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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 WEDNESDAY 24 JULY 2013

AT 2.02PM

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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. Just before we resume Mr Cerreto's evidence can I just indicate in terms of the further witnesses I expect that we'll be calling. After we complete Mr Cerreto's evidence the next witness will be Mr Stavrinis and then Councillor Petch. My best estimate is that we're likely to finish probably finish Mr Cerreto and hopefully Mr Stavrinis today, there might be some spill over to tomorrow. Councillor Petch will then I would expect take most of Thursday, perhaps some small part into Friday. We're left with I think it could be three witnesses perhaps four who I expect to all be relatively short but will need to be next Monday. That will be Councillor Etmekdjian who I understand returns from overseas travel on Friday, then there are two very short witnesses, the two Antoun brothers who there was some short evidence about yesterday from Mr Henricus and then finally there's John Goubran. I understand Mr Goubran has been unwell and has spent a period of time in St Vincents Hospital. I'm not sure precisely of what his status is at the moment and perhaps his counsel can assist us but I can indicate at this point my intention would be to call him on Monday.

ASSISTANT COMMISSIONER: Yes, Mr Stanton, is your witness - - -

MR STANTON: Yes, Commissioner, Professor Grabs is his vascular surgeon. He has a condition, your Honour, that has required considerable management in terms of hospitalisation and recuperation. I'm trying to get Professor Grabs to give me an updated report through my attorneys. I undertake to have to you, ma'am, tomorrow a definite either Monday or when Professor Grabs will indicate he's available but, ma'am, I understand Mr Downing's position and those are my practitioners in terms of their commitments I undertake to have you or this Commission I should say, ma'am, given a proper response tomorrow morning, ma'am, as to his fitness and his, and his ability to attend early next week. Thank you.

ASSISTANT COMMISSIONER: Yes, thank you for that, Mr Stanton.

MR STANTON: Thank you, your Honour.

<NORMAN CERRETO, on former affirmation

[2.04pm]

ASSISTANT COMMISSIONER: Yes, Mr - - -

MR DOWNING: Thank you, Commissioner.

Now, Mr Cerreto just before the break I played a telephone conversation between you and Mr Goubran of 21 February?---Yes.

10

And in that you indicated you'd got the opinion?---Yes.

That was the opinion from Mr McNally?---Correct.

And if you have a look at page, Exhibit 18 page 865 which we can bring up on the screen. If you look at the screen I hope, if we go down the page you'll see at the bottom there's an email from charles@parisiassociates to you and john@ig.com enclosing senior counsel's advice?---Yes.

20

So that's received it would seem at about 9.25 in the morning?---Yeah.

So you're referring to Mr McNally's advice and Mr Goubran asked you about whether they made reference to the email. Do you recall that?---Yes.

And did you understand that to be a reference to the email which I took you to earlier from Ms Karac-Cooke at the Department of Planning and infrastructure to Sue Wotton at Council?---Possibly.

30

Well you had a discussion about it you must have some understanding at the time about what Mr Goubran was talking about?---Well a whole bundle of documents was given to Mr Parisi.

But there was a reference to that email, a particular reference to one - - -?
---To a email, yes.

Well you understood that reference to be to that email didn't you?---Not particularly.

40

ASSISTANT COMMISSIONER: Mr Cerreto, you displayed in the conversation that was played before lunch a very good knowledge of the significance of the email, the necessity to refer to it, the fact that it was central in showing the differences. Do you recall that?---Yes, I did.

So you know perfectly well what the email is don't you?---If I, if I was intending it was that email, yes.

Well in terms of what you were saying it could only have been that email?--
-But there was a number of emails that we had discussed.

Yes?---If that's the one yes, it was.

Well your conversation makes it clear that you understood the significance of that email?---Possibly, yes, yes, it is.

10 MR DOWNING: Because you understood from Mr Goubran didn't you that he had made his submission to have his, the particular land that he and other persons owned re-zoned to bulky goods?---I don't know if he made the submission he put some - - -

Well he'd made an application to Council to have it re-zoned?---Don't know if he's done that.

20 Well did you - tell me what you understood from your discussion with him about what his concern about the land was?---Well the concern that Mr Goubran had was that on one side of the road Bunnings can get this land re-zoned through a planning proposal and that he put a, not an application he put something in as a submission to the LEP to have the other side of the road considered the same.

And?---And what happened was the planner said well one side of the road, yeah, it's good but on the other side no, the Department doesn't think that's, it's what it wants.

So that was what was concerning Mr Goubran in the way he communicated it to you?---Correct.

30 So do you recall that he'd received - I withdraw that. Do you recall that he explained that he had obtained the particular advice that the Council had relied on in dealing with his application to re-zone?---There was a number of documents he received and showed to me, yes, and that included the email.

But you recall don't you that there were two reports from Council. There was a particular report dealing with Mr Goubran's application to re-zone and one dealing with Bunnings?---I don't know if Mr Goubran put an application in.

40 Well call it an application call it a submission - - -?---Yes.

- - - you understood what he was seeking to do - - -?---Yes, yes, yes.

- - - was to re-zone the plan?---To have the same as what was over the other side.

On behalf of himself and other landowners?---Correct.

And you understood that separate to that Bunnings had sought to do it and they'd been given permission to, to use it - - -?---Yes.

- - - on a bulky goods basis?---Correct.

And you understood he was upset about the fact that the Council had dealt with things differently?---Correct.

10 And he was particularly upset wasn't he that the Council had relied upon in dealing with him but also with Bunnings a particular piece of advice that it had said it'd obtained from the Department but despite that advice being the same advice it'd come to two different outcomes?---Yes. Especially since the advice got changed.

Well you know what the email was don't you the one from Ms Karac-Cooke?---Yeah, (not transcribable) yeah.

20 And what I'm suggesting to you is in this email you were having a - I withdraw that. In this telephone call that's been played you were talking with Mr Goubran about the opinion and he was inquiring of you whether it made reference to that email and you understood him to be referring to the one from the Department?---Well if I was possibly, yes.

And you - he asked you about whether it made reference to the email or whether they, that is you understood that to be the persons who've written the legal advice?---The QCs, yes.

And you confirm that it did?---Yes.

30 You said yes. So plainly you had an understanding - - -?---It could have been, yeah, all the information that we gave to them they, they've looked at the whole lot.

But there was a reference there to one particular email. You're not suggesting that some confusion about which one that was - - -?---No, no.

- - - being referred to are you?---I can't be specific on what email that was.

40 Mr Goubran, I'm suggesting, sorry. Mr Cerreto, I'm suggesting to you that in the answers you're giving the Commission you are not making an honest attempt - - -?---No, I am.

- - - to describe this conversation and what occurred - - -?---I'm giving you the best recollection of my events to a conversation that was four months old, five months.

Well, you recall - - -?---Five months.

- - - in the conversation Mr Goubran expressed the view that well, they shouldn't have made reference to the email?---Yes, I remember that, yes.

And was that because you and he had discussed previously the fact that it had been obtained in some way which was improper?---No.

Did you have some understanding about that?---No.

10 Had there been some discussion with Councillor, sorry, with Mr Goubran about the fact that it had been obtained ultimately from Councillor Petch?---
Not that I can recall, no.

And you explained in the conversation that there was a need for the advice to make reference to it because, and if you go from page 1 to 2, because if you don't have a copy of the email you've got nothing to reference against?--
--That's correct.

20 So you knew what you were referring to at the time didn't you?---Well, if it was that email, yes.

You seem to have some confusion about it. You're not making an honest attempt to answer - - -?---I am.

- - - my questions are you?---There's a lot of emails that were taking place back then and a lot of documents. And we all live very busy lives. If that's the email in, I'm saying it's a possibility.

30 Well, tell me other emails you're aware of at the time that were important to reference against in respect of this issue?---Ah, Parisi's emails. Um, his advice - - -

Mr Parisi was a lawyer providing advice wasn't he?---That's correct.

Mr Parisi hadn't provided you with any documents that were relevant to what the Council had done in dealing with the application or submission that Mr - - -?---He, he downloaded a - - -

40 - - - Goubran had made to rezone?---He downloaded a lot of documents from Council records with recommendations and um, things that got passed in Council motions.

What, what I'm suggesting to you - - -?---Yes.

- - - is that you knew in this telephone conversation that you were referring to that particular email that had come from Ms Karac-Cooke to the Council back in June, 2012 - - -?---Ah hmm.

- - - and you knew that there was a problem with explaining how it had, it had been obtained?---That is a possibility but I don't recall if that was the exact email.

Well what other possibilities can you put forward to explain what you were saying at pages 1 and 2 of that transcript?---Well, all I understood was there was a whole bunch of documents given. All of them needed to be looked at. All, all were needed to get that opinion.

10 Well, do you see page - - -?---I don't know what specific email Mr Goubran was relating to. Maybe you have to ask him.

Well, I'm asking you for now?---Sure.

But page 2 of 3, do you see you said the words, after this discussion about the email and you expressing the need to have a copy of the email there in order to reference against - - -?---Yes. Yes.

20 - - - you said, "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 Dresner had a meeting with somebody"?---That's correct.

