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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 16 APRIL, 2010

AT 2.10PM

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

ASSISTANT COMMISSIONER: I apologise for the delay. Yes, Ms Ronalds?

MS RONALDS: Do you have still with you a bundle called Exhibit 151?  
----Yes.

10 And we're at page 5. That's the email you sent to Mr Romano?---That's correct.

Now, were you present when you were referred to yesterday as a protected species?---Yes.

And would you agree that you considered yourself, because of your special relationship with Mr Romano, as being protected?---No.

20 And that was the purpose, was it not, of this email, that is, to invoke your protected species status?---Not at all, not at all.

And ask him to intervene?---Not at all.

Did you consider the disciplinary policy when you wrote this?---No.

Did you review the disciplinary policy and to see whether it had an appeal or review section - - -?---No.

30 - - - that, well, how did you think you had the authority to write to Mr Romano after you had been, received a disciplinary letter from your supervisor, director, Mr Azer?---Mr Romano had an open door policy that was open to every staff member and you could contact him at any time, knock on his door at any time. I think that I've, myself, I think that I've got a right to, if I didn't agree with the disciplinary action, I think I've got a right to express my concerns.

Well, you went a bit further than that, didn't you?---I don't - - -

40 You said, "At this point I'm about to take legal advice to find out if Council has a policy to cover the action that I took"?---Yes.

"I am sure that you're aware that I also paid staff members for overtime at your request on election day." So you were embedding in your request for insistence a bit of extra information, weren't you?---I don't think so.

Well, that didn't have anything to do with - - -?---Well, I'd previous paid Council staff under his instructions so I, I never thought it was a problem to do it.

Didn't have anything to do with the contents of the disciplinary letter about paying staff for work, overtime work for the Council, did it?---I'm not understanding what you're saying.

ASSISTANT COMMISSIONER: Well, I think, Ms Ronalds, he goes on to say he considered it a precedent. Whether that's right or not that seems to be the basis on which he's putting it.

10 MS RONALDS: Sure, no, I understand that, yes.

And then Mr Romano answered your letter and you were upset about the answer, weren't you?---I didn't agree it.

But you were upset about it, weren't you? It was a very formal response, wasn't it?---It was formal, yep.

Yeah, it was like he'd never met you?---Yes.

20 Yours was a bit more informal, wasn't it?---Yes.

Well, in fact he writes to you in a very formal way and rebuffs your approach, doesn't he?---That's correct.

He says he doesn't support your position and he supports the director, in essence, this is what he says?---That's correct.

And he also said, "In relation to your claim that I was you'd paid staff overtime for working on election day last year, advise you were  
30 misinformed and incorrect"?---That's correct.

Now, this letter happened before you'd lodged the PD, sorry, the protected disclosure?---Yes, but I was in the middle of, I'd already taken advice - - -

Yes, but he didn't know that, did he?---No, he didn't know that, no.

So when Mr Romano wrote this letter, he's telling you you were misinformed and incorrect about election day?---Yes.

40 But you say that's wrong?---Definitely.

And you've recounted that, I don't want to rehearse it but you still that what you say was correct and when he says that, that was wrong?---Totally.

And he's suggesting that you obtain advice before acting, isn't he, at the end of the letter?---Yes.

And you weren't happy about this letter which is dated 25 March 2009, were you?---No.

And this is one of the factors you took into account when you decided to make your protected disclosure, isn't it?---Possibly.

Well?---Well, I'd been - - -

10 Did you or didn't you?---I'd already been taking advice a long time before I, I thought about this, and this was, this is, could be possibly one of them but that, that - - -

Well, was it or wasn't it? It was you who took it?---Well, I've been taking advice. I've been having meetings about what, about approaching the ICAC and I'd even spoken to my own personal solicitor way before this was - - -

But the call you made was 28 March?---That's right.

20 The call to the Mayor, so it was a couple a days after this letter?---Yes.

What I'm suggesting to you is that when you read with this letter you knew any friendship you had had with Mr Romano was over?---Definitely.

Because this is a very formal letter, isn't it, and doesn't suggest any special relationship between you and him?---Yep.

