

CAVILLPUB00869
25/07/2013

CAVILL
pp 00869-00929

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION CAVILL

Reference: Operation E12/1191

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 25 JULY 2013

AT 10.05AM

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

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

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

MR STANTON: Yes, Commissioner, yesterday I was minded as I was properly required to make inquiries of Mr Goubran's fitness. His treating practitioner is Associate Professor Grabs at St Vincents Hospital. Professor Grabs maintains that he is not fit until the start of August, he's reviewing him on 5 August, he'll be hopefully able to attend on the 6th. I understand that may not be appropriate but nevertheless ma'am, I read from and I've give the report to the Commission's attorneys. He takes the view, that's the professor, that he will not change from his opinion expressed on 12 July, that his risk of a further clot is too great and he wants to review on the 5th and certainly he'll be free, hopefully ideally ma'am, to pick a date if we could now bearing in mind the convenience of our, of the other counsel here, 6 August, ma'am, to finish Mr Goubran's, sorry, to take Mr Goubran's evidence and complete it. Thank you.

ASSISTANT COMMISSIONER: Well, are you saying that you're sure now that he will be available after 5 August?

MR STANTON: I'm, I'm certainly very confident, ma'am. I'm not saying for sure but it depends on the doctor's assessment of him on the 5th but doing the best I can, ma'am, and with no disrespect to the professor, it took some considerable time to make contact through my attorneys, you probably saw me going in and out like a yo-yo yesterday, ma'am, but to impress upon them the need to make sure that the professor realised that the Commission wanted an answer as soon as possible but, ma'am, certainly after the 5th and the first date being the 6th ideally if we could look towards that if we could please.

ASSISTANT COMMISSIONER: Yes.

MR DOWNING: Commissioner, I've seen the letter that my friend has referred to. It does indicate that at this stage as I understand it no further report from Professor Grabs has been made available but that he's conveyed a view to Mr Goubran himself and Mr Goubran has then conveyed it to his lawyers. I understand that the condition, and I won't go into the details of it for the purpose of this, but I understand the condition is a serious one and obviously that has to be taken into account but I would ask that my instructing solicitors continue to seek a report from Professor Grabs. There's just an issue in terms of logistics, that is we had planned that not only Mr Goubran's evidence would be taken Monday but also that three other witnesses would give evidence then. I would have thought that all four of the witnesses including Mr Goubran could be completed within a day and it just raises an issue as to whether we should proceed on Monday with the three that we know we can take on that day or whether it would be better to put it over to another day, it would seem at this stage anyway likely after 5 August when all four could be dealt with. I would have thought for convenience sake it might be more sensible to have them all dealt with on

that one day. But could I just ask through, through you, Commissioner, that Mr Stanton's solicitors continue to seek a report from Professor Grabs because we really would like the benefit of his opinion so that we can be better informed about Mr, Mr Goubran's condition and any changes since the earlier reports.

10 MR STANTON: Yes, Commissioner, responding to my learned friend Mr Downing, I rely on the second report from Professor Grabs where he states, and I quote, "I will be able to furnish a further report as required," he's undertaken to do that, I'd be obliged if you would give me that direction, ma'am, if you wouldn't mind and I will ensure that it's communicated to my attorneys that you have directed that a further report be required as to his fitness and with a view to him attending as soon as possible and pencilling in the 6th, ma'am, if at all possible. Thank you, ma'am.

20 ASSISTANT COMMISSIONER: Yes. I would appreciate an updated report because obviously we would like to hear from this witness as soon as possible.

MR STANTON: Indeed.

ASSISTANT COMMISSIONER: I understand his medical condition. I, I agree with Counsel Assisting that I think we will do all of the remaining witnesses together on a day.

MR STANTON: Yes.

30 ASSISTANT COMMISSIONER: Not Monday now, which will be negotiated between counsel and it will be a day after it appears after 5 August unless Professor Grabs forms the view prior to that Mr Goubran is fit to attend, in which case I'd appreciate being advised of that or we can, we can set another date.

MR STANTON: Madam Commissioner, I will leave the precincts of the inquiry, my attorney will take the notes so that we can get this started sooner rather than later.

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

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

ASSISTANT COMMISSIONER: Thank you. Mr Downing.

MR DOWNING: Thank you, Commissioner. I'll just make sure that there's no other matters anyone wants to deal with.

MR DOWNING: Mr Stavrinis, yesterday at the end of your evidence you heard a recording of a conversation between you and Councillor Petch on Sunday, 10 February, 2013, do you recall that?---Yeah, not exact dates, it's not on the screen here.

10 Well, we, we can bring up the, the transcript of it because made an exhibit, the last exhibit from yesterday, the transcript of the call of 10 February, 2013 at 9.41am?---Sure.

10 February. Now, just thinking about that call again do you accept that at that point, that is 10 February you were courting the media trying to get the story in respect of Mr Neish published?---I don't know if that's the case.

Well, what were you doing at that point?---I don't know if immediately I wanted to get the story published.

20 All right. Would you accept that at that point you were trying to, if I could use the expression, drip feed the media, that is get them to publish - - -? ---No. No, I don't think you understand how the media works, sir.

Well, just, just please hear my question out before - - -?---No I wasn't trying to drip feed the media.

30 Please hear my question out before you respond Mr Stavrinis. Was the idea that you would initially give them informations that they could publish a story suggesting that Mr Neish left quite suddenly and that your intention was to then drip feed a bit more information relating - - -?---No. No.

Please wait till I finish my question, Mr Stavrinis. Then the intention being that you would then drip feed information in respect of the discovering of the pornography on Mr Neish's computer? Would you agree with that?---No.

No. Sorry Commissioner, I may be confused as to what the last exhibit yesterday was. I'll just - - -

40 UNIDENTIFIED SPEAKER: 76.

MR DOWNING: - - - in moment I'll check that.

UNIDENTIFIED SPEAKER: 77.

UNIDENTIFIED SPEAKER: 77.

UNIDENTIFIED SPEAKER: It was 77 wasn't it?

ASSISTANT COMMISSIONER: 77, tape of 8 February.

MR DOWNING: Oh, I'm sorry. I'm mistaken. I, Mr Stavrinis, I don't want to mislead you. I was asking you yesterday about a - - -?---Please don't.

- - - a call on 8 February?---Ah, on 8 February, yep, okay.

10 Which is the day that Mr Neish finished up his employment?---But not on the 10th?

No, on the 8th?---On the 8th, okay.

Okay. Now, you recall there was a discussion in that about you providing some information to Leesha McKenny?---Yeah.

Do you recall that?---Ah hmm.

20 And you'll see the transcript of that is now coming up on the screen. And it should be on the screen in front of you?---Right.

Can I ask you at that point was your plan to put some pressure on Ms McKenny to publish the story in respect of Mr Neish?---Yeah, I guess so.

And was your intention that you would initially give her information to indicate that Mr Neish had left suddenly and that you would later give her further information where she could then publish the story in respect of the discovery of the pornography?---I, I don't accept the premise of what you're saying.
30

Well, tell me what you were intending to do - - -?---Well - - -

- - - in your communications with Ms McKenny?---A press release went out at six o'clock on a Friday evening which means they didn't want anybody to know about his departure. So I just wanted them to know about his departure.

40 Right. And you say no more than that?---No more than that.

So there was never any intention on your part to leak material in respect of the discovery of pornography on Mr Neish's computer?---No. If, if, if a journalist is competent enough they will find out themselves.

Well, what I'm suggesting is that throughout the period when you were conversing with Councillor Petch from early February through till middle of the year your intention was to undertake a strategy where you would initially let journalists know that there's something they might inquire about

as to the suddenness of Mr Neish's departure and that you would then give them further information indicating why that departure had come about?---I wasn't quite as gung ho as that about, about this, this ah, information so - I, I did, I did recognise that that information had to get out but ah, I also ah, was aware of the ah, the potential for ah, for things to go wrong if, if ah, if it was handled incorrectly.

10 Could, could you look at page 2 of 7 of the transcript which will be on the screen in a moment, page 2 of 7, and if you go down the screen you'll see there's a part where Councillor Petch says, "He wanted to know who tipped the journalists off and I said, 'Well, I said I checked with my fellows. It certainly wasn't one of us.'" Do you see that?---Ah hmm.

You knew at that point didn't you, that is at the 8 February that in fact Councillor Petch was leaking the material to journalists?---No, I didn't.

You deny that?---No, I didn't know he was leaking it to journalists.

20 Do you see, if you go to page 3 of 7 towards the bottom, and you see a part where Councillor Petch speaks to you about the fact that "He's the New South Wales Commander of the Order of St Lazarus and he's up there with all the judges and everybody and do you think he's going to lower himself to mix with those" and I won't use the, the expletive, "common criminals, give us a break"?---Yeah.

Do you see that?---Yeah.

30 And you indicated, "That's exactly right" and Councillor Petch then says, "Say he's part of the establishment" again referring to himself?---Right.

Would you accept that Councillor Petch in that conversation was giving you some direction about the story you would provide to the media?---Possibly, yeah.

And you recall he was also suggesting to you and this is higher up in the page that you, you should indicate to the media that Mr Neish, sorry, I withdraw that. Bill Pickering was somehow in cahoots with Mr Neish?---It doesn't sound too bad, that's, that's exactly right actually.

40 Well you, you were happy to participate in this plan weren't you of providing this material to suggest - -?---Well it's just informing the media basically, yeah, informing the media of fact.

And do you see at the bottom of page 4 of 7 you have a conversation with Councillor Petch where you say, "Well, Ivan, we're going to maintain that line aren't we so that if you get hit on by the media for information you just say look, sorry I don't wish to comment on that on any other matters, we've already issued a statement and that's it." Do you see that?---Ah hmm.

And Councillor Petch agreed and you said, "And then just let the leaks happen so that's fine", and Councillor Petch said, "Yeah"?---Hmm.

Well can I ask you in terms of what you understood Councillor Petch was saying and what you were saying to him at the time you were explicitly suggesting to him weren't you ways in which leaks to the media would come about?---No, I was giving him some unremarkable advice on what you do in situations like this.

10

Well what you're suggesting is that he should maintain I don't wish to say anything further a statement's been put out and, you, you agree with that? ---Statement got put out and another statement got put out the next morning.

I'm asking about your advice to him. You're indicating to him that what he should say is he was asked about the media, by, by the media about this issue - - -?---Yes.

- - - Mr Neish and his departure?---That was my advice to, to Ivan, yes.

20

He should say look I don't want to comment on it we've already issued a statement and you were referring to the press statement I take it or the press release?---Yes.

And, and then you said, "And then just let the leaks happen and so that's fine" and he agreed with you?---Yes.

30

So you were explicitly suggesting to him that on the one hand he would publicly say I've got nothing further to say but at the same time he would knowingly have you assisting him in leaking the story to the media?---No, no, I was talking about leaks in the context of the whole building knew about it.

Mr Stavrinou, you again, I'm going to remind you again that you have an obligation to tell the truth in your evidence?---Yes.

And you understand that it's a serious matter to give false or misleading evidence don't you?---It's not false or misleading.

40

You, you and Councillor Petch had explicitly discussed the way in which the leaks would come about?---No, we hadn't.

And I suggest to you that what you had discussed with him and the strategy was that on the one hand Councillor Petch could maintain a public face, that is saying I can't comment on this because you understood didn't you that he as part of the deed of settlement with Mr Neish had a confidentiality obligation?---Yes.

You knew that?---Yes.

But on the other hand you knew that he himself was speaking to the media, you knew that didn't you?---Yes.

And leaking this story?---Mmm. And I also knew Mr Neish contacted the, the Council and broke the deed of release also to issue another release.

10 Mr, Mr Stavrinis, if you could again try and limit yourself to what I'm asking you about?---I was just, just - - -
I take it you agree with what I suggested to you - - -?---Just want the full picture.

- - - in terms of what you knew Councillor Petch was doing, that is that he was himself communicating this story to the media?---I hadn't, I hadn't, I hadn't actually seen a deed of release but I was aware there was a, that document then allowed both parties to lie about what happened, yes. That's what it is.

20 Mr Stavrinis, are you having some difficulty understanding my question?
---Yes.

All right. I'll put it again?---Put it again.

I'm suggesting that by 8 February you knew that whilst, and indeed it was your strategy to suggest to Councillor Petch that he should publicly maintain the line that I don't want to comment on this?---That's, that's not a strategy that's just a little bit of simple advice. A strategy, I was pretty sure that I hadn't formulated a strategy by that stage.

