, I can't be any more help than that 'cause I don't - - -

ASSISTANT COMMISSIONER: The, the point is, sorry - - -?---I don't do it personally.

- - - can you just listen to something for a minute?---Sorry?

Mr Cerreto asked you to change it from Norm Cerreto to Corporate Development Australia?---Yes.

10 Why?---But, well that was - - -

Why?---I don't know, that was to do with the, with the - - -

Did he give you a reason?---No, he didn't.

Did he just say change it to this other name?---Yeah, that was, I don't know why.

20 All right?---But that was to do with the development, the, the big plan thing.

Well, it's obviously to do with these invoices you've just been looking at?---Well, whatever, yeah.

Because they've been changed?---But that, that was done in, that was done earlier.

30 When?---Well, well it's on that one, earlier one we've got here. It's on the um, that earlier, the July one. It was on that so it must have been done in June.

40 Yes but if he'd asked you to change it in June you wouldn't have issued the August one in the other name, in Norm Cerreto? He must have asked you after they'd all been issued?---But, but they, they're, they're, they're, they're through the computer system, they've obviously been duplicating printing out and it goes, choof, choof, choof. We can get thousands of things going out. The girls have to do it on one day, particular day of the month so we can change the, the set up and I've got no idea how it's happening. But obviously there's confusion um, so there's been three lots going out. But, two lots going out one, and that's - - -

Well, I mean confusion is one word for it? Fabrication of evidence is another word?---No.

Do you understand the difference?---I do understand the difference you're saying.

Well, you're not doing much to explain to us how we've got three invoices for the same ads and the same month in three different names?---Well, can't

you understand that with a, if, with the computer system, I don't physically do it and I, I'm quite ignorant of that particular part of the game but if it's happening it means it's a real balls up isn't it. We're going to have to - - -

I understand that a computer would not take it upon itself to issue invoices in three different names?---No, it's been (not transcribable) by, for different people and it's a, it's a computer - - -

Yes. Yes?---Problem.

10

I, yeah?---And I think that we've got it resolved now but it's, but these are the old, the old invoices before we got on top of it.

Yeah. All right?---Sorry.

Mr Downing, would that be a suitable time to stop?

MR DOWNING: (not transcribable)

20

ASSISTANT COMMISSIONER: I think it would be. All right, we will adjourn till ten o'clock tomorrow morning. Thank you.

**AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.01PM]**