And you knew when you read this that the friendship was over?---Yes.

30 And I suggest to you that you took that into account as one of the factors that you took into account when you called the Mayor, do you agree?  
---That's, I agree.

Now, could the witness be shown Exhibit 153. Now, you see that, this is a bundle of documents that includes the complaint so you were advised about the complaint by Mr Saad against you and the Council?---Yes.

40 And you gave an answer so that, and that's, sorry, just bear with me, I've lost it. And that starts at page 15, do you see that, down the bottom of page 15 and over, where essentially you deny it?---Yes.

And then at page 21, against just on the numbered pages down the bottom, you'll see there that you were suspended from duty pending the outcome of the investigation?---That's correct.

Now, you say this is a reprisal action, don't you?---Definitely.

That you were suspended to keep you away from the workplace after you'd made the protected disclosure?---Definitely.

And the lead up to this was, wasn't it, that you had advice you were able to return to work?---Yes.

And you wanted to return to work?---Yes.

And you were told to stay home for a few more days?---I wanted to return to work for financial things. I hadn't been paid for two and a half months.

10 Right?---So in consultation with my doctor I'd asked , well, for financial reasons, to go back to work.

And, but you didn't actually ever return to work, did you?---No, I was kept out.

And you were then suspended on pay?---That's correct.

But no overtime payments?---Definitely.

20 So you have remained suspended on pay since 17 August?---That's correct.

And have you ever been advised or received any advice about an outcome of the investigation that is referred to in this letter?---No.

And you weren't party to a conciliation conference at the Ant Discrimination Board with Mr Saad, were you?---No.

You weren't invited to that conference. -No.

30 And you didn't send a lawyer?---No.

And you've seen now the Deed of Settlement - - -?---Yes.

- - - that you hadn't seen before?---No.

Were you aware the complaint had been settled?---No.

Did anyone from Council ever tell you that?---Never.

40 And so until, whenever I did it, the other day - - -?---Council has never spoken to me, other than sending me a, a letter saying that I wasn't allowed to attend the Christmas party. There's been no, no contemplation on 17 August.

And you've never been interviewed in relation to an investigation into the Saad complaint?---Never.

And apart from that formal written response that you gave, that's the only, well it's the only documents I found. But is that the only document that you've put in?---That's correct.

And you now know that the complaint was settled a long time ago, September?---Very shocked. Yeah.

Sorry?---I was very shocked.

10 And you were shocked by that?---Definitely.

What were you shocked about?---Well, to hear that the complaint had been settled probably less than a month after I was suspended.

And Mr Saad gave the evidence a couple of weeks ago?---Yes.

And that was the first time you knew about it?---Yes.

20 Right. And then the deed was tendered the other day and you've now had an opportunity to read it?---I, I had a quick opportunity.

And you see that the Council paid Mr Saad some money?---Yes.

You weren't asked to contribute to that?---No.

And so you weren't considered, sorry, I'll withdraw that. No one asked you to come to the meeting and you just didn't go, the conciliation conference? ---I didn't know about the meeting.

30 Right. And no one from Maddocks ever contacted you to say that they were representing your interests at the conciliation conference?---No.

If I could just show you this document. This is an email of yours dated 18 February to Mr Norman Turkington. Do you remember sending that email? Oh, sorry, I'm not allowed to do that. Do you remember sending that email?---Yes.

40 Now what, who was Mr Norman Turkington to you? I mean, what, what, what was he doing?---Mr Norm Turnkington was teaching me more management skills.

And was that at your request or somebody in the Council had decided you needed to be taught some more management skills?---Somebody else.

Who was that?---Mr Macklin and possibly Mr Azer.

So they thought for you to maintain your position you needed to go and learn some more things?---I'm not sure about that. It was because there was an incident.

All right. What was the incident?---The incident was where I refer back to, what I thought was a fraudulent insurance claim.

So that, is the - - -?---That's, yeah, that's the reason why, yeah.

10 Right. And so you were seeing Mr Turkington?---Yes.

And Council was paying for that?---Yes.

And how often did you see him?---I think it was once every couple of weeks or once every month.