30 Mr Stavrinis, do you agree then that your advice to him if we don't, perhaps we won't call it a strategy we'll say it was your advice - - -?---No. Yeah, good.

- - - that he should publicly maintain that he had nothing to say on this issue. Do you agree with that?---Yes.

40 And that a further part of your advice - I withdraw that. You knew at the time of 8 February that despite what Councillor Petch was going to say publicly, that privately he had already leaked the story to the media?---It was my view that the facts should, should do the talking.

Please try and limit yourself to my question. I know you took the view that the facts should speak for themselves?---Yes.

But you knew, didn't it, that despite what you understood Councillor Petch was going to say publicly that privately he had already leaked the story to the media?---No, I didn't know that.

You didn't know that?---I didn't know that. I wasn't, I can't recall being aware of that at that stage.

You're lying in your evidence aren't you?---No, I'm not lying in my evidence at all.

10 And when you said the words "and then just let the leaks happen and so that's fine," you were giving him specific advice that that's what he should do?---No, I wasn't.

Right. Can, can you tell me how I should understand those words?---Okay, well, let me tell you how you should understand it. What happened with that, with the referral as I understand is that it was referred to the HR department and to Mr Petch, Councillor Petch, it was referred to ICAC and from HR it was leaked back to Mr Neish's office. Mr Neish's office requested that the hard drive be formatted to destroy the evidence and I think the whole of the Council knew about it at that stage.

20 You're making this story up as you go along, aren't you, Mr - - -?---You should have all the information.

Mr Stavrinou, I'll ask you for the last time was it your advice to Councillor Petch that he should just let the leaks happen?---As, as, as per, as per what happened.

And you at that time had the intention of, of assisting him in making the leaks happen didn't you?---No, I said let the leaks happen.

30 You were already embarked on the course of trying to contact the media, get them interested in the story with a view to ultimately leaking the revelation in respect of the pornography?---I contacted the media, I contacted the media about, about Mr Neish's departure which was, which they tried to hide by putting a release out at 6.00pm.

Now had you drafted the media release that went out on behalf of the Council?---No.

40 Now I asked you yesterday about the initial contact and how you came to know about the discovery of the material on Mr Neish's computer?---Yes.

Did Councillor Petch at some point give you a disc containing the material? ---No.

You deny that?---Yes.

That's not the truth, is it?---That's the truth.

Do you maintain that it arrived anonymously - - -?---Yes.

- - - before you ever spoke to Councillor Petch?---Yes.

I suggest to you that's a lie?---Sorry, I can't, I can't say whether Councillor Petch spoke to me before or afterwards, I can't remember the order of events.

10 And again, I asked you about this yesterday but if you go to page 6 of 7 of the transcript, you said the words to Councillor Petch after he'd spoken about the Telegraph as a venue that might write the story up - - -?---Ah
hmm.

You said, "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." You knew at that time that Councillor Petch had given the story to Mr Patterson didn't you?---When, when Petch said it in that conversation I guess I did, yeah.

20 Right?---But I couldn't recall that.

You couldn't recall it?---No.

Can I ask you to listen to a further conversation that you then had with Councillor Petch or I suggest to you it's Councillor Petch on 10 February.

AUDIO RECORDING PLAYED

[10.23am]

30

MR HARRIS: Commissioner, if it's appropriate if there are four references I think to in that and I ask that they be noted subject to the suppression order you previously made in relation to - - -

ASSISTANT COMMISSIONER: Yes. There's a suppression order in respect of name and the name of his firm.

40 **THERE IS SUPPRESSION ORDER ON
NAME AND THE NAME OF HIS FIRM**

MR HARRIS: Thank you, Assistant Commissioner.

MR DOWNING: And, Commissioner, there's also a reference tobeing the, used to be the, could that be suppressed as well because that would otherwise be something that could be - - -

MR HARRIS: Thank you for that.

MR DOWNING: - - - to identify.

ASSISTANT COMMISSIONER: Yes. That reference is also suppressed.

10 **THE FURTHER REFERENCE TO NAME IS
SUPPRESSED**

MR DOWNING: Mr Stavrinis, you heard that recording. You accept that's a call between you and Councillor Petch don't you?---Yes.

And do you don't have any reason to dispute that it occurred on 10 February?---No.

20 That is two days after Mr Neish departed?---Two days after, yes.
Commissioner, I tender the audio and the transcript.

ASSISTANT COMMISSIONER: That will be Exhibit 78.

30 **#EXHIBIT 78 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
COUNCILLOR PETCH AND MR STAVRINOS ON 10 FEBRUARY
2013 AT 09:41:39**

MR DOWNING: Now having heard that will you accept that at that point you were still courting the media to get this story out there?---Yeah, yeah.

And at that point you're a little bit surprised that the story hadn't already been published?---Well 50/50 I guess.

40 And in the - - -?---I, I would have thought. Sorry, can I - - -
Of course?---I would have thought it was significant enough to get a run in the paper but obviously with flying under the radar at 6.00pm and on a Friday with a media release it didn't get out.

Now, in the course of the conversation Councillor Petch made you aware that he had a legal undertaking and he couldn't disclose facts about Mr Neish and what had been discovered on the computer. Correct?---Yes. Yes.

So you had no misunderstanding that that was the position he was in? Do you also agree that in the course of the conversation that you expressed the, the idea that despite the undertaking Councillor Petch had given that you were happy on his behalf to have this story leaked to the media?---Not on his behalf, on my behalf.

All right. But on the basis of information he was giving you?---And other information that I had.

10 Now, would you agree that at this point you were drip feeding the media so that you were happy to give them the initial story about the sudden departure of Mr Neish and that you would then intend to give them the salacious detail about the circumstances?---No, that, at that point I was very concerned to get the story out that he had left I, I recall.

Well, do you see at the bottom of page 2 of 9 - - -?---Ah hmm.

- - - you talk about what you'd discussed with Robbie being, I take that was Robbie Patterson?---Yep. Yep.

20

And you said just that didn't you, that you told him initially, "File it as normal and then you can do a follow up story later with the salacious detail"?---Yes, but I was, I was primarily concerned that the, that the, that the significant story of his departure was, was run so - - -

But you knew from the earlier conversation two days prior that the salacious detail had been given to, to Mr Patterson by - - -?---I'm, I'm not saying that, I'm not saying that - - -

30 - - - by Councillor Petch?---I'm not saying that I didn't want that, that to get out. I'm just saying that that's, that was, that was what I wanted to get out at that time.

Right. But the plan was to then have a further story that you would assist Mr Patterson with that would set out the actual detail of what was found on the computer, correct?---Perhaps, yeah.

And you knew that that information had already been given to Mr Patterson by Councillor Petch?---Ah, it, it seems so.

40

Now, there's a reference in there to, or Councillor Petch told you that Mr Neish had already taken a job with?---Yeah.

So you knew it from that point onwards, that is from 10 February?---Yeah.

Now, at page 5 of 9 you said at the top, I think that says, "Our purpose is Ivan in keeping that going like that just as a nice tame story. It also doesn't look like anything has been leaking as well." And you then went on and

said, "And Robbie can follow it up using his own investigative skills and uncover something himself?"---Yeah.

Do you see that?---Yeah.

You knew that there was no need for Mr Patterson to use any investigative skills because you knew the story had already been given to him by Councillor Petch?---Well, no. He could have done some following up as well.

10

Well - - -?---He could ask, he can, he can contact Mr Neish for a comment. He can ah, find out other things that Mr Neish has done in his tenure at Council.

Mr Stavrinis, you knew full well that the plan that was being furthered at this point was the leaking of the story bit by bit?---The story is, is not just limited to discovery of porn and a \$285,000 payout. There's more than that.

20

That's what you were looking at publishing at this point wasn't it?---What's that?

That is the revelation about the discovery of material on Mr Neish's computer?---I would have liked them, for them to put that ah, that he was paid out ah, 38 months I guess.

38 - - -?---\$285,000.

38 weeks?---38 weeks, yeah.

30

Right, under an agreement that was entered into with the Council?---Still obscene.

All right. Are you aware of who negotiated that on behalf of the Council?---Who did that?

Councillor Petch perhaps?---Councillor Petch was unable to dismiss him. He was a protected person wasn't he?

40

Mr Stavrinis, if you could have a look at page 7 of 9 of the transcript do you see a conversation there about how Councillor Petch could give Ms McKenny a, an insight and a statement - - -?---Ah hmm.

- - - but he couldn't give her, but you, you knew that he couldn't give her information about the discovery of the material on the computer?---At that time I was, I was trying to make the introduction to Leesha McKenny - - -

Well - - -?---I wanted him, I wanted her to meet Ivan because her predecessor at the paper had, had not gone to the, the extent of contacting Ivan at all or seeking the views of the good guy Councillors.

But Mr Stavrinis, wasn't this what you were suggesting to Councillor Petch that he should meet with Ms McKenny and he could talk to her? Do you agree with that?---Yes.

10 He should take you with him?---This was an ongoing conversation though.

Do you agree that you suggested that Councillor Petch should take you with him?---Yes. Yes.

And you said because you knew Councillor Petch had a legal obligation not to disclose the information about the pornography?---Yes.

20 And you indicated that, "I'm not, I can fill in all the gaps"?---The, the subject of any meeting would, would not have only been what, the departure of Mr Neish, it would have been a broader, there would have been broader information in that meeting too.

Well, what did you indicate or what were you intending to indicate by saying that you play the good cop, I'll play bad cop?---Well, that was probably in relation to, to providing information that's more pointed than what Mr Petch could.

In relation to the discovery of the pornography?---Whatever it might be.

30 Can you think, casting your mind back do you think it might have been to do with the pornography?---Sure.

Because you in fact did after this date contact the media and try and have them run the story after specifically telling them about the pornography didn't you?---Yes.

40 All right. On page 8 of 9 of the transcript you mentioned a particular story that you wanted Robbie, I take it again that was a reference to Robbie Patterson, to run and you referred to the fact it should be captioned "Saveryde.com."?---Yes.

Was that a website you'd set up?---Yes.

And how, when was that set up?---Late August 2012.

All right. And did you have some assistance in that being set up?---No.

Any financial backing?---No.

Any suggestion from someone else that it might be a good idea to set it up?
---No, this was my idea.

Do you recall having a further conversation with Councillor Petch on the same date, 10 February, 2013?---No, but I guess you're going to place it back, aren't you.

If you can listen to another recording please.

10

AUDIO RECORDING PLAYED

[10.42am]

MR DOWNING: Mr Stavrinis, do you accept that's a further conversation on the phone between you and Councillor Petch on 10 February 2013?
---Yeah.

Commissioner, I tender the audio and the transcript.

20

ASSISTANT COMMISSIONER: That's Exhibit 79.

**#EXHIBIT 79 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
COUNCILLOR PETCH AND MR STAVRINOS ON 10 FEBRUARY
2013 AT 23:10:55**

30

MR DOWNING: Now in the course of that conversation, Mr Stavrinis, you referred to forwarding something. You indicated, "I'll forward it to you now, I've got the email here, forward, ignore the headline, here it is strange." Can you recall what you were forwarding?---No.

But it's something to do with one of your communications with a journalist?---I don't know.

Can't recall?---Can't recall.

40

Now again at this point you were in the process of having the story published bit by bit weren't you?---No, no, I may have said, said something there that sounded like your theory but no, not necessarily.

So when you said in reference to the story that had been published on the Daily Telegraph website, "So that's all there and he's put up some background in it and that's good and that put that, ed that type of story out as the first instalment because we can keep on making it juicier", and Councillor Petch said, "Yeah, we sure can." What you're suggesting that the idea was the first fairly simply story had gone out you were now going

to ensure that it was made juicier?---That's a fair conclusion to draw I guess from that line.

All right. And you'd also referred to a discussion with Ms McKenny?
---Yes.

10 And again your interest, you were indicating weren't you that you'd start the process of leading it to the ultimate discovery that you were going to assist the making of the revelation about the discovery of material on Mr Neish's computer?---Well it's mentioned there but I, I don't know exactly what I'm talking about. I've lost myself there.

Right. Can I ask you if you recall speaking again to Councillor Petch about this subject matter three days later on 13 February?---Play me the tape please.

If you could play the audio.

20 THE WITNESS: Yeah.
It's 1068.

AUDIO RECORDING PLAYED

[10.48pm]

MR DOWNING: Mr Stavrinis, do you accept that that's a conversation between you and Councillor Petch on 13 February, 2013?---Yes.

30 Commissioner, I tender the audio and the transcript.

ASSISTANT COMMISSIONER: That will be Exhibit 80.