Were you at the time indicating that you'd had a discussion with Mr Goubran the previous day about how you were to explain laying your hands on this email?---No.

No?---Not that I can recall, no. No, sir.

30 You're lying in this evidence aren't you?---No I'm not, Mr Downing.

And you understood at the time didn't you that the email had not been obtained through someone downloading a document from the website but it had been obtained improperly?---No. I recall Mr Dresner had a meeting um, I made a submission to Mr Petch prior to this and a whole bunch of documents and letters were given to Mr Goubran and a whole lot was given to Mr Parisi. Everything needed to be, all I can say is everything that was there needed to be considered.

40 You gave some answers to me earlier today where I asked you about whether you recalled any discussions with Mr Goubran about having to try and avoid disclosing the fact that he had the email and you indicated that you couldn't recall those discussions?---Correct.

And I also asked you about whether you recall any discussions where Mr Goubran made some suggestion to the effect that the email he understood to be confidential and he, you had to try and explain, oh sorry, he had to explain how he might have got his hands on it? And you indicated not that you could recall?---Correct.

I'm suggesting that in giving those answers you were not honestly - - -?---
No.

- - - responding to my questions?---No. I'm telling you the truth.

I'm suggesting that you recall full well that a topic of conversation between
you and Mr Goubran at the time was the fact of trying to explain how that
email from Ms Karac-Cooke to Ms Wotton had been obtained?---No.

10

And that you were conscious based on your discussions with Mr Goubran
that it had been obtained through ultimately Councillor Petch having
forwarded it to Mr Stavrinis and it then finding it's way to Mr Goubran?---
No. I haven't lied.

Do you recall a discussion with Mr Goubran about, at, well I'll withdraw
that. Do you recall that in the course of this conversation on 21 February
you and Mr Goubran were discussing the sensitivity of this email and the
need to be careful in, in terms of how it might be referred to in the legal
advice?---Ah, correct.

20

Because ultimately the intention was wasn't it that a letter would be written
by Mr Parisi to Council?---Yes.

And can I suggest to you that the reason you wanted to be careful about it
was in sending a complaint on behalf of Mr Goubran and other landowners
to Council it was discussed between you and him that it didn't, it should tip
off Council to the fact that you'd had access to confidential information?
---No, not at all.

30

Do you recall any further conversations with Mr Goubran on the same day,
21 February, 2013?---I don't recall but I'm sure we've, we've talked plenty
of times.

All right. Can I ask you to listen to another telephone conversation?---Sure.

AUDIO RECORDING PLAYED

[2.16pm]

40

MR DOWNING: Now, Mr Cerreto, that's another conversation between
you and Mr Goubran, do you recognise that?---Yes, yes, yes.

And I suggest to you that that was on the same day, that is a short time later
on 21 February, 2013?---Yes.

Commissioner, I tender the audio and the transcript.

ASSISTANT COMMISSIONER: Yes, that will be Exhibit 71.

**#EXHIBIT 71 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
MR CERRETO AND MR GOUBRAN ON 21 FEBRUARY 2013 AT
09:46:51**

10 MR DOWNING: Now, in the course of that conversation you stated the message got delivered, you were referring to the email with the advice were you?---Yes.

And you referred to, you say, “No, no, no, the message in the city so the, the guy you are going to see has been briefed.” Was that a reference to the barrister or someone else?---I think so, yes, I can’t recall.

Now, Mr Goubran expressed he would have liked more force in it, into it, was that, did you understand him to be referring to the QC’s advice?
20 ---Possibly.

Well, that’s what you’d received that day wasn’t it?---Yes.

Can you think of anything else he was referring to?---No.

But he said, “I suppose legally you can’t,” and then you, you say after that comment, “No, no, that’s coming, that’s coming, I will tell you how we’re going to do that but that can’t come from us.” Now, were you in fact the person who was driving this strategy about how to handle this complaint
30 with a view to having Mr, a complaint against Mr Johnson dealt with?
---Not particularly.

Well, when you say “that’s coming” what were you referring to as coming?
---Well, possibly that the QC’s opinion would be coming and it would be made tighter by Parisi.

Sorry, that Parisi would alter the barrister’s opinion?---Not alter it but put a package together for the complaint to be put into the ICAC.

40 All right. Well, you say also in that comment, “I will tell you how we are going to do that but that can’t come from us.”?---Mmm.

So were you in fact giving Mr Goubran some advice about how to manage this complaint that was to be made against Mr Johnson?---Not particularly.

Well, what were you intending to convey through saying, “I’ll tell you how we’re going to do that but that can’t come from us.”?---Well, right now off

the top of my head I couldn't tell you what I mean in that conversation, perhaps I was going to get a, which I did, got an opinion off Steve Laface.

But what did you intend to convey by saying that, "That can't come from us," what was it that couldn't come from and you Mr Goubran?---A legal opinion.

Had you at that point discussed with Councillor Petch the particular letter that Mr Parisi was going to send in and how that might be handled?

10 ---Possibly, possibly, yes.

And you recall what Councillor Petch indicated he'd do?---Oh, he would forward it off and give it to the General Manager and then send a copy off to ICAC.

Now I think you've already agreed with me that on 21 February you received by email the advice from Mr McNally?---Yes.

And it was sent by Mr Parisi - - -?---Yes.

20

- - - to you and Mr Goubran?---Correct.

So did you have an understanding then about why Mr Parisi was sending it to you?---I think John asked him to.

Right. Now do you recall having attended a, a meeting at Mr Goubran's office with Mr Parisi some days prior to this, about a week prior?---Yes.

30 So it was you present?---Well they were there, I turned up, I think it was Charles and another solicitor and John. I turned up, went downstairs, made myself a coffee and there was a whole bunch of documents in the table as John was going through with Charles, I had a quick look at them.

So was, was that the occasion where you saw Mr Goubran hand over documents to Mr Parisi?---Well he, he gave them Mr, or the folder he had, yeah.

40 And was it then there was a discussion about the complain that Mr Goubran wanted to make in respect of Mr Johnson?---He, he wanted an opinion to see exactly what had taken place and if it was what he thought.

To find out whether there may be some evidence - - -?---Corrupt conduct.

- - - of corrupt conduct on the part of Mr Johnson? And was it then that you recall some discussion about the email from Ms Karac-Cooke to Ms Wotton at the Council?---There was no discussion but they were discussing all the documents that were there which the email was there.

Well you say it was there but what, no discussion you can recall about it?
---Oh, they were talking about a lot of stuff.

Did Mr Goubran say anything to the effect well I've got this email that shows that the advice that the Council got from the Department - - -?

---Possibly, yes.

- - - has been misrepresented by Mr Johnson in dealing with the request - - - ?
?---Possibly, yes.

10

- - - I've made to have the land re-zoned?---Possibly, yes.

But you say what, there was nothing discussed then about the source of that information?---No.

So I take it Mr Goubran indicated did he that he wanted some advice about whether there'd been corrupt conduct on the part of Mr Johnson?---Yes.

And asked Mr Parisi if he could assist in that?---Correct.

20 Did Mr Goubran say anything about his desire to get rid of Mr Johnson, that is from his position at Council?---No. What he said was that he would like this to be sent off to ICAC and ICAC deal with Mr Johnson.

Did Mr Goubran say anything about Councillor Petch wishing to be rid of Mr Johnson from Council?---No.

Now I take it at the meeting you expressed some interest in the particular advice that was to be obtained?---I couldn't believe it, yeah.

30 So what was your particular interest?---My interest was that everything was done properly, they got the proper opinions and that was it.

Was your interest anything to do with your dislike of Mr Johnson?---Not just a dislike of Mr Johnson the fact that something had been done that was corrupt.

Well that was the allegation?---Well it's the truth.

40 You say on the basis of the documents you saw that's the truth?---And the QC's opinion, yeah.

Mr Cerreto, do you recall any further discussions with Councillor Petch at or around this time, that is from late February to early March?---Well what I understood was that a meeting was going to take place with Parisi and Parisi was going to make a submission to Ivan with all the documentation and would hopefully be sent off.

Now do you recall speaking, do you recall speaking yourself to Councillor Petch though about this particular issue?---Possibly, yes.

Can I ask you to listen to another telephone conversation.

AUDIO RECORDING PLAYED

[2.25pm]

10 MR DOWNING: Mr Cerreto, do you recognise that as a conversation between you and Councillor Petch?---Yes I do.

And the date on it is 4 March, 2013?---Correct.

Do you recall that there was a conversation on that day?---Yeah. Oh, not on that day but because of the dates on the screen, yeah.

You accept that it was on that day?---Sorry?

20 You accept that the conversation was on that - - -?---Oh, of course, if that's the date, yeah.

All right. Commissioner, I tender the transcript and the audio.

ASSISTANT COMMISSIONER: That will be Exhibit 72.

30 **#EXHIBIT 72 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
MR CERRETO AND COUNCILLOR PETCH ON 4 MARCH 2013 AT
16:50:27**

MR DOWNING: Now, in the course of that conversation Councillor Petch indicated that well, the words, "That I want to get anxious on a little thing for," then you cut him off, and then he said, "That other bloke that QC's advice"?---Ah hmm.