And is he a management consultant or what did you understand him to be? ---Well, he, he's quite a few things. He's also a psychologist.

20 Yeah?---Yeah, he does training, management training.

And you understood he was training you in management styles and techniques. Is that right?---Yes.

Right. And you say here that you wanted to talk to him about a confidential work issue?---That's correct.

And is that the issue that we've been looking at?---Yes.

30 Or was there some other confidential work issue?---No. It was about, it was about the disclosure that I was trying to make about working on Mr Romano's property and all the things that I done. I did actually speak to him about it.

Right. And was, you say here that you, you (not transcribable) yourself. Did he give you advice?---To a point he did. He, he was concerned.

Right?---He never said that I should go to the ICAC. He was concerned of the implications and the implications to what could happen to me.

40

Right. If I could tender that document.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 201.

**#EXHIBIT 201 - AN EMAIL FROM MR STEVE CHILD TO  
NORMAN TURKINGTON & ASSOCIATES DATED 18 FEBRUARY  
2009**

MS RONALDS: Now I'll show you this document and perhaps you can help me with it. I'll just ask you firstly, is this a draft letter or did you send this letter?---I've never seen this before, ever.

You didn't write this?---No.

You sure?---No. No.

10

It's not from you?---No.

Right. If the Exhibit could be returned?---I would never start of a letter just hi.

Right?---This is, this is - - -

The contents of it you didn't write it?---Well, I haven't had a full read of it, but I - - -

20

Well have a read of it?---I definitely I haven't, I can suggest it's not mine.

You're pretty sure it's not yours?---Yes. Definitely not.

All right. That can be returned?---No, definitely, it's not mine.

Well, that will remain a mystery then. Are you aware that Mr Saad had made other allegations about you and others and about your activities and the depot?---I'm aware now.

30

Are you aware that he said that you had given, well do you know what a Telstra pit is?---Yes.

What is it?---It's a cover, it's not a Telstra pit, it's just, it's a steel cover that we use, because birds, a lot of the assets are 200 years old and I'm saying that Telstra pits are 200 years old, but when you're re-concreting and they break up and you need to put a new one over and it just, it's a lot, it makes the job cleaner and - - -

40

Well, one of the things that Mr Saad alleged against you is that you gave a friend of yours, a male friend of yours a Telstra pit?---Yeah, I read that.

And what's your response to that?---Oh, definitely not. That's, it wasn't a friend of mine, okay, I get directed to do things from other people, Mr Azer or Mr Inglese, you know. (not transcribable) Council's assets like footpath and all that, you're not only putting down new concrete, it's steel cover and it has a concrete insert. So you (not transcribable) the concrete and you pull

the (not transcribable) out. And there's a (not transcribable) underneath.  
So, yeah, it was commonly - - -

But did you at one stage give one to someone?---Yes, I give it to many of  
people that were doing, fixing up Council's footpaths.

People who weren't Council workers?---Yes.

10 And they would, why were people who weren't Council workers fixing up  
Council footpaths?---Well, if you had a contractor or somebody like that in  
there, you, you know, you've got to make sure that the, if you seen what I  
was talking about, it's, you know, it's a major thing for, to fix the assets up.

Did you, do you say that the people you gave it to were using it legitimately  
within Burwood Council, the area?---Oh, definitely, yeah. Definitely.

20 And you didn't improperly give one to a friend to use for some other  
purpose?---The friend that he's talking, well, I presume he's talking about,  
they're not friends, they were just Burwood Council, they were doing a  
building, it was a block of units and they were re-concreting the footpath.  
And they needed a, this Telstra (not transcribable) to go over it and, yeah,  
it's, it was part, we done it quite often.

And that was a proper thing to do in terms of your job. Is that correct?---I  
believe so, yeah.

Is that what you say?---Yes, I believe so, yes.

30 I mean the essence of the allegation is that you were in effect stealing to  
give it to give it someone. You deny that?---Oh, totally.

And it was used then on the, on a pavement in Burwood?---Yeah. Quite  
often we used it, you know - - -

No, no, just about you recall, you know what the allegation is, that you gave  
one to a friend?---Well, it was given to a builder friend, I don't have builder  
friends. I was just part of my job, you know, as, that's how I see it.