**#EXHIBIT 80 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
COUNCILLOR PETCH AND MR STAVRINIS ON 13 FEBRUARY
2013 AT 12:24:59**

40 MR DOWNING: Now, Mr Stavrinis, in the course of that conversation you refer to writing a heavy letter to a female person?---Mmm.

And giving her all the facts and making sure she gets the correct facts. Do you recall hearing that in the recording?---Yeah.

And also said that you'd cc'd it to her editor?---Yes.

Was that a reference to Ms McKenny?---Yes.

Now, you asked in that conversation to have the green on the other stuff and Councillor Petch asked about whether that was the porn and you confirmed it was, page 2 of 5 of the transcript, if you go to the bottom, do you see that?
---Yes.

10 So at that point you were asking whether you could go to the next stage of escalating the story weren't you?---Yes.

That is to now let the press know about the revelation of the pornography?
---Yeah.

And then over the page Councillor Petch actually asked you to, he explicitly said to you work out a way of leaking that and he asked you can you work - after you didn't, it seems you didn't hear him, he repeated "Can you work out a way of leaking that," and you said, "Well, I, I will." Do you see that?
---Yeah.

20 So you had his explicit direction to leak the pornography to the press?---I had a question from him not, not a direction.

Well, you'd raised the topic of whether you had the green light to do this and he'd given you those instructions hadn't he?---He asked me can I have, can you work out a way of leaking that and I said well, well, perhaps I can.

Well, you said, "Well, I will."?---Yes, very forthright.

30 So the plan at this point was to expedite things, you accept that?---I think that's the word I use, wasn't it?

All right. Now, consistent with those instructions from Councillor Petch on the following day you sent an email out didn't you?---(No Audible Reply)

Do you recall that?---No, but can you show me it please.

I'll show you a document?---Yes.

40 Do you see that document?---Yes.

And do you agree that that's an email that you sent on 14 February - - -?
---Yes.

- - - to someone at the Sunday Telegraph and someone at News Local?
---Yes.

And that's the Tony Vemeer at News Local that you'd been referring to in the earlier conversations?---Yes.

And do you agree that consistent with the direction that Councillor Petch had given you the day before you were now leaking the story about the pornography?---He hadn't given me a direction.

You'd asked him whether you had the green light and he confirmed you did. Would you agree with that?---He didn't give me a direction. He said I had, I had the ability to if I wanted to.

10 You asked if you could do it and he said yes you could. Would you agree with that?---Yes, but he didn't say go and do it.

Can I ask what distinction you're drawing between you asking for the green light and him saying yes, and you say him not saying go and do it. What's the difference?---Well, the difference is if he's given me a direction he's saying, "Anthony, go and do this." If, if I'm, if I'm getting the green light it's, it's at my discretion whether I do it or not.

20 Well, can I ask if you agree with this? You asked for permission, he said you have it, and you sent it out?---I sent this out, yeah.

I tender the email, Commissioner.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 81.

#EXHIBIT 81 - COPY OF AN EMAIL AND ATTACHMENTS FROM MR STAVRINOS TO SUNDAY TELEGRAPH AND NEWS LOCAL RE NEISH STORY

30

MR DOWNING: Now, on, do you recall having further conversations with Councillor Petch about Mr Neish and the termination of his employment after 14 February, 2013?---I don't recall, but potentially.

All right, I'd ask that you listen to another recording.

AUDIO RECORDING PLAYED

[10.57pm]

40

MR DOWNING: Mr Stavrinis, do you accept that was a telephone conversation between you and Councillor Petch on 28 March of this year? ---Yes.

Commissioner, I tender the audio and the transcript.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 82.

**#EXHIBIT 82 - COPY OF AN AUDIO CASSETTE AND
TRANSCRIPT OF A TELEPHONE CONVERSATION BETWEEN
COUNCILLOR PETCH AND MR STAVRINOS ON 28 MARCH 2013
AT 12:02:18**

10 MR DOWNING: Now in the course of that conversation you, you referred to the fact that you were aware that Mr Neish had got some new employment?---Yes.

And Councillor Petch said someone should get them a message?---Yes.

And you said, "They've been given the message that's been done"?---Yes.

20 Now you already knew from the conversation that you heard earlier that Mr Neish had started work with, you're aware of that already?---Yes.

And when you said when in response to Councillor Petch's suggestion that someone should get them a message you said, "They've been given the message, that's been done" you were referring to an anonymous letter that you sent to weren't you?---No.

Can I ask you to have a look at Exhibit 2 page 2449, it should be brought upon the screen in front of you. Do you see that's a letter marked private and confidential but with no signature to?---Yes.

30 And the letter referring to the fact that Mr Neish had gained employment or that we're aware that Mr Neish has gained employment and disclosing the fact of the IT Department the Council having found pornography of Mr Neish's laptop?---Yes.

You wrote this letter didn't you?---No.

40 So when you actually said, "They've been given the message that's been done" what were you referring to?---I was making a wild assumption that he was going to be working for Marrickville Council.

But - - -

ASSISTANT COMMISSIONER: I thought you were saying when you said "They've been given the message that's been done"?---Yes.

What were you saying?---I was, I was actually, it was about, actually a bit of bravado 'cause I hadn't done anything at that point.

MR DOWNING: Mr Stavrinis, in fairness to you I need to put this to you directly, I'm suggesting that you're lying in the evidence you're giving to the Commission?---No, I'm not.

And also in fairness to you I should indicate that in the course of submissions I would intend to make a recommendation that you be referred in respect of the lies that you've told. I'll ask you again, do you accept that the evidence you've given on this topic is a lie?---No, no, I do not.

10 And the evidence you've given us in respect of a number of topics that I've asked you about in relation to the source of the information you had about the pornography and the instructions you had from Councillor Petch has been a lie?---No.

So when you said "They have been given the message that's been done", you say what, that was a joke?---It wasn't a joke it was just a bit of bravado.

Well - - -?---It was something I was considering doing.

20 You, you knew that, that the employer was from an earlier conversation?---No.

You didn't?---Well, no, I didn't that's not what I was referring to I was referring to Marrickville Council.

Well you were talking at this point though about the employer of Mr Neish?---No, I wasn't. I was talking about what I assumed would be his employer because there was a general manager's job going at Marrickville Council at the time.

30 But you knew at that point based on what you'd been told, well what had been discussed with Councillor Petch at an earlier time that the new employer of Mr Neish was?---No, no, I was aware that that was stated but I, I didn't believe it anyway.

Mr Stavrinis, can I ask that you have a look at a document which will be brought up, Exhibit 18 pages 85, well at 854. Now anthony@publicitree.com is your email address, correct?---Yes.

40 And you'll see that this is a email forwarded to you from Councillor Petch on 26 November 2012?---Yes.

And you'll see that it's forwarding something that Councillor Petch had received from Linda Smith in the office of the Mayor?---Yes.

And you'll see in the email that Ms Smith had indicated to Councillor Petch that this was the information that she understood he was seeking?---Yes.

And then if you go to the next page, 855 and indeed to 856, you'll see that what was being enclosed was an email from Ms Karac-Cooke at Planning New South Wales to Ms Wotton - - -?---Yes.

- - - of 20 June, 2012?---Yes.

So this was sent to you by Councillor Petch wasn't it?---Yes.

10 And you knew why it was coming to you didn't you?---I'd asked for it.

You'd asked for it?---Yeah.

And you'd asked for it because why? Because Mr Goubran had asked you to get a hold of it?---No, because in ah, discussions with, with Councillor Petch he made me aware that there was a complaint, a corruption complaint, from someone, Ray or Roy Mersnik or something like that, I can't remember the name, and I said oh, that's interesting, can, can, how do I get hold of this, how do I get hold of the original advice?

20 Do you think the complaint might have been, the person might have been Mr Dresner, Ray Dresner?---I, I can't be, I can't be certain but it was a difficult to pronounce name.

Do you think it might have been Mr Goubran?---No.

Is it the case that - what, you say Councillor Petch raised with you this complaint that had been made?---Yes.

30 And you asked him if he could get you a particular document?---Yes.

And this is in November 2012?---Yes.

Did he, so you say he identified the person who'd made the complaint? ---Yes, it was - as I, as I said I can't remember exactly, the exact name, it was a Ray or a Roy or - and I thought, I thought the surname was Mersnik.

But could it have been Ray Dresner?---It could, could possibly have been Ray Dresner.

40 So he told you the complaint had been received, what, in respect of the particular use of some advice from the Department from Dominic Johnson? ---Yes.

So - and did he tell you, what, did he say that the person who had made the complaint had made it to him personally?---He told me he became aware of a complaint.

And you took it upon yourself to ask for a copy of this email?---Yes.

Did you send it on to someone else?---I don't recall if I did.

You might have sent it on perhaps to Mr Cerreto or Mr Goubran?---I know that I took, I, I took a physical copy, a printed copy to Mr Goubran in January.

January?---Yeah.

10 So you provided it to him?---I did.

Did you think in requesting this document that you might be seeking something that was confidential?---No, no, I didn't.

Well, you looked at it I take it?---(No Audible Reply)

You looked at the email that had been, the original email?---I, I did briefly but ah, my plan to investigate it didn't, didn't, it didn't happen.

20 Right. But you would have seen that it was some advice from Ms Karac-Cooke at Planning New South Wales to Ms Wotton at the Council?---I didn't read all the way through it.

So you asked for it because you wanted to investigate the story but you didn't read it?---I, I was very busy at the time.

I suggest to you you're lying, Mr Stavrinis?---No, I'm not lying and, and I was very busy at the time and I didn't get a chance to finish what I, what I sent out to do.

30 You would have been aware, wouldn't you, that where you wanted to get a government document you could have made for instance a Freedom of Information application?---Yes, you can do, do that as well.

You know that there are legitimate channels through which you can seek information from Council, from State Government?---Yeah, but I would have thought that was not a, not, not too sensitive a document since it had been quoted in the LEP multiple times.

40 So is it the case that you just assumed that it wouldn't be anything confidential?---I, I don't think of documents as being confidential or not, I don't, I don't, I don't consider them in that way.

So confidentiality means nothing to you?---I can't say that either.

Well, do you recall after getting it that you had any discussion with, further discussion with Councillor Petch about it?---I don't recall.

With Mr Goubran about it?---Only when I gave him the document in, in January thinking that he, he might have been interested in it.

Well, is it the case that you'd done some work for him prior to this time?
---Yeah, I was, I was continuing, I was doing it.

And you were aware that what, that he had a particular landholding in Gladesville that was directly affected by this issue of zoning?---Yes.

10 So having got it you gave it to him knowing that it might be of some interest to him?---Yes, yes, because of the, yeah, because his property was - - -

Did you give it to Mr Cerreto?---I don't recall if I did.

Do you recall ever meeting with Councillor Petch and Mr Goubran to discuss it?---No.

Do you recall ever meeting with Mr Parisi the lawyer to discuss it?---No.

20 Now, can I ask you to have a look at Exhibit 21, pages 1326 to 1327. And it might be easier, because this goes, runs over two pages I might just see if we can get you physical copies to make it easier to look at them?---Sure. Thank you. Thanks.

If you look at 1326 to 1327 - - -?---Yes.

Do you see over the bottom of those two pages there's a, an ad for various candidates for the election?---Yes. Ah hmm.

30 And it, it includes the name saveryde.com in the ad?---Yep.

Now, was that an ad that you had created?---Yes.

And in what circumstances did you create it?---Um, I had been um, talking to Jeff Salvestro-Martin about um, how the good guys were being portrayed in the ah, in the media in the um, in the lead up to the elections. Um, Councillor Salvestro-Martin expressed a concern that um, that there didn't seem to be a solid and unified approach and requested that I put together a, a um, a block ad.

40 For, for him and the other Councillors who were opposed to the Ryde Civic Precinct redevelopment?---Yes, that's correct.

And you, did you then create the artwork?---No.

Did you have someone else do that?---Yeah, it was done by the designer but um, the content I provided.

What, what designer, was that someone at The Weekly Times or - - -?---No, it was a, it was the designer that did the website for me.

But you provided the text?---I provided the text, yeah.

And I take it you also provided the text setting out who it was authorised by?---Ah, that was ah, Jeff asked me to put that in as a, as part of the, doing the ad.

10 What, to indicate that it was authorised by the six Councillors?---Yes.

Now, if you could have a look, and you recall don't you that that ad appeared twice in The Weekly Times before the election?---Yes.

Once on 29 August, once on 5 September?---Yes.

Could you have a look at Exhibit 22. Sorry, we'll just see if we can get that up on the screen, Mr Stavrinis. Just while we're waiting for that saveryde.com was your creation?---Ah hmm.