40 So, and you indicated, "Yeah, yeah, 100 per cent we're ready to go"? And he said, "Good on you, mate"?---Yes.

There'd been a discussion with Councillor Petch now about the fact that that was to come, that is the legal - - -?---Yeah, I, I - - -

- - - letter on behalf of Mr Goubran and others?---Correct.

So had you had a discussion where there'd been some request by Councillor Petch that he be sent that and you indicating that you would organise for

that to happen?---There were, the conversation that took place, he knew that ah, John was seeking legal advise to get a QC's opinion on the alleged corruption. He was anxious to get that in his hands and take it to Council and to ICAC.

Councillor Petch expressed that he was anxious to do that?---Yes.

Now, can I ask you to listen to another recording.

10 **AUDIO RECORDING PLAYED** [2.28pm]

MR DOWNING: Mr Cerreto, do you recognise that as your voicemail message?---Yes.

And a message left by Councillor Petch?---Yes.

And you see the date on the transcript is 9 March. Do you accept that that was a message left for you on that day?---Yes.

20 Commissioner, I tender the, the audio and the transcript.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 73.

**#EXHIBIT 73 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE MESSAGE LEFT ON MR
CERRETO'S PHONE BY COUNCILLOR PETCH ON 9 MARCH
2013 AT 12:52:13**

30 MR DOWNING: And do you recall that you met with Councillor Petch that day?---No.

Do you recall that you'd asked for some particular data - - -?---No, I don't.

- - - from Councillor Petch? Do you recall he gave you some particular data at the time?---I don't, I don't know what he was referring to, I don't recall, no.

40 You don't recall him giving you anything?---No.

Now you were aware weren't you that on 14 March Parisi lawyers sent a letter to Councillor Petch on behalf of Mr Goubran and others and I'd ask that Exhibit 18, page 867 be brought up. Do you recall seeing this letter at the time?---Yes.

A letter sent by Parisi Lawyers on behalf of the group of property owners? ---Yes.

And you understood that to be Mr Goubran and others?---Yes.

Do you recall how you received a copy of this letter?---Ah, no.

Did Mr Parisi give it to you?---Possibly, yeah. Or I saw it or I read it, I don't know if I received it but I remember seeing it.

10 And do you recall after - before this letter was sent before the - I withdraw that. After Mr McNally's advice was received - - -?---Yes.

- - - and it was sent to you, you sent some commentary on it?---Yes.

And if you go back to page 865 of the same exhibit you raised some particular concerns with the advice?---Well, that wasn't my advice.

Well, it's your email to Mr Parisi?---Yeah. That's correct.

20 Did you speak to Mr Laface for some assistance with that?---Yes, he was in his office, I printed out the advice, I gave it to him and said see what you think.

But then you passed those comments as - - -?---No, he came into my office, he wrote the email and we sent it to Charles.

Well, you sent it to Mr Parisi?---Well, from my email.

30 Indicating your input on what might, what might be done with the advice and whether - - -?---In, in Mr Laface's opinion, yeah.

Whether further areas of advice might be obtained?---Correct.

So obviously you were taking a significant interest in this matter?---I just wanted it to be handled properly.

Do you recall - I took you just before to the letter of 14 March?---Yes.

40 And were you aware that it was sent to Mayor Petch as well as the other - do you recall if it was sent to other Councillors or just to Mayor Petch?---No, no, just to Mayor Petch.

And do you recall attending a meeting in the offices above Delitalia on 16 March, that's two days after the date of this letter?---Ah, yes.

Now, do you recall whether the letter had actually been sent by that time? ---No, I don't.

Do you recall who was present - sorry, you accepted from me, didn't you, that there'd been a meeting at Delitalia on the 16th?---Correct, correct, it was meant to be a meeting in Charles' office but it wasn't ready so they had it in mine.

And do you recall who attended that day?---Yeah, Ivan brought along the Council's solicitor and there was Charles.

10 And when you refer to a Council solicitor, is that Mr Belling?---Yes.

So Mr Goubran not present?---No, I don't recall John ever being there.

Are you sure about that?---Ah, yes.

And were you present for the meeting?---I was present at the start.

And do you recall whether the discussion at that time was to do with the Parisi letter and what Council might do with it?---Ah, yes.

20 Now, it's the case isn't it by this time you were well aware that Councillor Petch knew a considerable amount about Mr Goubran's grievance?---Yes, yes, correct.

And can I suggest to you that you also knew that Councillor Petch had also been the source of that email from Ms Karac-Cooke to Ms Wotton that Mr Goubran had laid his hands on?---After I saw the email, yes.

30 Sorry, you were aware, I'm asking - - -?---Well, I seen, the, the email, when I saw the email I saw where it came from, yes.

Well, I'm suggesting at the time of this meeting you knew well and - you knew - - -?---At the time of that meeting I don't recall, no.

What, you say you didn't know that it was Councillor Petch who had ultimately - - -?---I don't recall if I knew then or - - -

- - - been the source of that email?--- - - - I knew it after.

40 I'm suggesting that you, Mr Goubran and Councillor Petch had extensively discussed Mr Goubran's grievance and the particular email that had been obtained from Ms Karac-Cooke to Ms Wotton?---Ivan knew about the alleged corruption but I don't recall whether to not he knew I knew then of the email, where it was from at that time.

Do you recall there being a discussion about Mr Goubran wanting to lay his hands on the advice from the Department in order to try and investigate his complaint?---Not that I can recall.

And that being asked of Councillor Petch if he could find it and send it on?
---Not that I can recall.

Now do you recall also a meeting with Mr Parisi and Mr Goubran on 16 April 2013?---(No audible reply)

Do you have any recollection of a meeting then?---It's a possibility but I don't recall the date, no.

- 10 Now, Mr Cerreto, I wanted to ask you about a different matter and that was a matter of some advertising?---Yes.

Now it's correct isn't it that you ran some ads for the Coxs Road landowners master plan in mid 2012 and - - -?---Yes.

- - - The Weekly Times? Now did Mr Stavrinis place those for you or did you place them?---I made first contact with Mr Booth but Anthony was my point of contact.

- 20 So was it Anthony that would actually come up with the graphics?---No.

Do you know who did?---Yeah, I had a designer who had put the graphics together and Anthony would forward them to Mr Booth.

Now so, so Mr Stavrinis was the person who was authorised by you to - - - ?---He was my publicist.

- - - to send the ads to Mr Booth?---Correct.

- 30 Have you ever placed either yourself or through someone else political ads - - -?---No.

- - - Have you ever authorised Mr Stavrinis to place political ads?---No.

Have you been present in the Commission where there's been evidence about a particular ad that was placed for six Councillors with a banner saveryde.com?---In this one, in this Commission?

In this Commission?---No.

40

Can I ask you to have a look at Exhibit 21 pages 1330 to 1331?---Yeah, I can see that.

If you go to the bottom of the page. Now accept from me for the moment that there are two ads that are identical that ran in The Weekly Times, one on the 29 August and one on 5 September, this is 5 September?---Yes.

And you'll see it's an ad for six Councillors in the different wards and you're familiar with them aren't you as the Councillors who were opposed to the Ryde Civic Precinct - - -?---Yes.

- - - redevelopment? It asked people to vote for them and it suggests that there'd be more information at saveryde.com?---Yes.

Did you have any knowledge of these ads being placed?---Not on my behalf, no.

10

Well did you - - -?---I, I - - -

Did you have any knowledge of them being placed?---No.

Well I take it from your earlier answer that you say that you had nothing to do with them being placed?---Correct.

And didn't ask for them to be placed and indicated you'd pay for them? ---No.

20

Now in Exhibit 21 it might be helpful if we could have a paper copy put before Mr Cerreto just, for his reference in moving between pages.

21, 20, Exhibit 21.

I think we have a spare so we can probably - - -

THE WITNESS: Thank you. Thank you very much.

30 MR DOWNING: Now you've told us about the ads that were placed for the Coxs Road landowners master plan?---Yes.

And do you recall they were placed in The Weekly Times through to some time in July 2012?---Yes.

Do you recall that in a period July to September 2012 you received invoices from The Weekly Times?---Yes.

40 Can I ask you to have a look at page 1336 of Exhibit 21, it should be towards the back, 1336. And we'll bring it up on the screen if that makes it any easier for you and we can enlarge it?---That's, that's - - -

Do you see that's a July 2012 - - -?---Yes.

- - - invoice made out to you?---Yeah.

And it refers to Coxs Road ads?---That's correct.

Now, do you recall that you would receive at the end of, in this period, July, 2012 at the end of the month an invoice from The Weekly Times?---Um, I don't recall receiving them every month but I remember receiving them, yeah.

To the best of your recollection did you receive this invoice, that is the July, 2012 one in either late July or early August, 2012?---This one in front of me?

10 Yes?---Um, I couldn't tell you to be exact.

You've advertised over the years with The Weekly Times. Is it your understanding that normally you got an invoice close to the end of the month where the ad had been placed?---Oh, possibly.

Well when was your, what's your recollection of when you received invoices?---Well, I really can't give you one. I don't really collect the mail. But I'm sure it was sent.

20 Can you have a look at the next page, 1337?---Yes.

And you'll see that's an invoice from August, 2012 made out to you - - -?---Yes.