20

You told us earlier?---Yep.

And you say that you had no financial backing from anyone?---Didn't need it, it's a Word Pro site.

All right. Well, can I ask you in respect of this ad, or this ad you had it placed at The Weekly Times?---No.

30

Did you forward it to The Weekly Times?---Yeah, probably.

With the view that it would be - - -?---It could have been forwarded by myself or it could have been forwarded by Jeff or, or ah, Vic Tagg who received the - - -

Well, I'll come to some emails in a moment about that. But did you have the okay from Councillor Salvestro-Martin to have this put in The Weekly Times?---He just asked me to put it together.

40

Well, put it together and what, look at it yourself, frame it and put it on the wall, or have it published?---Content, I just did content. Content and that's it.

But you understood didn't you that it was an ad to go in the paper?---He asked me to put an ad together.

For, for what? To frame?---Well, sure it's to go in the paper, yeah.

Right. So do you know how it came to get to the paper?---It was either sent by myself, Councillor Salvestro-Martin or Councillor Tagg.

Well, assume Councillor Salvestro-Martin says that he didn't place it and Councillor Tagg says that he didn't place it - - -?---Well, I may have sent it to John Booth then.

Right well, ordinarily advertising has to be paid for. Would you accept that?---Sure.

10

Do you recall at the time who you said it should be placed in the name of and who would be paying for it?---No. I didn't have anything to do with the commercial side.

Well, you were placing it on behalf of who, Councillor Salvestro-Martin? ---I was asked to create an ad for Councillor Salvestro-Martin and that's what I did.

20

And to have it published?---He told me to create an ad so I assume he, he's had discussions with John Booth about it.

Do you say that at the time you had it placed with The Weekly Times you had what, no discussion at all about who would be billed for it, who would pay for it?---No. Wasn't interested in it, still aren't interested in it.

We'll have - Exhibit 22 is now being provided to you in paperwork, I'm grateful to - could you have a look at the first page there?---Yeah.

30

Do you see there's an email from Councillor Tagg to various Councillors - - -?---Ah hmm.

- - - saying, "Jeff asked me to forward this for your approval - - -?---Ah hmm.

- - - front page"?---Ah hmm.

40

And do you see at the bottom there's an email that seems, there's no name but it says, "Vic, Jeff has asked me to forward this to you. Regards"? ---Yeah.

Was that from you?---I can't recall.

Well do you recall that you circulated it to someone?---It's possibly from me, it's possibly from me.

So do you recall if Councillor Salvestro-Martin had asked you to have it circulated to Councillor Tagg so that he, he could have it then seen by others?---That sounds, that sounds right.

Did you have any direction from Councillor Salvestro-Martin about whether you could go ahead and have it published before you got any word back from Councillor Tagg or others or whether you had to wait?---I don't, I don't recall.

10 But it's the case isn't it, well that you, you became aware that this was published on the 28 August 2012?---Is it, is it a Wednesday? If that's a Wednesday, yes. 28th is a Wednesday. So, yeah. Oh, but what happens is, what happens with The Weekly Times is it's - - -

It comes up on the website first?---On the website on the 28th and 29th is it, yeah.

If you accept from me if you have a look at the email from Councillor Li you'll see about four pages in - - -?---Ah hmm.

- - - from Councillor Li 28 August 2012 at 5.30?---Yeah.

20 You'll see he refers to the fact the ad's already in this week's TWT?---Ah hmm.

And he also refers to the fact the website saveryde.com doesn't work? ---Mmm.

So would you accept that by that point you had already sent it off for publication?---Yeah, probably, yeah, yeah, yeah.

30 Before you had any okay back from anyone - - -?---If, if, if I did, if I did send it 'cause I don't recall whether I sent it or somebody else sent it or it came directly from the designer to, to John Booth's office.

Well the designer I take it designed it at your request?---Yes.

40 So is it - doing the best that you can to recall is it the case that you think it was sent off to The Weekly Times for publication before you'd heard anything back from Councillor Tagg or indeed any of the other Councillors?---I don't recall. But possibly because of the deadlines that we were working with it could have gone over to John Booth and it could have been pending.

Did you have any conversation about whether Councillor Salvestro-Martin would be billed for this?---No, I wasn't interested in any of the billing.

Did you just assume that it would be billed to him because it was placed at his request?---Councillor Salvestro-Martin asked me to put together the content and that is what I did.

So but what you were doing was promoting for re-election the six Councillors who were opposed to the Ryde Civic Precinct - - -?---Generally, yes.

- - - redevelopment?---Yes.

10 I'm sorry, Commissioner, I'll just be a moment. Commissioner, I may well be finished. There's just one matter I wanted to check something from the compulsory examination transcript. Could I ask that we perhaps take the morning tea adjournment 10 minutes earlier - - -

ASSISTANT COMMISSIONER: Yes.

MR DOWNING: - - - and when we return I may well be finished with Mr Stavrinis.

ASSISTANT COMMISSIONER: Yes. We'll adjourn for 15 minutes.

20 **SHORT ADJOURNMENT** **[11.19am]**

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

MR DOWNING: Thank you, Commissioner.

30 Mr Stavrinis, you recall, don't you, that you came in and gave some evidence in a compulsory examination to the Commission on 16 May this year?---Yeah.

And do you recall that in the course of that I asked you some questions about the saveryde.com ads that I've just had you look at in the documents that are before you?---Yes.

And do you recall that I asked you some questions about your knowledge of who it was that had asked you to place the ad?---I don't recall.

40 Commissioner, I'd seek to rely on part of the transcript so that I'd ask that the order that was made under section 112 be lifted in respect of - it's an excerpt of the transcript.

ASSISTANT COMMISSIONER: Yes, yes.

**THE SECTION 112 ORDER IS LIFTED OVER PART OF THE
COMPULSORY EXAMINATION OF MR STAVRINIS**

MR DOWNING: And I'll provide a copy, a physical copy to Mr Stavrinou and I think we can bring it up on the screen as well, starting at page 367?
---Thank you.

Can I ask you to have a look, on page 367 do you see there's a part about three-quarters of the way down the page that starts in capitals and bold, "Exhibit C26"?---(No Audible Reply)

10 About three-quarters of the way down the page?---Yeah, yeah, I see.

And you'll see I asked you about some ads, the saveyde.com ads for various Councillors, do you see that?---Ah, yes.

And if you go over the page I asked you about whether you'd written it, the top of 368 and you confirmed that you did, you wrote the copy?---Ah hmm.

And I asked you if you were involved in placing the ad and you said "Well, if it's my copy there I must have been."?---Yes.

20

Do you see a bit further down, about a third of the way down the page, I said, "So presumably you must have had discussions with them, that is the Councillors, to get their authority in order to place the ad," and you said, "Look, all I can recall is that I've written copy on this and I can't recall, I can't recall whether that, that came from me or whether, whether Booth sought their authority or who do it."?---Mmm.

Do you see that?---Yeah.

30 And further down the page I asked you again, "Well, wouldn't, wouldn't you agree looking at the ad there must have been some discussion by you with them before this ad was placed?" You said, "I don't, I don't recall how that, how that may have come about - - -?---Ah hmm.

- - - so I don't recall I've, I've written some copy for this ad."?---Yes.

40 And I asked you, "Surely you remember if it's part of their campaign you've had discussions with them where you'd agreed that you would place an ad promotion their re-election," and you said, "I just don't, I don't recall how that came about." You see 369 about a third of the way down the page?---369?

Yeah, if you go to the next page I asked you, "Are you saying that you don't recall at all and it might have happened or you just don't know that he was responsible for it?" that is I was referring to Mr Cerreto, and you said, "As I said before, I don't recall how this ad came together, I don't know, I do recognise my copy but I don't recall how it came, all came together."?---Ah hmm.

If you go to 370, about a third of the way down the page, I was asking you about the ad again and you, I asked you, "Well, everything written in the newspaper fills a space, doesn't it?" You said, "I don't know, I don't know whether John Booth asked me can you please put together this or if I did it myself or" - - -?---Mmm.

- - - your answer ended. On the last occasion you indicated that you couldn't recall who'd asked you to create this ad?---At the time, yeah.

10

Well, that was in May of this year?---Yes.

Today you had no compunction in telling us that it was Councillor Salvestro-Martin?---Yes.

I suggest to you that when you gave evidence to the Commission on the last occasion you did not make an honest attempt to give evidence - - -?---I did.

- - - on this issue?---I did.

20

I suggest to you that you knew full well at the time about, that it was Councillor Salvestro-Martin who'd asked you to place the ad and you knowingly gave false evidence on that issue?---I, I, I said I couldn't recall and I couldn't recall back then so - - -

So your memory's improved since then has it?---Well, it's not a matter of that, it's just that I just couldn't recall at that time, it's - - -

Commissioner, I tender that excerpt from the transcript.

30

ASSISTANT COMMISSIONER: Yes. That excerpt will be Exhibit 83.

**#EXHIBIT 83 - COPY OF AN EXCERPT OF TRANSCRIPT FROM
THE COMPULSORY EXAMINATION EVIDENCE OF MR
STAVRINOS HELD ON 16 MAY 2013**

MR DOWNING: Thank you, Commissioner.

40

ASSISTANT COMMISSIONER: Yes. Is there an application to cross examine this witness?

MR COADY: Yes, Commissioner.

ASSISTANT COMMISSIONER: Yes.

MR COADY: Just briefly.

ASSISTANT COMMISSIONER: Yes, Mr Coady.

MR COADY: Mr Stavrinis, yesterday you gave some evidence about writing some editorial content for the Weekly Times. Do you recall that evidence?---Yes.

Do you recall evidence that you wrote that content under the name Tony Ross?---Yes.

10 Do you remember that evidence?---Yes.

Where you the only person writing under that name?---No.

Can you explain, were there other people writing under that name at the Weekly Times?---Yeah, there were, there were multiple people in the Weekly Times office who were also contributing to the editorial content and the name that was used from late July through to before the election was Tony Ross, was the pen name, was the collective name for everyone.

20 No further questions, Commissioner.

ASSISTANT COMMISSIONER: Yes, thank you. Yes, if there's, yes?

MR DAWSON: Thank you, Commissioner. Mr Stavrinis, I appear for Mr Pickering. I think you agreed, or answered yes to Counsel Assisting's question about the saveyde.com website, that that is your website. Is that right?---Yes.

30 You set it up did you?---Yes.

And can you tell us does a woman by the name of Marija, M-a-r-i-j-a, Morello, M-o-r-e-l-l-o have anything to do with that website?---Yeah, that's the designer.

And that would explain why her company is the registrant for the name - - - ?---Yes.

- - - saveyde.com, is that right?---Yes.

40 You're also responsible aren't you for the content on the Save Ryde website?---Yes.

And, and you were assisted in preparing that content by Warwick Cooper?--
-Not specifically, no.

When you say not specifically do you mean some times you are and sometimes you're not?---No. I don't, I don't, I mean - - -

Well, what did you mean when you said not specifically?---Well, I have, I have regular conversations with Warwick Cooper.

I see. And do those conversations cover for example, what content might appear on saveryde.com?---No. Not at all.

Does anybody else help you with the content for saveryde.com?---Ah, not that I can recall.

10 When did you most recently post content at saveryde.com?---Maybe a week or two ago. Three weeks ago. I can't remember.

And from time to time you take the opportunity through that website to criticise Bill Pickering don't you?---Not, not particularly.

Is that an honest answer?---Yeah, there's been a republication of a story that's already appeared in the paper.

20 All right. Now, you have been asked some questions about a telephone intercept which is Exhibit 77, that is the telephone conversation between you and Mr Petch on 8 February at 10.41 in the evening. Do you remember those questions?---No.

Well, if there's any chance of that being brought up on the screen I'd be grateful, but let me remind you that this was the telephone conversation in which you were asking, I withdraw that. In which you were discussing with Mr Petch what message might be given to the media about Mr Pickering and about Mr Petch. Do you remember that?---Not specifically, not until it's pulled up on the screen.

30 It's, it's page 3 of 7. Thank you very much, I'm grateful for that. You see at the top you say, "And I'll deal with her tomorrow." That was Leesha McKenny wasn't it?---Yeah.

And you then over the next several lines discuss with Mr Petch what it is that you will tell Ms McKenny as the message she should publish, correct?--
-Maybe. Maybe. Yeah.

40 Well, is there any doubt about it?---Well, it's just general background information.

Well, let me ask you this question, when Mr Petch tells you, "You've just got to tell them Bill is coming from, so Bill's in cahoots with this bloke," et cetera, that was as you understood it then Mr Petch suggesting to you something that you might tell Ms McKenny she could publish about Mr Pickering wasn't it?---No. It's a well known fact they're in cahoots.

Mr Stavrinou, you wouldn't know a fact if it jumped up and bit you on the face, would you?---Probably you wouldn't either.

Well, thank you for that. You don't have a single piece of evidence do you to suggest that Mr Pickering is in cahoots with Mr Neish in respect of anything do you?---I doubt that.

Can you point to a single document which proves that assertion?---Not a document.

10

Can you prove to a single, can you point to a single piece of evidence that proves that fact?---Not evidence - - -

MR COADY: Commissioner, I object to this. It's in my respectful submission outside the scope of the inquiry of this Commissioner and it's just not relevant.

20

ASSISTANT COMMISSIONER: Yes. I mean it's not an issue we're going to make a decision on, so I don't really see the point of canvassing it with this witness.

MR DAWSON: As you please, Commissioner.

Mr Stavrinou, have a look at the rest of that page if you would that is page 3 of 7 of Exhibit 77. Have you had a chance to read that?---No, not yet.

Well let me know when you have?---Okay. Which part specifically?

30

Down to - - -?---I'm reading the second half.

Down to Mr Petch saying, "Say he's part of the establishment"?---Yeah, sure.

There's no doubt is there that what Mr Petch was suggesting to you is content that you could pass onto Ms McKenny for publication in the Herald, correct?---Sure.

40

And did you pass those things on that Mr Petch suggested you say to her? ---No.

MR COADY: I object to that. Again, Commissioner, this doesn't come within the scope of the inquiry. As I understood it the scope was an allegation of leaking confidential information. In my respectful submission this goes outside the scope of the inquiry and therefore it is irrelevant.

ASSISTANT COMMISSIONER: Yes. I don't really see the relevance of the fact that positive information about Mr Petch may have been passed onto, to journalists.

MR DAWSON: I won't press it, Commissioner. Thank you. That's all I wanted to ask.

ASSISTANT COMMISSIONER: Yes, thank you. Mr Bender.

MR BENDER: Mr Stavrinis, my name is Bender, I appear for Councillor Salvestro-Martin. Can I take it that as at August 2012 you were opposed to the Ryde Civic Precinct redevelopment?---Yes.

10 Had you - - -

MR COADY: Excuse me, Commissioner, I'm sorry. Could I ask Mr Bender just to raise his voice for me, thank you.

MR BENDER: Had you spoken to Councillor Salvestro-Martin in a period leading up to August 2012 about your mutual opposition to the Ryde Civic Precinct redevelopment?---Yes.

20 I think you said in your answers to Mr Downing's questions that Mr Salvestro-Martin was concerned in August 2012 that there was no united front for the six Councillors in the media. Do you remember saying that? ---Yes.

Did you share that concern?---Yes.

You then said in your evidence in answer to Mr Downing's questions that Councillor Salvestro-Martin asked you to make the ad?---Mmm.

30 Do you remember saying that?---Yes.

And then you said that Councillor Salvestro-Martin asked you to insert artwork or create artwork of the six Councillors. Do you remember saying that?---Yes.

40 I want to suggest to you, I withdraw that. Is it possible that in fact it was your idea that an ad of the six Councillors be published over the banner of saveryde.com and you approached Councillor Salvestro-Martin about that and only after you approached him did he ask you to create the artwork? ---That's, that's, that's possible too, yes.

Is that what happened?---I, I don't specifically recall but it could have happened like that too.

Thank you. No further questions?---Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes. There's nothing else for this witness?

MR DOWNING: No, Commissioner.

ASSISTANT COMMISSIONER: Thank you. That concludes your examination, Mr Stavrinis and you are now excused?---Thank you.

Thank you.

THE WITNESS EXCUSED

[11.59am]

10

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Commissioner, the next witness will be Councillor Petch.

MR HYDE: Commissioner, can I indicate that Mr Petch will take an oath and could I ask for a section 38 declaration.

20 ASSISTANT COMMISSIONER: Yes, thank you.

MR HYDE: Thank you, Commissioner.

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

30

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.

40

ASSISTANT COMMISSIONER: Could the witness be sworn please.

ASSISTANT COMMISSIONER: Yes, Mr Downing.

MR DOWNING: Thank you, Commissioner.

Councillor Petch, can you please state your full name for the Commission?
---Ah, Ivan John Petch.

10

And your date of birth?---1 March, 1939.

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

Commissioner, in the same was as in respect of other witnesses there's no particular reason for Councillor Petch's personal address to be made public and I do seek that it be suppression.

20

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

THE PERSONAL ADDRESS OF MR PETCH IS SUPPRESSED

MR DOWNING: Councillor Petch, you've been a Councillor on Ryde Council for some years?---36 years.

30

And you had a stint in State Parliament as well?---I had eight ah, seven years in the State Parliament.

As a Liberal Member of Parliament?---The Liberal Member for Gladesville.

More recently you were a Councillor in the period 2011 to 2012 leading up to the elections that occurred in September of that year?---I was.

And in September of 2012 you were re-elected?---I was.

40

And you've been Mayor since that time?---That's correct.

Until more recent times where you've stepped down for the time being?
---Yes, under due diligence I thought it was my duty to step down from that position.

Now on 15 February this year you came to the Commission and gave evidence in a compulsory examination?---I did.

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

And do you recall that at the time you expressed - well, I withdraw that. You were, you were keen to come in and give evidence at the time weren't you?---Yes, I was.

And is it correct that prior to coming in you had sought that ICAC be informed about the discovery of pornographic material on Mr Neish's laptop?---I do agree.

10 Because you took the view that that might constitute corrupt conduct?---I do.

And you had also taken some steps to protect the IT employee who had made the disclosure in respect of the discovery of the material?---That is correct.

On the basis that he'd made a public interest disclosure so that you wanted to ensure no detrimental action would be taken against him?---Correct.

20 Now, you believed at the time you came in to give your evidence at the compulsory examination that ICAC were after John Neish in relation to the use of the computer, didn't you?---Well, I made it, the information available to ICAC, whether they wanted to pursue it or not was really their call not mine.

But in terms of your view at the time would you accept that your belief at the time you came in was that ICAC was after Mr Neish in respect of his behaviour?---Well, I made the information available to ICAC and, and it was my belief that he was acted corruptly or without the, the, the - out of the
30 Code of Conduct and this information should be investigated, simple as that.

Well, you were certainly keen to come in and give some evidence weren't you?---I, I had no objection to coming in, of course I was keen to come in.

Well, you, you indicated at the time you were delighted to proceed, do you recall that?---Not, I don't think the word delighted was the correct word, cooperative I think probably might have been the right word, I could, I could stand corrected.

40 Commissioner, I seek that the order made under section 112 in respect of Councillor Petch's compulsory examination be removed because I would like to refer to it in the course of his evidence.

ASSISTANT COMMISSIONER: Yes, I remove the suppression order in respect of that compulsory examination.

**THE SUPPRESSION ORDER IN RESPECT OF MR PETCH'S
COMPULSORY EXAMINATION IS REMOVED**

MR DOWNING: I tender the compulsory examination, Commissioner, and I'll have a copy put in front of Councillor Petch.

ASSISTANT COMMISSIONER: Yes, that will be Exhibit 84.

10

**#EXHIBIT 84 - COPY OF COMPULSORY EXAMINATION
TRANSCRIPT OF EVIDENCE OF MR IVAN PETCH HELD ON 15
FEBRUARY 2013**

MR DOWNING: Now, Councillor Petch, I'll come to the detail of it in a moment but you knew at the time that you were not supposed to speak to people about the fact that you were giving evidence at ICAC?---That's correct.

20

And you knew that after you'd given the evidence you're not supposed to tell people that you'd given evidence at ICAC?---That's correct.

But it's the case, isn't it, that in the days leading up you told a number of people that you were coming to the Commission to give evidence?---I don't recall that.

Well, I'll go through some names?---Right.

30

See if this, these people ring any bells. Do you recall telling that you were coming to the Commission to give evidence?---I don't recall that, no, I don't.

.....?---No.

Do you know who these people are?---Yes I know who is.

40

They're people that you know well?---No, I don't know all that well. She is the for the, for the, I think um, two previous General Managers.

Do you recall telling, do you know a?---Yes, he was the chairman of our board.

Do you recall telling him that you were coming in to give evidence?---No I don't.

Do you recall telling?---No I don't.

Do you know who is?---Yes I do.

Who's?---Ah, is a former Councillor on Council. I only speak to him very rarely, I don't - - -

Do you recall telling him?---No I don't.

10 Can I ask do you recall that generally you were prepared to tell people at the time, that is leading up to your evidence and afterwards, that, that you were either summoned to come in or you'd already given the evidence?---I don't recall that. It could have been with, that I would have had to absent myself from a board meeting at the Bendigo Bank and I said I may have to say I have to give evidence to ICAC. But I'd never discuss with anybody what evidence I'd be giving.

Do you recall telling Colin Kerr?---No I don't.

20 Do you know Colin Kerr?---Yes, he's the editor of the Northern District Times newspaper.

Do you recall telling?---..... was our former and, and ah, I don't, I don't recall telling him though. I really don't.

30 In your evidence at the Commission, I'm sorry, I withdraw that. Do you say you have no recollection of speaking to anyone about the fact that you were coming to the Commission or had been to the Commission to give evidence?---I can't recall telling anybody that, that's as simple as that.

Well, I'll come back to this issue later, Councillor Petch. I want to suggest to you that all of the persons I've referred to you in fact told that you were either coming to the Commission to give evidence or had been?---I don't accept that at all.

You don't?---No.

40 All right, well we'll come back to that perhaps after lunch. Do you recall in your evidence at the Commission you were asked about whether you'd spoken to anyone about the fact that you were coming into ICAC on 15 February to give evidence?---I may have, as I explained earlier to the, the chairman of our board that I couldn't be at the meeting because I had to be here. That would have been the only reason.

Well, I'm suggesting you told people much more widely than that?---No.

Do you dispute that?---No. I don't take, I don't accept that view at all.

All right. Well, we'll, we'll come back to that later. But you were under no misapprehension that you weren't supposed to say that to people?---No, I wasn't under misapprehension that I wasn't supposed to say that. I think what I was under the apprehension of is I wasn't to disclose any reason why I was here. There's nothing wrong with telling the people I've been called up for an ICAC inquiry.

Well - - -?---There's no wrong in that.

10 - - - can I ask you to have a look at, you'll see numbers in the top right corner of the transcript?---Yep.

187?---Yes.

See at the bottom you were actually asked on the last occasion about line, see there's number along the left side of the page - - -?---Yep.

- - - at line 44 - - -?---I might have - - -

20 - - - now, you say you've not sought any - - -?---Hang on, I've got 40.

You'll see 40, just keep reading down from there. Now, you say you've not sought any legal advice about coming in today. I'm sorry, I should start the line above. You see you were asked about being unrepresented and you said, "I am delighted to proceed"?---Yep.

And do you see you were asked, "You've not sought any legal advice about coming in today. Have you spoken to anyone else about coming in today?" And you said, "Only my lawyer"?---Yeah.

30 And you were asked who your lawyer was and you said Mr Belling?--- That's correct.

What I want to suggest to you is that evidence was a lie?---Well, I don't, I don't know what premise you have for making such a suggestion.

Well, I will come back to that?---Thank you.

40 And what I want to suggest to you is that in the course of the evidence you gave to ICAC in your compulsory examination you told a number of lies about important matters that you were asked about?---Well, I, I - - -

Do you accept that?---No I don't. I refute that completely.

So you didn't lie at all?---Not at all.

Okay. And I want to suggest to you that you lied because you believed at the time your evidence would be used to bring Mr Neish down and you

were prepared to say whatever it took to achieve that end?---Ah no, that is not correct either.

All right. Now, can I ask you, Mr, Councillor Petch to have a look at page 195. The number's in the top right corner?---Yep.

If you could go to that page please. Tell me when you've found it?---I have the page.

10 You have it?---Yes.

And do you recall on that occasion you were asked by Counsel Assisting at the time Mr Wong about the particular CDs that you had made containing the material from Mr Neish's computer?---Yes. Where is that in here?

Do you see there's some questions starting at about, start at line 30 read down a few lines, you'll see it says, "For the purposes of which the following day you provided Mr Belling with a copy of the CD"?---Yeah.

20 Do you recall that you were asked those questions about the CD of material - - -?---Yes, I do.

- - - that you had made?---Yeah.