- - - again referring to a series of ads over the, the month in respect of Coxs Road?---Correct.

30 Do you recall receiving that some time in late August or early September, 2012?---I remember receiving it, the date I can't tell you.

All right. And if you go to the next page, sorry, it's two pages on, 1339 do you see that's a September - - -?---Yes.

- - - 2012 invoice again referring to ad, this time colour election ads?---Yes.

And I, I should have indicated to you, sorry, the last two ads referred to in the August, 2012 invoice, which is at 1337, also refer to election double?---Yes.

40 So going back to the September, 2012 invoice do you recall receiving that some time late September or early October, 2012?---Oh, I remember seeing the invoices, yes.

Do you recall seeing them though some time well before the end of last year?---Ah, no.

When's your best recollection of when you saw them?---Probably around the end of October.

All right. Now, did you normally receive the, the invoices by mail or by email?---Ah, from recollection mail I think.

Okay. Now, do you recall, well I withdraw that. Can you look at page 1302 which is the front page of the bundle of documents in front of you?---Yes.

The same exhibit. Can you see that's a July, 2012 invoice to Corporate Development Australia?---Yes.

10

And you, if you look at that and compare it to the, page 1336 you'll see it refers to the same ads?---Yes.

And it's got the same ad total of \$7,600?---Yes.

Do you have a recollection of asking Mr Booth at some point to change the name on your ads?---No.

Sorry, on your invoices?---No.

20

Did you ever ask him to change the name from Norm Cerreto to Corporate Development Australia?---No. The only name I've every asked him to change it to was to split the bill to Enrico Bietola. That was it.

And was that because the ads that had been done for the Coxs Road - - -?---Master plan.

- - - master plan were to your understanding to be split between you and the other company that - - -?---That's correct.

30

- - - owned land on Coxs Road?---That's correct.

And do you recall though receiving that invoice made out to Corporate Development Australia?---I do remember seeing an invoice made out to Corporate Development Australia, yes. I don't know for what period though.

All right, well the one, first one I showed you is for July?---Ah hmm.

40

Can you go to page 1313, we'll bring it up on the screen, do you see that's an invoice for August, 2012 - - -?---Yeah, it's the same ones, yeah.

- - - to Corporate Development Australia? And again I'd ask, you can compare them but I'd ask you to accept from me that it refers to the same ads as the ads in the invoice made out to you - - -?---Correct. Correct.

- - - for the same period. Do you recall receiving this?---Ah look, I remember seeing a invoice. I don't remember seeing a lot of them.

Do you - - -?---Ah, possibly this one, yes.

Do you think it was, might have been three for July, August, September?---I couldn't recall.

Are you able to say roughly when it was that you recall receiving them?---
This one?

10 The ones made out to Corporate Development Australia?---I don't, I couldn't - - -

I take it that when you received the invoices you looked at them?---I looked at the top of them, yes.

Did you notice, I withdraw that. Was it your understanding based on your communications with Mr Stavrinou that ads for the Cocks Road community, or the landowner's master plan were to be placed until 4 July?---Yes.

20 And that they weren't to be placed after that?---Correct.

When you received the bills, either the bills to Norm Cerreto or to Corporate Development Australia did you notice that they showed bills for a number of Cocks Road ads after 4 July?---Yes.

And did that strike you as odd given that you'd only authorised them to appear until 4 July?---Yes.

30 Did you have any understanding about whether your account with Mr Booth for The Weekly Times might have been under the name Cocks Road?---Ah, for the master plan?

Well, just your account?---No.

Did you have any knowledge about what your account might be - - -?---No.

- - - under the name of with Mr Booth or The Weekly Times?---No.

40 Well, do you recall whether at the time you first noticed that you were being billed for ads for Cocks Road after 4 July whether you raised that with The Weekly Times?---Ah, no, I probably raised it towards the end of November.

Well, by that time is it the case that you'd received the invoices for July, August and September?---Possibly, yes.

Well, to the best of your recollection had you by then?---Possibly, yes.

And did you notice that in addition to the invoices covering ads for Coxs Road after 4 July they actually covered ads for the Coxs Road right through until 22 August?---Yes.

And then they covered some election advertising in late August and early September?---Correct.

10 Now I take it that would have been something that was of some concern to you?---Oh, not really great concern, when I saw John I told him about it.

Well, not concerning that you were being billed first of all for Coxs Road ads well beyond the date where you had indicated a cut off for them to appear?---Yes.

Did it concern you that you were apparently being billed for some political advertising?---When I became aware of it, yeah.

Well, you became aware of it when you read the invoices didn't you?---Yes.

20 Well, did you, at the time you first read the invoices and noticed those things did you raise it with Mr Stavrinis?---Not that I can recall.

Did you raise it with Mr Booth?---Mr Booth when I saw him next, yes, I did, I spoke to him.

And when was that?---Probably the middle or end of November.

30 Well, your evidence is that you'd had the invoices for some time prior to then?---Possibly, yes. Maybe became aware of the invoices in about late October.

Well, each month you get a credit card statement I take it?---No.

You don't?---No.

You don't, you do not have a credit card?---I do but I don't get them.

40 Right. Do you receive bills some times for, from power companies or water, water companies?---Of course.

Do you look at them sometimes to see if what they say on them is accurate? ---No.

So you don't pay any attention?---I always have a look sometimes but I've got a bookkeeper, she does it.

Sorry, you always have a look sometimes?---Yeah, I look at the, the amount.

Well, I take it you look at the amount because you have a rough idea in your head of how much of the particular product you've used and how much you should be charged?---It depends what I'm looking at, yeah.

Well, you're a businessman, Mr Cerreto, I take it you, you have some sense of getting value for what you pay?---Yes.

10 Well, in this case did it occur to you that these invoices were showing ads that to your mind you'd never authorised being placed?---Yes.

And indeed ads for topics that had nothing to do with you?---Yes.

Well, would that not have motivated you to let Mr Stavrinou or Mr Booth know straightaway that this had nothing to do with you and you shouldn't be paying for it?---When I saw Mr Booth I told him.

20 Well, what, you just waited until you bumped into him the next time?
---Yeah.

You didn't think that the fact that there were thousands of dollars worth of advertising referred to in these invoices would be something worthy of contacting him yourself?---I was never chased up for him for payment and, and it became to my attention in about late October.

Did you raise it with him, did you raise with him the fact that you'd been getting invoices also in the name of Corporate Development Australia - - -?
---No, I didn't.

30 - - - referring to the advertising?---I only remember ever seeing one invoice, Corporate Development Australia and I threw it out.

Did you ever receive an invoice in respect of Cocks Road advertising made out to Barry O'Grady?---No.

You don't recall seeing that?---No.

40 Can I ask when did you pay for any of the advertising that you'd had placed with The Weekly Times dealing with Cocks Road?---I paid my percentage in or around the start of December.

And if I could ask you to have a look at Exhibit 62 and I'll let you know what page in a moment, if you could look at Exhibit 62 page 2292, it should be the white paper in front of you - no, sorry, not the bundle of - not Exhibit 21 - - -?---Ah, sorry.

- - - the other one?---Yes.

And you'll see there's on that page on 4 December there's a reference to a transfer to The Weekly Times of \$6,270?---Yes, yes. Is that here, is that in this - yeah, yeah.

And was that the payment you made then?---Yes.

In respect of what, the ads for the Coxs Road landowners - - -?---Yes, master plan.

10 Do you recall how it was that the Corporate Development Australia invoices actually came to your attention?

MR NEIL QC: I object. He said he only got one.

MR DOWNING: Well I'm not sure that he was quite so precise about that but I'm happy to clarify. Is, is your - - -?---Sorry?

20 Was your recollection that you only received the one invoice for Corporate Development Australia?---I only remember seeing it once, that's correct.

Well, sorry. Seeing invoices once or only receiving one invoice?---Well only seen invoice once.

And, and you threw it out?---Yes.

Do you recall how you came to receive that?---I think it was on my desk.

30 Well was your mail generally opened and put on your desk each day?---For my invoices sometimes, yes.

Well you'd see wouldn't you that if you had a look at Exhibit 21 page 1302 that the invoice is made out to Corporate Australia Development, 15 Cowper Street, Granville, 2142?---That's correct.

Is that your address?---No.

Do you know who's at that address?---No.

40 Do you know what Corporate Development Australia is?---Yeah, it's a building company.

Is it a building company that's done some work for you?---Yes.

And do you say you've got no knowledge of how these invoices came to be made out to Corporate Development Australia?---That's correct.

And do you say the invoice just came on your desk some way?---Well it was on my desk. I think my secretary remembers it was put under her door.

And what, you threw it out at the time?---Yes.

Did you notice at the time that it referred to the same ads as were referred to in the invoice of, that you'd been receiving in your name from The Weekly Times?---No.

Mr Cerreto, this year you had Parisi Lawyers send a letter to MR Booth didn't you about the advertising?---Yes.

10

And if you look, if we could bring up Exhibit 18 pages 2375 to 2377. Do you see 2375 is an email from Mr Parisi to the, or contact us at The Weekly Times - - -?---Yes.