And you were asked, "Therefore retaining a copy", sorry, you said, "Yes", and you were asked, "Therefore retaining a copy in your own possession. Yes. And that is the original disc that you now have." So do - - -?---That's correct.

30 - - - you recall that the - - -?---I - - -

- - - original disc you provided to the Commission?---The original disc was the one I would have provided to - - -

That you provided the Commission?---Yeah.

You were then asked, "Now that is the one that you've just produced to the Commission today now. So are there two copies of the CD in existence? One of which is in your possession and now in the Commission's
40 possession and one which is in Mr Belling's possession" and you said, "The three copies is the original", then you said, "The one I've given to Mr Belling and the one I've retained myself"?---Yeah.

And you were asked, "Are they all of the copies currently in existence at the moment?" and you said, "Sorry?" and you were asked again, "Are there only three copies in existence at the moment?" you said, "Yes"?---Yes.

That was a lie?---That was an error, yes, and I - - -

No, that was a lie wasn't it?---No, it wasn't a lie.

Well at that time it's correct isn't it that you'd retained one yourself which you had then provided to the Commission?---Yes.

The original?---Yes.

10 You'd given one to Mr Belling and there was one extra that you'd kept a copy made for yourself?---Right.

But by this time which was the 15 February you'd made other copies which you knew about?---I made two copies.

You gave one to Mr Belling which you referred to?---Yes.

You gave one to Norm Cerreto didn't you?---Yes.

20 Now you didn't refer to Norm Cerreto in your evidence?---No, I'm sorry I didn't, I should have.

You lied to the Commission?---No, I didn't lie to the Commission.

Mr, Councillor Petch, you don't suggest do you that you were confused at the time on 15 February about the number of copies you made and who they'd been distributed to?---Well I may have been.

30 Councillor Petch, you thought you'd come along to destroy Mr Neish through your evidence and you were happy to tell whatever lies you needed to, to achieve that end?---Well nothing that I produced was a lie and I think that's the fact and I had no personal gripe with Mr Neish at all.

Well we'll come - - -?---What I found as inappropriate is behaviour.

We'll come to that. You were asked again, if you go to page 209, at the bottom of the page. Last question again about the copies, "That's what I'm saying that you've made two copies and that's all", and you said, "That's all"?---Yeah.

40 Again I suggest that you lied to the Commission?---No, I was - I didn't lie to the Commission.

Now beyond Mr Cerreto - I withdraw that. I'll start with Mr Cerreto. Mr Cerreto was a friend?---Mr Cerreto was a confidant of mine.

He was a friend?---A friend and a confidant.

A local business owner?---More than that, he was a member of the Italian community, I've had a long association with the Italian community over 36 years.

And did you take the view that the Italian community had a particular interest in the disclosure of the material found on Mr Neish's computer?---No, I'm just trying to indicate my association with Mr Cerreto, a man I respect and trust.

10 Can I suggest to you that the reason you gave it to Mr Cerreto was that you and he had discussed your mutual dislike for Mr Neish?---I don't think we discussed - - -

Do you agree with that?---No, I don't agree with that.

And I suggest to you that you provided to, the disc to Mr Cerreto because you were so excited about finding it you wanted to share with Mr Cerreto your joy that that, you had been able to, or this material had come to you, that you were intending to use - - -?---Well - - -

20

- - - in order to bring Mr Neish down?---Can I take you through the sequence of events which will lead up to that answer of that question. Do you accept that? First of all on the Thursday came to my office with a, with a finger to his mouth - - -

30

That's the IT employee who provided the material?---Yes. He said take that home and have a look at it you will find it interesting. I took it home, I put it into my computer and I said what's wrong this fellow, does he think I'm a pervert or something giving me all this pornographic information. I looked at the time line on that and at the time I had Mr Neish and all the - he had downloaded it and I thought to myself this is probably the, the, the instrument I need to terminate Mr Neish's employment simply - - -

Because you've been looking to do that for some time?---Yes, we had. Not only myself.

Even after the Supreme Court had made orders - - -?---Yeah.

40

- - - injuncting you and others from taking step to terminate Mr Neish's - - - ?---We could not, we could not - - -

You were still keen to find a way weren't you?---Yes.

And this was manna from heaven this discovery?---Well, I think it might be described as that.

Well, do you think you might have described it as that?---No, no, Mr Belling described it as that.

You don't recall saying it in one of the conversations yourself?---No, I didn't use the word manna from heaven, I picked that up from Mr Belling.

ASSISTANT COMMISSIONER: I think it was Mr Belling actually who used it.

MR DOWNING: Commissioner, there was a second reference.

10 ASSISTANT COMMISSIONER: Yes, I think then Mr Petch may have repeated it in a later conversation.

THE WITNESS: Ah hmm, yeah.

MR DOWNING: Councillor Petch, can I ask you to have a look at page 199 of the transcript in front of you?---199.

Do you have that page open?---No but I will in a minute. Yes, I have it open now.

20

And do you see at about line 18 there's a question that starts "All right." Do you see that question?---Yes.

And Counsel Assisting at that time was saying, asking you about - well, I'll read the question. "All right. So to the extent that you're able to do so you wanted these allegations to be dealt with confidentially and properly," and you said, "Exactly."?---Exactly.

30

Now, you were talking about the allegations that the IT employee had made about Mr Neish, correct?---Yes.

And you told the Commission that to the extent that you were able you wanted these allegations to be dealt with confidentially and properly?---Yes.

40

That was a lie wasn't it?---No, it wasn't a lie at all and I'll take you to the preceding issues on this. On the Monday I wanted to, I made an appointment and I advised Mr Bellings as you have on evidence, at midday I met with him, he sat down with me and he said some important issues out of this, first of all we have to confirm that it is an authentic disc and he hasn't been set up by the IT department. I accepted that and the other issue he raised which was very salient to me, that the release of this disc would in fact from that point in time be damaging to his family and having said that I took the absolute line then that I would not release the disc to anybody, to, to, to, to compromise Mr Neish's family.

Councillor Petch, I'm going to remind you of the oath that you've given today?---Yes, yes, yes.

And indeed that you gave on the last occasion - - -?---Yes.

- - - to tell the truth?---Yes.

I'm going to suggest to you that at the time you gave evidence on 15 February you were well, you had taken a number of steps already to have the material leaked to the media and to have it published?---No, I hadn't.

You disagree with that?---I do disagree with that.

10

And I suggest that after you gave evidence on 15 February you continued taking steps to that end?---That's incorrect.

All right. You do understand that it's a serious matter to lie to the Commission?---I do understand it's a serious matter to lie to the Commission and I'm not lying.

20

All right. Do you recall - well, I withdraw that. Going back to your evidence on 15 February you agreed that you believed that you wanted these allegations to be dealt with confidentially and properly?---Yes.

Would you accept the proposition that dealing with them confidentially would not be consistent with contacting the media and providing copies of documents or information about the allegations to the media?---Incorrect except one exception and that was Robbie Patterson - - -

Well - - -?--- - - - and, and if I could, please, if I can explain myself, Robbie Patterson, I gave him a printout of the material, I told him - - -

30

Pictures?---Pictures.

You also gave that to Mr Booth on the day, that's 1 February?---No, I didn't give it to Mr, no, I didn't give it to Mr Booth at all. I gave it to - - -

MR HYDE: Excuse me, Commissioner, can I ask that Mr Petch be at least permitted to, to answer one question at a time and not be cut across. I mean, he's tried to give an explanation and then another two questions were fired at him. He really should be allowed to answer each question as they're put.

40

ASSISTANT COMMISSIONER: Well, yes, he should but I would ask Mr Petch to listen to the questions. I know there's information you may want to convey and that's what your counsel is for, he can elicit that. Counsel Assisting wants to elicit information - - -?---Right.

- - - so if you could at this stage just listen to his questions and answer them?---Thank you.

Thank you.

MR DOWNING: I'm sorry, I didn't mean to cut you off, Councillor Petch, if there was something further you wanted to say in response to that question please continue?---Well, in the terms of Robbie Patterson I have found him a very honest and reliable journalist. I felt at the time that this would be an issue which could break nationally. I gave him a copy, I told him to not publish it but to keep it there purely as a reference that if the story broke he would have a head start on the issue. Now, it was never published for obvious reasons and, and that is the end of the story and that is my explanation.

Thank you, Councillor Petch. Now in the course of your answer you denied that you've given the material to John Booth?---Yeah, I do.

All right. Can I ask that Exhibit 47 page 842 be brought up on the screen. Do you recognise that as a photograph of Mr Booth?---Yes, I do.

And you recognise the location is Delitalia on Coxs Road?---Yes, it's right opposite the Commonwealth Bank in Coxs Road, I recognise that in the background, yes.

And do you recall meeting with him on 1 February?---I - yes, I do.

And do you recall that at the time you handed a document to him as - well I suggest to you that that's a photograph of you handing something to him? ---Right.

Do you recall giving him a page of photographs of the material?---No, I don't.

I suggest you think you did?---Well you can suggest what you like but the fact is I, I have many meetings with Mr Bruce, Mr Booth and I give him press releases and that could have been just a press release.

Well if you look at the picture and we can perhaps make it a bit bigger if you like?---Mmm.

It seems to be a series of small, if I can describe them as thumbnail images. Are you seriously suggesting that you believe there was something else you giving him on 1 February?---Yes.

Councillor Petch, on that day you organised after you gleefully rang up people a series of meetings with people at Delitalia where you distributed copies of pictures, CDs and told people about it?---No.

Would you agree with that?---No, I don't agree with that at all.

Well let's go through. Do you recall meeting with Mr Belling that day?

---Yes, I do.

And you gave him a disc?---He did, and that's - I've already, that's in evidence.

Now you've agreed with me that you gave a copy of the disc to Mr Cerreto?---I gave a copy of the disc to Mr Cerreto earlier than that.

10 Well might it have been later after that day, a couple of days later?---No, it's before that.

All right. You met with Mr Patterson that day and you gave him pictures?
---Yes.

And can you recall the order of people you met with that day?---No, I don't but - - -

20 There were a lot weren't there?---No. Well there wasn't a lot. Well you might be able to enlighten me.

Well you've been here hearing the evidence over the last week and a bit - - -
?---Mmm.

- - - haven't you?---Yes, I have.

ASSISTANT COMMISSIONER: Mr Petch?---Yes.

30 The photograph you've just been shown the still shows you handing over what looks like thumbnail photographs on a sheet to Mr Booth?---Yes.

What do you say they were photos of?---I don't know. I've given that many things to Mr Booth over many years. All I recall is I did not release any, any documents relating to this to Mr Booth.

So you specifically deny that what you're handing Mr Booth are thumbnails of the pornographic images - - -?---I do.

40 - - - from Mr Neish's laptop?---Yes. If I, if I gave them to Mr Booth I would recall it and I, and I don't recall ever giving anything to Mr Booth.

MR DOWNING: You do accept and please tell me if this is not right - - -?--
-Yes.

- - - you do accept that you met with Mr Patterson that day?---Yes, I did.

And you provided him with the images from the - - -?---Images.

- - - disc?---And - - -

And is the basis for that that he, that you had a special relationship with him as a journalist as opposed to Mr Booth?---I have a lot of respect for Mr Patterson as a very straight journalist and, and I thought he should be rewarded, if this breaks nationally then he's also a reporter for the Sunday Telegraph and he should be provided with the information to get - - -

10 And when you say, I'm sorry, I don't want to cut you off?---To, to get a head start but I also gave it to on the instructions that (a) it had be verified as accurate and (b) that he was not to publish it.

Now when you say if it went, if it was to be published nationally do you - isn't it the case that the way in which it was to be published nationally was by you and then later you and Mr Stavrinis leaking it to the press?---I don't think the word leaking is the appropriate word.

20 Well - - -?---Maybe it's a word we've used in the vernacular but the intention was not to leak it. If we're going to do something with the press we'll make a press statement and hand it to them.

And did you do that at some point?---No.

What you in fact did was have Mr Stavrinis leak it?---No.

Well do you recall actually speaking to him about whether it would be leaked to the press him asking for the green light to do that and you saying yes?---Mr - if I could answer this question this way, Deputy Commissioner.

30 Well, could you answer it honestly?---Everything I am answering today is honestly.

Well, Councillor Petch, I don't want there to be any misapprehension about this. I'm suggesting your answers are not being given honestly and they are being given in an effort to try and explain the conduct you know was inappropriate?---No. I'm not making any excuses for my conduct. What I'm simply saying to you that Mr Stavrinis is a journalist. Once a journalist gets a story there's nothing you can do, if you give them a green light, a red light, or anything else that will stop him pursuing that course of action.