- - - enclosing a letter and if you go to 2376 and 2377. And do you see that's a, the letter that you had Parisi Lawyers send?---Yes.

And in the letter you had Mr Parisi set out your position with respect to the, the ads and the amount that was outstanding?---Yes.

20

And it refers to a payment made on 4 December?---Yeah, yeah.

And the fact that you accepted that you, there was a further amount that would be paid at \$7600?---Yes.

Did you have any communication with Mr Booth before this letter was sent to, to indicate that a lawyer's letter would be sent?---No.

30

Did you ask him to agree to the proposition that it would be set out in the letter that you weren't responsible for the ads after 4 July?---No.

And in particular that you weren't responsible for anything to do with the political ads?---No.

Or the Save Ryde ads?---No.

Did you ask for someone to speak to Mr Booth about that?---No.

40

Do you recall if Councillor Petch gave you - I withdraw that. I asked you some questions before about the particular material Councillor Petch gave you in respect to Mr Neish's computer and - - -?---Yes, yes.

- - - you agreed with me that he gave you a disc - - -?---Yes, yes.

- - - and also a piece of paper with some pictures?---Yes.

Can you recall if earlier in this year Councillor Petch gave you an electronic copy of something else?---None that I recall.

Do you recall if he gave you an electronic copy of some material recovered from a computer that had previously been used by the former Mayor Councillor Etmekdjian?---Yes, yes.

So did he give you a, what a disc of those - - -?---He gave me some sort of electronic copy of something.

10 And was that material that he indicated had been recovered off Councillor Etmekdjian's computer?---Possibly.

Did he indicate that it was a document that had something to do with the former General Manager, Mr Neish?---No.

Did he tell you what was on the disc - - -?---No he didn't.

- - - in terms of the content?---No he didn't.

20 And, and what have you done with the disc?---Threw it out.

So you made, you had no interest in it?---No I don't.

Didn't look at it?---No.

Mr Cerreto, did you, is the evidence you've given today about Corporate Development Australia and the invoices, is that truthful?---Yes.

30 Did you in fact tell Mr Booth to put Corporate Development Australia on the invoices?---No.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Mr Cerreto, can I just ask you about you built a fairly large structure or addition to your house - - -? ---Yes.

40 - - - according to a photo I've seen. Do I understand you correctly, you didn't apply for any approval for that?---Not through Council. I was under the assumption I had a certifier that did the approval for me.

So you didn't think you had to apply to Council at all?---No, it was a complying development.

Ah hmm. All right, thanks for that. Does anybody seek to cross examine this witness?

MR NEIL QC: Yes.

ASSISTANT COMMISSIONER: Mr Neil.

MR NEIL QC: Thank you. Mr Cerreto, just to do with the last point without going into the merits, is one of the points you are going to make in court in future proceedings that you have a certifier involved?---Yes.

Now, I, could the witness, Commissioner, be shown Exhibit 56.

10 ASSISTANT COMMISSIONER: Do you want him to get a hard copy of it or - - -

MR NEIL QC: Oh, it might be preferable if it's possible but it's a small one page. It could be shown to the, it could be shown on the screen if needs be. Now, do you have that in front of you?---Yes I do.

And is that a photocopy of an invoice dated May, 2012 in respect of some advertisements?---Yes.

20 And I just want you to look at these four photocopied documents, if I might hand them to the witness, Commissioner, is that Exhibit 56 you've got in two pages?---Yes it is.

One being a May invoice and one being a June invoice?---Yes.

30 Right, I'll give you these too. Keep them in separate bundles, thank you. The Court officer's going to show you I think firstly four adverts, and I want to ask you if the first four you're going to be shown are the adverts that were taken out on 23 May, two of them, and two more on 30 May?---Yeah, the date match, the dates match up, yes.

Yes, now why did you have two on each day if I could just ask you that?--- Oh, we just were going to get two half pages the, the graphics ran across the bottom of the page.

Right. So in effect if you open the paper and you're looking at two pages these ads fill the lower half of the two pages?---That's correct.

But you get charged for two lots of a half page - - -?---That's right.

40 All right, thank you. And could you look at the second bundle and I'd ask you do you recognise the second bundle of advertisements as those for 6 June, 13 June, 20 June, and one only for 27 June?---Yes.

All right. And yes, could I tender those two sets of adverts, Commissioner?

ASSISTANT COMMISSIONER: Yes. Those advertisements will be Exhibit 74.

**#EXHIBIT 74 - TWO BUNDLES OF ADVERTISEMENTS
APPEARING IN THE WEEKLY TIMES DURING THE MONTHS
OF MAY AND JUNE 2012**

MR NEIL QC: Thank you?---Thank you.

10 Could I ask if the witness might be shown Exhibit 62. Do you still have it
with you?---No, sorry.

If not it could the hard copy or electronic, Commissioner, I want to show
him Exhibit 62, pages 2291 and 2292 and 2293?---Sorry - - -

ASSISTANT COMMISSIONER: They're on the screen too, Mr Cerreto, if
you - - -?---Okay, yes, yes.

20 MR NEIL QC: Now, I think my learned friend Mr Downing asked you to
look at 2292 and that shows the 4 December transfer of \$6,270 to the paper?
---Yes, yes.

And in the letter that Mr Parisi sent to Mr Booth he said that you would be
sending the remainder, correct?---That's correct.

If you look at 2293 do you see an entry there of 14 June, 2003 cheque
presented for 7,600?---That's correct.

Is that the further sum - - -?---That's correct.

30 - - - that you paid?---Yes.

All right. Thank you. Perhaps you could just hand that back. Now, you
remember telling my learned friend earlier that you received from Mr Petch
a disc and some what I think my friend described as thumbprints - - -

ASSISTANT COMMISSIONER: Thumbnails.

40 MR NEIL QC: Thumbnails, pardon me, all right. Thumbnails to do with
Mr Neish's extracts from computer?---Yes.

What did you do with them?---I threw them out.

And by what means?---Put them in the bin.

All right. So does that mean if the Commission were to issue a summons
for you to produce them you couldn't produce them?---Correct.

All right. Yes, thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you, Mr Neil.

MR LLOYD: Commissioner, Lloyd on behalf of Mr Roy Newsome.

ASSISTANT COMMISSIONER: On behalf of Mr Newsome?

MR LLOYD: Yes.

10 ASSISTANT COMMISSIONER: Yes.

MR LLOYD: Mr Cerreto, you remember you had played to you earlier a telephone conversation that you had with Councillor Petch on 4 March, 2013?---I don't recall the conversation but - - -

It was a conversation about the fact that the 29 Vimiera Road issue was coming before Council that evening?---Yes, yes, yes.

Do you remember that?---Yeah.

20

In that conversation with Councillor Petch you made reference to being told something about the agenda of the Council meeting by a person named Roy?---Yes.

The Roy you were referring to when you were speaking to Councillor Petch was Roy Maggio, Councillor Roy Maggio, that's right isn't it?
---Correct.

Thank you. Thank you, Commissioner.

30

ASSISTANT COMMISSIONER: Thank you. Yes, no re-examination, Mr
- - -

MR DOWNING: No.

ASSISTANT COMMISSIONER: That concludes your examination,
Mr Cerreto, you may now - you're now excused.

40 **THE WITNESS EXCUSED**

[3.03pm]

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner. Commissioner, the next witness will be Anthony Stavrinis.

ASSISTANT COMMISSIONER: Yes.

MR COADY: Commissioner, Mr Stavrinis will take an oath. He seeks a declaration under section 38 and I've explained the effect of that to him. One final matter, in transcript yesterday I made I think it was either an objection or a clarification and I was referred to by the name of Mr Kritharas. I've spoken to transcript staff about that, I just hope it can be corrected going forward. I make no application retrospectively in relation to that, I don't think it's too important and I don't in fact think it can be changed in speaking to the staff this morning. I just hope that it's noted from now on.

ASSISTANT COMMISSIONER: Yes, certainly. I'm sure that's been noted.

MR COADY: Thank you, Commissioner. One final thing, Mr Stavrinis seeks a suppression order under, about his current address should it arise in his evidence today.

ASSISTANT COMMISSIONER: Yes, thank you. And you said he'd take an oath did you?

MR COADY: That's correct, Commissioner.

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

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

ASSISTANT COMMISSIONER: I make a suppression order in respect of the private residential address of this witness. Could be sworn please.

**THERE IS A SUPPRESSION ORDER OVER THE HOME ADDRESS
OF MR STAVRINOS**

ASSISTANT COMMISSIONER: Yes, thank you.

MR DOWNING: Thank you, Commissioner.

10 Mr Stavrinos, could you please state your full name to the Commission?
---Anthony Stavrinos.

And your date of birth?---30th of the 1st, '73.

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

And is it correct that you, you work as a publicist and media strategist?
---I'm a journalist first and foremost.

20 Are you currently employed - - -?---Yes.

- - - by anyone as a journalist?---Yes.

Could you tell us who that is?---Western Sydney Business Access.

All right. In addition to working as a journalist do you do some work as a publicist and media strategist?---Copywriter, communications advisor, yes.

30 Sorry, you indicate a copywriter and, sorry, communications advisor. Does that include being a publicist and a media strategist?---I guess it does, yes.

And have you operated work - I withdraw that. Have you, have you worked as a publicist and media strategist through a particular business name?
---Yes. Publicitree Australia.

And is that P-u-b-l-i-c-i-t-r-e-e?---Correct.

And for what period of time have you worked under or operated under that name?---Since late 2011.

40 And can I ask whether, for how long you've known Councillor Ivan Petch?
---About 12 months.

And what were the circumstances in which you first came to meet him?---I was doing some work as a advisor on the Coks Road master plan.

Was that work for Mr Cerreto?---Yes.

All right. So was that in mid 2012?---It was probably May 2012.

And did that involve you what, advising or drafting documents?---Involved me creating content for the communications materials.

Have you ever done any, any work as a journalist for The Weekly Times?---I've made contributions of content.

When you say contributions of content do you mean advertising or articles? ---Contributions of content is editorial and, and, and designed blocks, yeah.

10

And have you done that written, have you written articles under your own name?---No.

What name have you written them under?---Under no name and also under Tony Ross.

Tony Ross. Was there any reason for doing under the name, under the alias Tony Ross?---There's no reason you can't.

20

Right. Well that may well be the case but was there any reason for wanting to do it not under your own name?---Well there's delicate relationships with, with certain Councillors.

So if we go to Exhibit 21 for the moment. If that can be - perhaps I'll have a paper copy provided to you it might just be easier.

30

ASSISTANT COMMISSIONER: I'm sorry, I didn't understand your last answer delicate relationships with Councillors?---Yes. For example Councillor Pickering was a friend of mine at the start of my work with, with the Council and as I have grew to learn what he was getting himself up to he, I, I started to distance myself and I became concerned about the, the approach he was taking with the Civic Centre.

I'm sorry, I still don't understand why that meant you had to write under another name?---Well I don't want the, didn't want the attention to be on Anthony Stavrinos the journalist I just wanted it to be on the content that was on the page. It's quite a common thing to have a pseudonym.

40

MR DOWNING: Well at page 1318 if you have a look there's numbers on the top right-hand corner.

So that was an article about Councillor Nicole Campbell, a former Councillor at Ryde Council?---Yes.

And you'll see it's written under the name Tony Ross?---Yes.

Is that one of your pieces?---It is.

And if we go to page 1327 you'll see that's another piece critical of Councillor Campbell?---That is.

And it again says it's from TWT reporter, Tony Ross. That was you was it?---Yes. Yes.

And if we go to page 1330, it's cut off but you'll see there's an article that starts, "Local," looks like, "Apathy," and it does say, if you go to the next page it says, "Local Apathy Favours Libs"?---Yes.

10

And there's, it's again a article said to be by Tony Ross. Was that you?---Yes.

And it was an article critical of those that were supporting the Ryde Civic Precinct redevelopment?---Yes.

Now, did you sometimes write articles in your own name or did you always write them under the name Tony Ross?---Not for this paper.

20

Sorry?---Not for this paper I didn't write it under - - -

Your own name?---Anything under my own by-line, no.

Do you sometimes write under your own by-line?---Of course I do, yes.

So was it the case that all of the article you write for this paper were articles critical of those who supported the Ryde Civic Precinct redevelopment?---Ah, yes.

30

And they were all written under the pseudonym Tony Ross?---Yes.

All right. Now, can I come back then to Councillor Petch, the circumstances in which you first, and I think you started to explain that you'd done some work for Mr Cerreto?---Yes.

On a, on the Coxs Road master plan?---Yes.

And I think you said it was some time in about April, or May was it, 2012?---May.

40

And again could you explain what it was you were doing?---I was putting together content for the communications materials including the sponsored pages in the TWT.

Right. And was it through the work you were doing that Mr Cerreto introduced you to Councillor Petch?---No, Mr Cerreto didn't introduce me to Councillor Petch at all. I, I introduced myself.

Well when was that, do you recall?---Don't recall.

And have you done some work for Councillor Petch since that time?---Yes.

And what was the nature of that work?---Just advising him on media and strategy.

And over what period have you done that work?---Oh, I guess um, well it's been ongoing.

10

When did it start?---Um - - -

Bearing in mind the Council elections were in September last year?---Yes.

Was it, did it start prior to then?---Prior to the Council elections, yes.

And has it continued since the Council elections?---Yes, but ah, in, in a sort of a decelerating ah, state.

20

So you're doing less work?---Much less, yeah.

Okay?---Yeah.

Were there particular media related matters that you were advising Councillor Petch on?---Anything that ah, that ah, came to, came to the fore I guess.

30

Can you recall any particular matters now that did come to the fore?---Um, general um, the, the general um, ah, behaviour of the, the Liberal Councillors, the right wing Liberal led Councillors in alliance with the left wing Labour Councillors that had joined them.

So is this in respect of the Ryde Civic Precinct redevelopment?---Yeah, it is, it is. It is.

So was, were you assisting Councillor Petch in his opposition or - - -?
---Yeah.

40

- - - publicising his opposition to the Ryde Civic Precinct redevelopment?
---I wasn't assisting Councillor Petch as such. I was ah, I was also um, I was also fairly convinced that it was the right course to take and ah, and I had a bit of a conviction regarding this, the whole issue.

But I take it in your work as a publicist you were assisting others, you weren't publicising your own views?---Yes I was but I wouldn't, I wouldn't be doing it if I, doing it if I didn't believe in it.

Okay. Now, have you done any work for John Goubran?---Yes, I have.

And what work and in what time period are you referring to?---It would be after the elections and before November, so in the period - - -

So late 2012?---Late 2012, yeah.

And what did that involve?---A bit of research regarding the, regarding the Waterloo Road property that Mr Goubran owned with a view to later community consultations so that's still a work in progress.

10

Right. And no other work for Mr Goubran?---Yes, Mr Goubran also is involved in a student accommodation business and I was also advising in regards to marketing and content and copyrighting for that.

Have you had any, done any work for Mr Goubran in respect of a property he owns in College Street in Gladesville?---No.

You haven't provided any assistance to him in respect of that property?
---Ah, no.

20

Now you've done some work for The Weekly Times under the name Tony Ross, that is you provided some content. I take it you know Mr Booth?
---Yes, I do.

And for how long have you known him?---I've known him for 12 months.

And how did you come to work at the paper?---I was, as I explained before, I was doing the content for the Coxs Road sponsored pages and then when that, when that, when that work finished I took a very short break and it had
30 been an ongoing discussion with Mr Booth and I continued through the elections.

So with the Coxs Road advertising that was placed in The Weekly Times were you the person actually liaising with The Weekly Times to have it placed?---In, in, in regards to content, yes.

So would you ring up and place ads?---No, I'd, I'd, I'd be involved in design and content and, and the person directing traffic would be John Booth at all times.

40

But how would material get to Mr Booth?---It would be sent to him either from a designer or from myself.

And was that how you came to know him?---Yes.

All right. Have you, you're familiar with Councillor Salvestro-Martin?
---Absolutely.

And have you done some work for him?---Yes.

And what's the nature of that work?---The same as, the same, same in nature as Mr, the work I did for Mr Petch, Councillor Petch sorry.

That is promoting the case against the Ryde Civic Precinct redevelopment?
---And, and advising him on, on media issues and helping him draft press releases and general media training.

10 Now you're aware aren't you that in early 2013 John Neish at that point was the General Manager of the Council?---Yes.

And had Councillor Petch expressed a view to you about Mr Petch, sorry, Mr Neish and his work as the General Manager?---Not, not in any way over and above the thousands of other people in the community who had expressed their disapproval over him, his, his actions and the way he, he carried out his work.

20 You're aware aren't you that in early 2013 Mr Neish finished up his employment at the Council?---Yes.

And are you aware that just prior tot hat time there'd been a complaint made against Mr Neish that some pornographic material had been accessed from his laptop?---A complaint.

Yeah, are you aware that - - -?---They found him using porn on his Council owned computer, correct, yeah.

30 No, what I'm asking about whether you're aware that a complaint was made by an IT employee - - -?---I don't think it's a complaint, I think they discovered porn on his computer.

ASSISTANT COMMISSIONER: Well, I'm sorry if you're journalistic efforts are up to that accuracy then they're not very likely to be very good
---Oh, right.

But that's not the case. Can you just answer the question you're being asked.

40 MR DOWNING: Did someone make you aware that a complaint had been made against Mr Neish?---Yeah, I became aware from multiple sources.

Thinking back now who do you recall was the original source of information about that?---I don't recall who came first?

Try and think back, who do you believe was, it was that informed you?---I don't recall.

All right. Was Mr, was Councillor Petch in contact with you fairly regularly in early 2013?---Yes, he was.

Right. Can I ask you to first of all listen to a telephone conversation.

AUDIO RECORDING PLAYED

[3.20pm]

10 MR DOWNING: Mr Stavrinis, do you recognise that as a conversation between you and Councillor Petch?---Yes.

And you'll see the date on the transcript as 17 January 2013. Do you recall the conversation with him at that time?---No, I don't but obviously there's been a conversation, yeah.

Commissioner, I tender the transcript and the audio of that conversation.