40 Mr Stavrinis, as well as being a journalist was a publicist and PR person wasn't he?---Yes. He was a, also ah, ah, ah, very helpful to me because I didn't have the, the facilities of a press officer with the Council, I wasn't the Mayor at the time and Mr Stavrinis offered to help me, particularly in the campaign to try and represent the community to oppose the ah, the redevelopment of the, of the, of the ah, um, Civic Centre.

So are you talking about him giving you assistance as a publicist in the lead up to the September, 2012 elections?---Yes indeed.

And indeed he continued to give you help as a publicist in respect of the revelation about the discovery on Mr Neish's computer didn't he?---Well, Mr Stavrinis, like all other people had to be, had to be cautioned. And I think you'll recall in my, in the evidence you've played that ah, I explained to him that I had given an undertaking as from the ah, I think it was 8 February that I would not divulge any of that information and it was not within my purview to do so?

10 Councillor Petch, are you seriously suggesting that you told him that you'd given an undertaking and then made it plain to him that therefore he could not release any material?---Ah, I think everything I might have said to him that he could not, or could or not do would have no impact whatsoever because he's a journalist, he has the information.

You were the source of the material for Mr Stavrinis weren't you?---Initially I was, yes.

20 All right. Can you nominate anyone else who is the source of the material for Mr Stavrinis?---I don't know.

Now, you told us before that you agree that you met with Mr Patterson on 1 February at Delitalia - - -?---Yes.

- - - and you gave him some small, a sheet of small images?---Exactly.

Can I now ask you to have a look at some footage. It'll come up on the screen?---All right.

30 **VIDEO RECORDING PLAYED** **[12.28pm]**

MR DOWNING: Do you see that footage, Councillor Petch?---Yes I do.

Did you see in the course of that at various points Mr, do you recognise that was Mr Patterson you were meeting with?---Yes.

And do you see at various points he was handling a, one sheet of paper - - - ?---Yeah.

40 - - - with what appeared to be a series of small images on it?---That's the sheet I gave him, yes.

It was exactly the same sheet that you gave Mr Booth wasn't it?---No it's not.

You're lying to the Commission aren't you?---Well, that's your view. I'm just telling you the truth.

Can you think, did you see, it was albeit briefly but did you see that at a point in time in the footage Mr Patterson was holding the sheet up and you could see a series of small images?---Yes.

Can you think of any other document that you could have given to Mr Booth on the day that contained a series of small images?---I can't recall what I gave Mr Booth but I know I did not give him any, any of this information.

10 Commissioner, I, I tender the video footage of, that was just shown of Councillor Petch with Mr Patterson.

ASSISTANT COMMISSIONER: That will be Exhibit 85.

#EXHIBIT 85 - DISKETTE CONTAINING VIDEO FOOTAGE OF MR STAVRINOS AND COUNCILLOR PETCH – 1 FEBRUARY 2013

20 MR DOWNING: Councillor Petch, if I could take you back to your evidence in the compulsory examination and if you could go to page 208, using the numbers on the top right corner?---Yep.

Tell me when you've turned up that page?---Yep.

30 Do you see at line 10 you're asked by Counsel Assisting, "Had there been any view reached either by yourself or any other member of Council as at 6 February, well take it from me that's 2013, whether or not Mr Neish should be dismissed on the basis of this complaint?" And you say, "Well let me say this, I haven't propagated a complaint. As far as I'm concerned nobody knew about it officially"?---Right.

Do you see that?---Ah hmm.

And then the next question, well the words were, "All right." And you said, "There was no reason to discuss it with anybody." Do you see that? ---Mmm.

40 In fact by the 1st – I withdraw that. By 15 February, 2013 when you gave your evidence in a compulsory examination you had discussed the complaint with a number of people hadn't you?---I discussed the complaint with my confidante, Mr Cerreto and Mr Patterson.

And - - -?---And Mr Stavrinis too, yeah.

And Mr Booth?---No, no not Mr Booth.

So you know you met with him that day?---Yes, I did.

And what you suggest, you met with Mr Belling that day at the café?---I met with Mr Belling.

And that was so that you could give him the discs of the pornography?
---Exactly.

You met with, you say you'd given the discs previously to Mr, Mr Cerreto?
---Cerreto, yes.

10

Also on 1 February you met with Mr Patterson - - -?---Yes.

- - - and you gave him copies of the images?---Yes.

And you say, you know you met with Mr Booth the same day?---Yes.

And you deny that there was any discussion about the pornography?---Yes, I do.

20

You were chatting about other things were you?---We had – well see Mr Booth and I go back a long way, probably over 40, 45 years. And we're both directors of the Bendigo Bank together, so it's not unusual for us to meet at Coxs Road. But let me put it to you my agenda that day was not to discuss with Mr Booth anything about the pornographic images. There was only two people I spoke to about them on that day was Mr Bellings, who cautioned me to make sure that the authenticity was correct and the impact it could have on Mr Neish's family, which I hadn't taken into consideration previously, but I did take into consideration at that point of time and Robbie Patterson, who I gave the copy of the images to on a very confidential basis.

30

It's also the case isn't it that you'd rung Councillor Salvestro-Martin on the previous evening and told him about it?---Yes. Well it's my, my duty to inform my Councillors.

Did you give him a copy of the data?---I don't believe so.

Did you give it to any others in the Council?---No.

40 Councillor Petch, can I suggest to you the evidence you gave on the last occasion - - -?---Yes.

- - - that there was no reason to discuss with anybody was a lie?---Well I, I directed that question to mean anybody in, in the community.

Well what was Mr Cerreto, was he not part of the community?---Mr Cerreto was a very close confidant of mine. And I didn't trust a lot of the advice I was getting from the Council and I used Mr Cerreto to, to assist me to come to the right conclusion.

Councillor Petch, you understand that the Council had a Code of Conduct didn't you?---Yes.

And the Code of Conduct applied to various matters, but one of the matters was the way in which information could be used?---Yes.

You'd read the Code of Conduct hadn't you?---Yes.

10 Well can I take you to it for a moment. It's Exhibit 1, Exhibit 1 page 1596. Do you recognise that as the Code of Conduct that was in place as at February, 2013?---I do.

And could I ask you to go ahead, if we could move it to page 1611 and if we scroll down the page to - you'll see there's a heading "Use of certain Council information."?---Yes.

20 Now you accept, don't you, that this information, that is the subject matter of the complaint made against Mr Neish, was material that came to you in your capacity as a Council official?---Yes, I accept that and probably with the benefit of hindsight I would have been wiser not to have discussed that, I do accept that.

Well, taking the next step would you accept that it was confidential material?---At that stage I would have, yes.

30 In fact you had discussions with - when the material first came to your attention you actually had discussions with Council staff emphasising the need to handle it confidentially didn't you?---I may have, I, I don't recall.

I'll take you to that in a moment?---Thank you.

So you accept that this was material that you got, you received in your capacity as a Council official?---Yeah.

And it was confidential?---When, when I first received the, the CD - - -

40 Please answer my question?---Well, there's, there's an explanation for it, there's a timeline.

You can give the explanation in a moment but if you could try and address the question first?---Well, the, probably the answer is yes.

Right. Now, you understood didn't you, giving your familiarity with the Code of Conduct, that you weren't to use Council information for private purposes?---I didn't use it for private purposes.

Did you also understand in accordance with 5.9 that you had to maintain the integrity and security of confidential documents or information in your possession or for which you were responsible?---Right.

You acted in a manner completely contrary to that didn't you?---I accept that now, yes.

You knew it at the time, didn't you?---No.

- 10 All right. In respect of 5.10(e) do you see that in addition to your general obligations under the Code of Conduct you had an obligation or it says you must not use confidential information with the intention to cause harm or detriment to your Council or any other person or body?---Correct.

Do you accept that your actions in respect of this material were completely contrary to that?---Obviously from what's printed there yes, I do, and I'd also say with the benefit of hindsight now that maybe I should have acted in a, a different manner.

- 20 ASSISTANT COMMISSIONER: Mr Petch, 5.10 also says you can only release confidential information if you have authority to do so?---Yes.

Do you accept you had no authority at all to release information to Mr Cerreto?---Your Honour, I accept that as an error on my part.

Or to Mr Patterson?---Well, now, with the benefit of - I accept that I, I erred, yes, I do.

Yes, thank you.

- 30 MR DOWNING: Councillor Petch, you told us that you had released this material to Mr Cerreto?---Yes, I've, I've released that to Mr Cerreto because it had been given to me not as a confidential disc, it had in fact been given to me to take home and look at and I just could not believe my eyes when I, when I read it and I wanted to share that with my confidant who is Mr Cerreto to get his opinion as well.

- 40 Well, are you seriously suggesting that you didn't understand that this material had been given to you on a confidential basis?---It had just been given to me to take home and have a look at. With the benefit of hindsight and everything that's been said, I accept that it was confidential but at the time I did not consider it to be confidential until Mr Bellings on the Monday had met with me and advised me that it should be first of all verified as accurate and, and authentic and then secondly the other aspect which he did raise with me is the impact it would have on Mr Neish's family and I had no intention of creating any harm for Mr Neish or his family.

You say that after that advice on 1 February you took no steps to have this material made public?---Exactly, the only, the only

That's a lie isn't it Councillor Petch?---No, it's not. The only person I gave that information to was Robbie Patterson and I gave it to him not to print but to have it there if the story actually broke and then he'd have a head start and that's the only reason I gave it to him, otherwise I would have not even given it to him.

10 Councillor Petch, you know don't you that under the Code of Conduct there was no exception for confidants from the Italian community?---I accept that.

You know that?---I accept that now, yeah.

And you knew at the time?---Well, let me say this, when you say I knew at the time it was not paramount in my thoughts.

Can I suggest this to you, Councillor Petch, that what was paramount in your thoughts from the time you first were made aware of this complaint
20 against Mr Neish was using it to get rid of him and using it, sorry, I'll stop there, using it to get rid of him?---Yes, I thought it would be a very good vehicle if it, there's no question about that.

And using it to destroy his reputation?---No, not to destroy his reputation at all.

You disagree with that?---Yes I do.

30 Were you present in the Commission when a telephone conversation with Mr Belling was played?---Yes.

And do you recall - - -?---Saying that he wouldn't get a job in local government and everything else.

Well, do you recall, and this is Exhibit 10, saying these words, "I've got that now, that sort of stuff. If it goes national press - - -"?---Ah hmm.

- - - it's irrefutable?---Yeah.

40 It will destroy him absolutely?---Ah hmm. Yeah - - -

Do you recall saying that?---Yes I do.

And you knew I take it from that statement that if this did go to the press it would destroy Mr Neish's reputation?---I, not, not personally but it would destroy his reputation I think, and that's when Mr Bellings counselled me at the meeting following that not to do that, that in fact it would help, it could

bring a lot of grief to his family. And from that point in time I backed off completely.

That's a lie isn't it?---No.

10 And I suggest to you that the reason, even after the advise from Mr Belling that you yourself leaked the material and assist, and had Mr Stavrinis do it for you was your desire to destroy Mr Neish?---No. I had no intention whatsoever of trying to destroy Mr Neish. All I wanted to do was convey what the community wanted me to do and the majority of Councillors I hasten to add, wanted me to do is to send Mr Neish on his way. We were precluded from doing that by an undertaken I'd given to the court. But this in itself misbehaviour be presented itself as a very strong vehicle to achieve that objective.

ASSISTANT COMMISSIONER: But Mr Petch, even after Mr Neish was gone from the Council - - -?---Yes.

20 - - - you continued to want this material released didn't you?---No. No I didn't.

You're saying you made no attempt to have this material leaked after Mr Neish had left Council?---No, because we'd, we'd achieved, we'd achieved our objective.

Yes, thank you.

30 MR DOWNING: Councillor Petch, I'll, I'll come back to that issue later. But can I ask you now about your knowledge of a, an offer that was conveyed to Mr Neish in April of 2012?---Yes, I'm aware of that in the, in the summons.

Now, do you recall that on 8 May, 2012 a particular motion was put up before Council in respect of the creation of a community advisory committee?---Yes I do.

40 And I ask that Exhibit 1, pages 385 and 386 be put up for you. You'll see that these are an excerpt from the minutes of a meeting on 8 May, 2012, and if we go down the page you'll see that there was a particular motion that was put up, moved by you and Councillor Tagg?---That's correct.