20 ASSISTANT COMMISSIONER: Yes. That will be Exhibit 75.

**#EXHIBIT 75 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
MR STAVRINOS AND COUNCILLOR PETCH ON 17 JANUARY
2013 AT 16:36:53**

30 MR DOWNING: Now, Mr Stavrinis, was - at this time in January 2013 this is when you were providing some advice to Councillor Petch in respect of media related matters - - -?---Yes.

- - - and did he pay you for that work?---No.

I take it the Council didn't pay you for it?---No.

So you were volunteering?---Yes.

40 Because what, you believed in Councillor Petch's cause and wanted to assist him?---It was a cracking story.

Well let's come to the story in a moment. 17 January 2013 is before some, almost a month before Mr Neish finished up his employment?---The story started with the Civic Centre.

All right. Well I - Mr Stavrinis, if you just try and listen to my questions rather than telling me a story?---Well you're putting something to me that, that the story started with Mr Neish, it didn't.

You published a number of stories about the Civic Centre - - -?---Yes.

- - - that the Civic Centre had been killed off by this time hadn't it?---No. Not definitely. I still don't think it's definitely been killed off.

Mr Stavrinis, in this phone call Councillor Petch says that, "I've got everything on a message stick, mate, I've got the whole lot"?---Mmm.

10 And he referred to the fact that Norm's got a copy of it. Do you recall whether that was a reference to some material that had been found on the - - -?---I don't - - -

- - - laptop previously used by Councillor Etmekdjian?---I don't recall.

So you don't remember that being discussed in this conversation?---I don't recall the conversation.

20 Do you recall Councillor Petch talking to you about - - -?---At some stage, yes.

- - - the fact that he had a laptop that had previously been used by - - -? ---Sorry?

- - - Councillor Etmekdjian?---Sorry, I jumped in then too early. No, no, I don't, I don't recall that.

30 Do you recall him telling you at some point that documents had been recovered off that raise an issue about Mr Neish and his performance review or performance appraisal. Do you recall Councillor Petch talking about that?---I don't recall but I know that I was aware of that.

Well can you think of who that came from other than Councillor Petch? ---No, I, I don't recall.

Can't identify anyone?---No.

40 Now in the course of that conversation you made reference to Warwick seeming to think the best way to attack some of the stuff is to go public with it and ravage them publicly. Who was Warwick?---Warwick Cooper.

Was he someone that you knew?---He's someone that I greatly respect and has much more experience than me and I sometimes seek counsel of.

You're obviously talking to Councillor Petch about Mr Cooper. What were you referring to when you were suggesting that Warwick though the best way to attack some of this stuff was to go public with it and ravage them publicly?---Well obviously I discussed the issue with, with Mr Cooper.

Right. But when you were talking about the stuff what were you referring to, what was the subject matter that you were referring?---I don't recall exactly what I was referring to.

So do you recall whether it was something that Councillor Petch had raised with you, you've then gone and discussed with Mr Cooper?---No, I don't.

10 Do you recall having a conversation with Mr Cooper about the material that had been found on Mr Etmekdjian's former computer that Councillor Petch now had?---I don't recall specifically having a conversation with Mr Cooper.

Now you recall don't you that Mr Neish finished his up, finished up his employment on 8 February 2013?. You're ware of that aren't you?---8th, is that a Friday or, I can only remember the day.

A Friday?---It's a Friday? Yeah. Yes.

20 And you've told me already you were aware of the discovery of material on Mr Neish's laptop computer?---Yes.

And I asked you before about whether you thought it was Councillor Petch who told you about that and I think your evidence was you couldn't recall whether it was him or someone else?---Yes.

I want you to think carefully, do you recall that the source the original source of that material to you was Councillor Petch?---It may have been but I don't recall.

30 Can I ask you to listen to a telephone conversation.

AUDIO RECORDING PLAYED

[3.30pm]

MR DOWNING: Mr Stavrinis, do you recognise that as a telephone conversation between you and Councillor Petch?---Yes.

40 And you'll see the date on the transcript is 3 February, 2013. Do you have any reason to dispute that that was the date of the conversation?---No, no.

I tender the audio and the transcript, commissioner.

ASSISTANT COMMISSIONER: That will be Exhibit 76.

**#EXHIBIT 76 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN**

**MR STAVRINOS AND COUNCILLOR PETCH ON 3 FEBRUARY
2013 AT 20:31:14**

MR DOWNING: Now, having heard that telephone conversation would you agree that you at the beginning of it made – asked a question of Councillor Petch about whether he'd sought some advice on how to make sure this sticks and there's no wriggle room?---(No Audible Reply)

10 You need to give a verbal response, Mr Stavrinis?---Yes, yes.

So I take it from your familiarity with the subject matter and the fact that you raised it, you were aware prior to this- -?---Mmm.

- - -of the discovery of material on Mr Neish's computer?---Perhaps.

Well, you referred to, you've obviously given it some thought because you said, "I was a bit worried because I've seen other IT things sort of fall over in the past for that reason?"---I guess so. I guess so.

20

Well, I want you to try again and think, do you think it was Councillor Petch who first informed you of this material?---I can't recall who informed me first.

This is obviously something that was fairly significant wasn't it?---It was a matter of public importance.

Well, let's put it this way, you'd prior to this time assisted Councillor Petch in promoting his case against the Civic Precinct redevelopment?---Yes.

30

And you'd written a number of articles in the - - -?---It wasn't his case, it was a collective case.

You'd written a number of pieces in The Weekly Times critical of those who were in favour of the Civic Precinct redevelopment?---Only where it was deserved.

40

Could you please spare us the commentary and just answer my questions, Mr Stavrinis?---Well, I don't, I don't, I don't look at it as being critical. I look at it as fact. What I've, what I've written is fact. You can see it as critical if you like but the, but it's not critical.

It was setting out an opinion wasn't it?---It's factual. And I stand by it.

It, it may have been an opinion you genuinely held but it was an opinion about the merits or lack of merit of the Ryde Civic Precinct redevelopment. Do you agree with that?---No. No. Not necessarily, no.

Okay. Well, thinking again about Mr Neish, you, through your dealings with Councillor Petch you were aware that he was not a fan of Mr Neish, correct?---Yes.

And this is a story that comes to you in early 2013 involving the discovery of pornographic material on Mr Neish's computer?---Yes.

You know who came to you with that story, don't you?---No.

10 You know it was Councillor Petch?---I can't be certain that he was the first to tell me.

Who else do you think it might have been?---Well, I received something in the mail.

Have you still got it?---No.

What was it in the mail?---There was one um, hard copy of an email and a, an a CD.

20

A CD?---Yep.

Right. Was it an anonymous letter in the mail?---Yes.

You're making this up, aren't you?---No.

You know full well that it was Councillor Petch who came to you with the information?---I'm not denying that I spoke to Councillor Petch about, and obviously there's a telephone recording.

30

You - - -?---I'm just, all I'm saying to you is that I can't be sure of the, of the order, where I heard it first, that's all.

I'm suggesting to you that the evidence you're giving now about receiving an anonymous disc in the mail is a lie?---Well no, that's wrong. It's - - -

You understand don't you that lying to the Commission is a serious matter?--Yes. Yes.

40 Now, in the course of this conversation you and Councillor Petch discussed the person who had made a disclosure. If you look at the transcript at page, the first page 1 of 4 you asked Councillor Petch about, or your worry that other IT things like this had fallen over in the past. And Councillor Petch indicated he was going to protect the bloke who'd made the disclosure?---Right.

So you did understand didn't you that someone had come forward and made a disclosure or a complaint against Mr Neish?---Only from ah, Councillor Petch telling me that, yeah.

So that someone, didn't you understand that the original source of this material, the source of this story was a complaint that someone in the IT department at the Council had made?---Yes. Yes.

10 And you knew that because Councillor Petch told you?---Well obviously, from this transcript.

And in the course of the conversation at page 2 of 4 Councillor Petch said, "You've just got to keep it to yourself so don't tell too many people. I found out that ah, Wakka knew all about it. He showed me some emails. Did you want any dirty pictures?" Now, I know you find that terribly amusing?---I do.

20 But did, did you understand Wakka to be a reference to Warwick Cooper? ---Yes.

So you understood from this conversation Councillor Petch was indicating that Mr Cooper knew about it?---Yes.

And Councillor, you indicated on page 3 of 4 that you were looking forward to the outcome. What did you mean by that?---That it was a matter of public importance and I was looking forward to the public finding out about it.

30 All right. Given that you'd understood that a complaint had been made, or a disclosure had been made by a Council employee to Councillor Petch did you give any consideration to whether that disclosing this through the media might be the appropriate thing to do?---No.

I mean, you understood he was the, that Councillor Petch was the Mayor?---Yes.

You understood that he's a member of Council?---Yes.

40 You would know wouldn't you that there are codes of conduct that apply to the way in which the Council operates?---No, not really.

Do you say that you have no understanding at all about whether there might be Codes of Conduct- -?---No.

- - -that govern things like the way in which information was received?

---Oh, I've heard, I've heard them referred to but I'm not, I'm not particularly knowledgeable about them at all.

Is it the case you just didn't care, you liked the story and thought it was important to get it out there?---It's, it's very important to get it out there.

Right. And you were going to assist Councillor Petch in doing that, weren't you?---Assist him and everyone else who wanted it out there I guess.

Well, who else was calling you at the time saying I'd like, I'd like to talk to you about the discovery of porn on Mr Neish's computer?---Well, at the, at the time it was, it was Councillor Petch, but I'm sure that there were, there
10 were others that were, that were likeminded.

That rang you about it?---Not that rang me about it, I can't recall anything like that.

So when you say likeminded, other people that were interested but not that actually contacted you and asked for your assistance?---No, that's right.

Now, this is a call on 3 February, and I've already asked you about whether you were aware that Mr Neish finished up his employment on 8 February.
20 You were aware of that, weren't you?---Yes.

And do you recall further conversations with Councillor Petch after 3 February where you spoke about how this information in respect of Mr Neish might be managed?---Ah, I don't recall specifically, no.

Think back. Do you recall that up to and beyond the date of Mr Neish's employment coming to an end you spoke to Councillor Petch about how this material might be managed?---Not specifically. Of course it had to be managed if it was going to be disseminated so- - -
30

If it was going to be disseminated?---Yeah.

And you discussed with Councillor Petch, didn't you, disseminating it?
---Can't recall if I did that.

Well, can I ask you, you would understand as a, as a journalist of some years' standing that you could write a story with your name to it and publish something?---Yes.

40 That's one way of getting something in the public domain?---Yes.

Another way would be to leak it?---You wouldn't have to leak this story, you shouldn't have to leak this story, you just give it to a journalist.

Right?---A journalist that knows a story.

And that's what you tried to do here, wasn't it?---Well, communicate the fact that it was in the public interest, yes.

Can I ask you to listen to another telephone conversation.

AUDIO RECORDING PLAYED

[3.42pm]

MR DOWNING: Mr Stavrinis, do you recognise that as another telephone conversation between yourself and Councillor Petch?---Yes.

10

And do you recall - you can see the date on it is 8 February which you know is the date that Mr Neish finished up, you accept that that was the day of the conversation don't you?---Yes.

Commissioner, I tender the audio and the transcript.

ASSISTANT COMMISSIONER: That will be Exhibit 77.

20

**#EXHIBIT 77 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
MR STAVRINOS AND COUNCILLOR PETCH ON 8 FEBRUARY
2013 AT 22:41:23**

MR DOWNING: Now, by the time of this conversation, Mr Stavrinis, you knew Councillor Petch was leaking the story didn't you?---I wasn't quite sure about that because it did come to my attention that Mr Neish tried to destroy the evidence by requesting - - -

30

Forget what Mr Neish was trying to do, Mr Stavrinis. Please - - -?---Well, I'm, I'm not - - -

- - - pay attention my question?---No, no, let me answer you.

You knew by - - -?---I'm saying that, I'm saying that the information went throughout the building.

40

You knew by this point that Councillor Petch had leaked this information to the media didn't you?---No, I didn't.

All right. Can you look at page 6 of 7 of the transcript and you'll see if you go back up above that you, you and Councillor Petch are talking about the Northern District Times and Robbie, you knew who Robbie was didn't you? ---Yes.

He was a journalist at the Northern District Times?---Absolutely, yes.

And Councillor Petch and you were discussing the fact that the story hadn't yet been published, do you recall that?---Yes.

And you actually commented that "It hasn't appeared in the papers yet, ah, hasn't appeared on the Northern District Times either," this is at the bottom of page 4 of 7?---Yes.

So you were obviously conscious of it and you were watching the media to see what stories came up?---Yes.

10

Because you knew Councillor Petch had leaked it to the media?---(No Audible Reply)

You did, didn't you?---Well, I may have spoken to Robbie Patterson myself.

You knew from what Councillor Petch had told you that he had leaked the story to the media?---I don't recall, I don't recall whether I'd spoken to Robbie Patterson or it was - because I knew from, from Councillor Petch.

20

And in the course of this conversation you, you were speculating with Councillor Petch about what might be holding the story up and you suggested it might be legals, do you recall that?---Well, I was surprised that it wasn't in the papers already 'cause it was a matter of public interest.

30

Right. And do you see at page 6 of 7 towards the top you say the words, "Good. Okay. That's good, that's good and then you look like you're a hero as well because you have given him the story so that's good, that's good." When you said the words, "You have given him the story I take it you meant that you understood Councillor Petch had given the story to Mr Patterson?---Well, that, yeah, I, I accept that.

So your evidence now is not an honest attempt to actually describe the events?---Well, I didn't recall, I don't recall the intricacies at all so I accept, I accept for what you've said there that, that perhaps I did, I did have a knowledge of who gave it to Mr Robbie Patterson.

40

Mr Stavrinou, you knew from your discussions with Councillor Petch that his intention was to leak it to the media, you know that, don't you?---(No Audible Reply)

In early February 2013 you knew from your discussions with Councillor Petch that his intention was to leak this information to the media?---It may have been my intention to provide it to the media.

I'm asking you about what you understood Councillor Petch - - -?---No, I didn't, I didn't definitely know that it was his - he was probably waiting on advice from me. I'm sorry. I can't accept that.

What I'm suggesting to you is that was the first part, that you knew that Councillor Petch was leaking it to media or intending to do so?---I, I can't control what, what Councillor Petch does and - - -

And you were - - -?--- - - - sometimes he does not tell me what he does.

You were assisting him to that end weren't you?---I was assisting him where he needed assistance.

10 In leaking the story to the media?---It doesn't have to be leaked, it can just be provided.

All right. Tell me in your mind what's the difference between leaking and providing?---Well, leaking you're, you're suggesting that there's something, something, some sort of a - I mean, if you provide this information and you provide the facts it's a ball tearer of a story.

Well you understood didn't you that at this time Councillor Petch was Mayor, you knew that?---Yes.

20

You knew he could issue a media release on behalf of the Council about this topic if he wanted to?---And he does often, yes.

Do you recall him issuing one in respect of this story?---No.

Do you recall him holding a press conference outside of Council and saying as Mayor it's important that the Council, that the good citizens of Ryde know about this?---No.

30 What he was doing with you was asking you in a secretive way to assist in leaking this to the media. Do you agree with that?---Perhaps, yeah.

And you knew that what was being done was a leak, that is try to disseminate the story to the media without the source being traced?---I'm not sure - - -

Do you accept that?---I'm not sure about that, I'm not sure about that.

40 All right. At the beginning of the call you, you spoke about getting a message back from her?---Mmm.

And then further down the first page you actually say, "Before the investigation is over you must ask the question to Leesha McKenny? ---Mmm.

Now was Leesha McKenny the her you'd been referring to earlier?---Yes, I think so, yeah.

And is that a particular journalist at the Sydney Morning Herald?---Yes.

Leesha McKenny?---McKenny.

And had you been attempting to leak the story to her in, in drips and drips?
---Not to her, no.

No?---No, I didn't think she had an understanding of the story so I didn't, I didn't attempt to give it to her at all.

10

Well - - ?---I had, I had attempted to introduce her to Councillor Petch.

Well when you say I got a message back from her who were you referring to?---Leesha McKenny.

Right. And I take it getting a message back would indicate that you'd contacted her?---Yes.

20

And do you deny that what you were trying to do is get her interested in this story about Mr Neish leaving so that bit by bit you could give her information to suggest that it was because of the discovery of material - - ?
---I wanted it, I want - - -

Please wait 'til I finish my question, on Mr Neish's computer?---I wanted her to be aware that Mr Neish had left.

You say what, that bare fact?---That's it.

30

Right. Well by the 8 February, this is a conversation at 10.00 at night a media release had gone out so presumably as a good journalist she may have been aware of that already?---Not really. 6 o'clock at night is when the media release went out on a Friday, 6 o'clock at night on a Friday is dead man's land in media world. It was sent out so that nobody would pick it up.

Mr Stavrinis, what you were doing with Ms McKenny was trying to start a line of communication so that you could drip feed her this story so that she ultimately got to the pot of gold which was the discovery of the material on Mr Neish's computer?---No, no, no, not at all.

40

No?---Not at all. Because Leesha McKenny would never write this story.

Would that be because she's a responsible journalist to your understanding?---No, it's not it's because she writes one line, one line and it was a pro Civic Centre line.

Now - - ?---Like her predecessor.

In the course of your discussion with Councillor Petch that we've just heard you expressed would you agree some frustration that the story hadn't yet been published?---Yes.

And you referred to the fact it might be legal that was holding it up?---Yes.

Did it occur to you again that it might be because journalists were acting responsibly in dealing with the material that you, that you and Councillor Petch were leaking?---No.

10

Didn't occur to you?---No. It occurred to me that, that, that the current landscape in media provides that, it's, that organisations are a little bit timid about stories that seem way out there. Unfortunately this story was absolutely true.

Commissioner, there's further material I want to put to Mr Stavrinis but it will take some, a little bit more time. May I ask that we adjourn for the day at that point.

20

ASSISTANT COMMISSIONER: Yes, yes. We will adjourn at this time until 10 o'clock tomorrow morning.

AT 3.58PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.58pm]