Now, it's correct isn't it that you approached Councillor Tagg and asked him to in effect second this motion?---I don't really recall approaching Councillor Tagg to second this motion at all because this is a motion that was discussed amongst our group and there are all the names of the ones that voted for it. And ah, whether Tagg put it in and I seconded it, it's quite irrelevant as to it's a motion representing the feelings of the group.

Well, do you see, if you look at page 385 going to 386 you'll see that the motion consists of seven points?---Yep.

And what I want to suggest to you is that it was you who had come up with the seven points?---No. It wasn't me. As a matter of fact I took this motion on advise from ah, Mr Stefano Laface who ah, had advised me on all legal issues and, and assisted me with strategy. And I want to say this, that our whole objective in this whole issue from January onwards was to stall the approval and the General Manager signing off to Lend Lease the sale of the land for the Civic Centre. And we did everything in our power to prevent that. It was nothing to do with Mr Neish at all.

Well I understand that that was your objective to try and prevent a contract being signed?---Yes. And that was the whole community objection, event and it was also the majority of Councillors.

Well - - -?---Although the - - -

- - - isn't this the case that in the period leading up to the September 2012 elections that a motion had been passed delegating to Mr Neish the task of Expression Of Interest faze and then the request for tender phase with a view to having a development agreement signed by August 2012?---Yes. But that went a little bit further and I believed in my mind there was a lot of illegality in that motion. First of all section 377 of the Local Government Act which - Commissioner, as a member of Parliament I took a great hand in help develop as a member of the Local Government Committee in the Parliament so I was very, very familiar with the fact of what could be delegated to the General Manager and what I believed what the Council was delegating to the General Manager was illegal and I sought, that's why I had the meeting with Mr, the fellow with the moustache, he was here yesterday.

Mr Mahony?---Mr Mahony.

Well we'll come to Mr Mahony?---Yeah, good.

Dealing just with the motion though you say, was it Mr Laface who actually assisted you in drafting the seven points?---Yes.

Right. But having had that assistance did you then take it to the other members of the block who were opposed to the Ryde Civic Precinct redevelopment and suggest this should be put up before Council?---Well I, those that I could contact at the time, yes, I did.

All right. And indeed it was put up before Council at the meeting on 8 May?---It was.

And ultimately the committee as you wanted it formed didn't come to, to fruition did it?---Purely on the Mayor's casting vote.

Well because - - -?---Yeah.

- - - consistent with a number of other votes - - -?---Exactly.

- - - the vote was six all and the Mayor used a casting vote?---Exactly right.

10 Now I take it you found that frustrating that the committee that you wanted to have created in order to delay the project hadn't come to be?---Well there was a lot of frustrations. First of all that would have been a good vehicle to allow the community which we represent to have a say in what really happened at the City of Ryde with the redevelopment and unfortunately and I do say unfortunately it just didn't come to pass.

Well part of the, well part of the, the motion was that a particular type of community advisory committee would be established?---Yes.

20 It would have a membership consisting of some Councillors and some members of the public?---Yes, indeed.

That effectively the tender process would be put on hold and the matter would be referred to the committee?---Absolutely.

And it would then not refer, it would not report back with its findings 'til after the election?---Yes.

30 All right. Now do you recall - I suggest to you that an earlier point in 2012 that is prior to 8 May you asked Mr John Goubran to organise for Mr Neish to be approached with a particular deal?---I'm pleased you came to that point because on - well I'll just, if I could just refer to my notes, Deputy Commissioner. I looked at my diary.

ASSISTANT COMMISSIONER: Well perhaps, Mr Petch, could you just initially answer the question you've been asked?---Yeah. Well I, I'm, I'm going to answer that - - -

You've just been asked a very simple question of whether you asked Mr Goubran to approach Mr Neish?---And the answer to that is no.

40 Thank you?---And, but I hasten to add and something you're not aware of that at 10.30am on Monday 2 April I was approached by, I had an appointment with who was the person we had engaged or the General Manager had engaged to do his performance review and he had come to me and asked for a meeting and a cup of coffee and I had a cup of coffee with him at the Top Ryde Shopping Centre 'cause I didn't have the Mayors rooms available as I (not transcribable) outside that time.

I'm sorry, Mr Petch. I don't know what this is relevant to. It doesn't seem to be relevant to what you've been - - -?---Well it's relevant to the, relevant to the whole question the whole reason we're here. That Mr, put to me that he knew that I had given the General Manager a very high score in his performance review when he was doing the thing and he came to and asked me if I would meet with the General Manager to sought out the problems we're having with the Civic Centre. Now the proposition you're putting to me that I went to Mr Goubran to broker that it doesn't even, doesn't even warrant any, any contemplation because if I wanted to go
10 down that line I would have done it with now on the
Monday the 2 of, 2 April.

MR DOWNING: Well what I want to suggest to you – I'll withdraw that. Councillor Petch, on occasions you liked to communicate indirectly through persons like Mr Cerreto don't you?---Yes, of course.

Sometimes you have communications with Mr Goubran, other times you communicate via Mr Cerreto in order to get material to Mr Goubran?---No, no, no. If I want to get material to Mr Goubran I'll give it to Mr Goubran
20 myself.

What I want to suggest to you though is at some stage in the early part of 2012, that is before April 2012, you asked Mr Goubran to organise for Mr Neish to be approached with a particular deal?---No.

Do you deny that?---No. Of course I deny that. It's ridiculous.

All right. I want to suggest to you that the form of the deal was that there would be a type of Community Advisory Committee that would be formed
30 consisting of Councillors and members of the public?---No. I just deny even discussing that matter with Mr Goubran.

And, and I suggest that you also said to Mr Goubran that as part of that deal that should be put to Mr Neish, that the Committee would undertake a process of community consultation with a view to putting the Ryde Civic precinct redevelopment on hold until after the election?---That conversation with Mr Goubran did not take place.

And that you further suggested that the deal that would be conveyed would
40 involve Mr Neish reporting back with the Committee findings after the election. Do you deny that?---I deny all that, yeah, of course I do.

And I further suggest that you communicated to Mr Goubran, that as part of the proposition to be put to Mr Neish that he should be told that his job would be secure beyond the election if he went along with the proposal? ---Well that's quite contrary to what I told you a minute ago when approached me offering me the same deal from Mr Neish.

You say that Mr Neish - - -?---Well I assume because had been, I subsequently found out had been his mentor at Parramatta Council. But I wasn't aware of that at the time, all I was aware I didn't knowall that well, but I had, I had a very stimulating conversation with who invited me to go to New Zealand where he spends half his life and (not transcribable) with him. I've got his telephone number in New Zealand and I've got his telephone number here in Australia.

10 Councillor Petch, as fascinating as travel plans might have been - - -?---Well was advising me that, that he had been, wanted me to talk to John Neish to broker some sort of a deal. That's what the - - -

So I want to explore this with you Councillor Petch?---Yes, please.

Do you say that on 2 April - - -?---Yes.

20 - - - said that what, he was passing a message on behalf of Mr Neish or that it was his idea?---Yes, he was. Well - - -

He was passing a message from Mr Neish and that what, Mr Neish wanted you to what, come to, speak to him to broker a deal?---Yeah, well that's the interpretation I got from the whole conversation.

Right. You've been present in the Commission when your Counsel asked some questions of Mr Neish?---Yes.

30 Do you recall him asking any questions to suggest that the conversation you've just described took place?---No, I don't. But I didn't, I didn't advise the, my Counsel of that conversation either.

Because you've just made it up haven't you?---It's out of my diary. And I also have telephone numbers. Why in the hell would he give me his private telephone numbers and invite me to go to New Zealand if I didn't have the meeting with him?

40 Councillor Petch you may well have met with him, but what I guess I'm interested in is the suggestion you've made now that you'd had a communication on 2 April from someone passing on a message from Mr Neish suggesting that he wanted you to approach him for, assist him brokering a deal?---Yes indeed.

Well you understood didn't you from the summons you've received that the terms of reference of this Commission included as a significant focus the proposal that a deal had been or sorry the issue that a deal had been conveyed indirectly on your behalf to Mr Neish?---And I also recognised in that summons that I would be given the opportunity to present to the Commission what actually happened.

So you say you didn't think this was important information to provide to your counsel?---Not at the time, no.

What I want to suggest to you further in respect of this offer is that you asked Mr Goubran to have the offer conveyed indirectly by someone?---I did not speak to Mr Goubran about this issue at all, finito.

10 And what I want to suggest is that – well I withdraw that. Did you suggest that Mr Abboud might be a person that could make the approach?---I do not contact and have any, any, any communications with Mr Abboud at all.

Now were you aware that Mr Goubran called Tony Abboud on 30 March, 2012 and requested a meeting?---The only, could you, first of all I'm not aware that he, that he called him, but I have been provided with telephone records of calls that Mr Goubran has made only since this Commission has started.

20 All right. Well, at the time, at the end of March 2012 were you aware that Mr Goubran had called Mr Abboud on 30 March and requested a meeting? ---I don't know what Mr Abboud - Mr Goubran talked to Mr Abboud about, all I've got is a record that he made a phone call, that's all I have.

Were you in communication with Mr Goubran in or around the end of March, beginning of April 2012?---Look, I've been in, in, in communication with Mr Goubran on and off for years I do not know specific dates whether I was there and spoke to him about anything at all.

30 Were you aware - and if you don't know the answer to this or can't remember please say so, were you aware that on 30 March Mr Goubran called Mr Abboud and requested a meeting?---I'm not aware of that.

So you weren't at the time?---I, I'm not - - -

Are you saying you - - -?--- - - - not, at the time now or in the future, at any time, I'm not aware.

40 All right. Were you aware on 3 April, 2012 that Mr Goubran had met with Mr Abboud at 8 o'clock?---I'm not aware of Mr - let me take the, let me - right to the chase, I'm not aware of any meetings Mr Goubran had at any time with Mr Abboud.

So I take it follows from that that you weren't aware of any later communication by phone with - between Mr Goubran and Mr Abboud on 3 April?---Can I repeat myself? At no stage am I aware of any communication between Mr Goubran and Mr Abboud.

I suggest to you that some point between 3 April, 2012 and 13 April you had a discussion with Mr Abboud where you suggested that, whereas you previously didn't want to be a member of this committee, that you now did.

MR CHALMERS: No, not, not, Mr Abboud.

MR DOWNING: I'm sorry, with Mr Goubran, I should have been clearer?
---Thank you. No, I didn't have that discussion at all with Mr Goubran because I never discussed the committee at any stage, any of the
10 composition, anything to do with the committee.

And I suggest to you that at some point shortly before a meeting Mr Goubran had with Mr Neish - I withdraw that, Mr Abboud had with Mr Neish on 13 April you communicated with Mr Goubran that you no longer wanted to be part of the committee?---I deny that completely. I haven't even discussed the committee with Mr Goubran.

Now, you referred to some phone records before in your evidence?---Yes, I did.
20

Are they phone records that you've seen in the course of the evidence in this Commission?---Yes, it is.

And do you have that page with you?---Yes, I do.

Would you bring up Exhibit 8, page 142. Do you have that - is that the page you've got there that starts - - -?---Yes, it is.

- - - with call dates?---Yes, yes, it does.
30

Do you see there's a reference or a record there of a call between you and John Goubran on 3 April at about 1.33?---Yes.

Do you recall what was discussed at that time?---I don't recall what was discussed at that time and it appears to be two calls here but it's really only one call because one was at 13.33.59 and the other's at 13.34.00 which is one second later so it's the same call.

I accept that, Councillor Petch. But what I want to suggest to you is that
40 you had a conversation with Mr Goubran that day in which you gave him the detail of the deal that you wanted put to - - -?---No. No, no.

- - - Mr Neish?---Let me say again I have never discussed with Mr Goubran anything to do with Mr Neish in terms of deals or anything, discussion with Mr, Mr Abboud.

Well - - -?---I, I, I say - - -

- - - in fairness to, I understand that but in fairness to you, Councillor Petch, I need to put certain allegations to you?---Well, thank you.

I suggest to you that after 13 April, 2012, or on or after that date Mr Goubran told you that Mr Neish was not prepared to accept the deal that had been put to him?---No. We've never discussed any deals. I can, I don't know how many times I have to say this to you, Mr - - -

10 All right. Well, I suggest to you that what led to you coming up with the motion that was put before Council on 8 May was the rebuff of the offer that had been communicated?---No. It wasn't a rebuff. If I wanted that, that, to go down track I would have done so with the, the day, the day before on the, when I had the meeting with him.

Commissioner, is that a convenient time?

ASSISTANT COMMISSIONER: Yes. We will adjourn at this time until 2 o'clock.

20

LUNCHEON ADJOURNMENT

[1.00pm]