40 I'm just giving you an opportunity to respond to the allegation?---Yeah, it's  
part of my job to look after part of the civil works and, and Council's assets.  
And, and that's what it is, it's a lid.

Now, in late February and early March 2009 did you send a text message to  
Mr Romano that said, Your corruption is about to be exposed?---No.

That is, on 27 February at 12.34pm?---No.

Did you arrange for someone on your behalf to send a text message that said that?---No.

And on 3 March, 2009 at 7.28am did you send a text message that said, Your corruption is about to be exposed very soon?---No.

And did you arrange for someone to do it?---No.

Do you know who did it?---Yes.

10

Who did it?---I think the person who done it should probably have the opportunity to say himself.

Right?---I think that would be fair to that person.

And if you don't I'll have to call you again?---If they don't I'll come back up.

20

Okay. I have nothing further at this point I don't think, hang on, sorry, just bear with me one second. Is there any other action that's been taken against you that you consider to be a reprisal action other than the matters we've already looked at?---Oh - - -

Do you say the response to your workers compensation claims is part of the - - -?---Definitely, yes, definitely.

Sorry, just to put - - -?---Sorry, I'm not - - -

30

Are you right?---Yes, yeah, definitely the claim, just to not pay us workers compensation. I took advice from the, the, the union and they, they said it was definitely a workers compensation claim, my doctor - - -

And it was a claim for stress, wasn't it?---Yeah, definitely.

And it was knocked back?---Yes.

40

And you say that the information provided by Council, do you, in response to your claim was part of the reprisal action against you for the protected disclosure?---Yes.

Is that what you claim?---Yes.

But no one's told you that, have they, no one's said that from, no one from Council's ever said to you - - -?---No.

- - - we managed to have your workers comp knocked back because of what you'd done?---No one, no one from Council's bothered to even ring us.

It's just your assumption?---Yes.

Nothing further.

ASSISTANT COMMISSIONER: Yes.

MS McDONALD: Yes, I have some questions.

ASSISTANT COMMISSIONER: Yes, Ms McDonald.

10

MS McDONALD: Could the witness please be shown Exhibit 63.

I'm just going, as you know, Mr Child, I'm the counsel for Mr Becerra, I just want to ask you a few questions going back to the unit issue and the telephone calls. Now, this I understand is a timesheet of yours, I'm not, it happens to be one in October '07 and I'm not particularly interested in that date but I'd just like to get you to explain how the timesheet works for me. You've previously given evidence that a normal shift was between 7.00 and 3.00pm. Is that, is that correct?---No, that's not correct.

20

So in - - -?---Well, what I'm saying, my, my hours of work was supposed to be between 7.00 and 3.00 but I never worked between 7.00 and 3.00.

No, but previously you've given evidence to this Commission that normal hours for depot workers were between 7.00 and 3.00?---That's correct.

That's correct. And can you help me with, I understand that then if normal hours are being worked that that would be shown in the second of the timesheet that has ordinary hours. Is that, is that right, toward the top?---To be honest with you, to understand these timesheets, they're not easy, okay. I don't fully understand them myself and there's only two people that fully understand them and that is Mr Rudd and also Stephanie King.

30

I see?---So I don't fully understand them but - - -

Well, would you expect - - -?--- - - - if you can help me out I'm happy to help you out.

Sure, right, well maybe together we can try and decipher it a little?---Yeah.

40

One would expect if you're working a normal dayshift between 7.00 and 3.00 that would be classified as ordinary hours and there'd be some sort of notation in the top part of those, of that table there and it seems to have in this particular one different types of work and locations identified as to where work's being carried out I assume?---Yeah, yeah.

Would they - - -?---Well, they, yeah, they just spread my hours - - -

Across?---Because, because, yeah, I was supervisor and you'd be across the board.

I see. If, you've also given evidence that you often worked nightshift?  
---Yes.

And, and officially when was the nightshift? Was there certain hours presumably from 3 o'clock onwards was it?---No, no, no, it's normally, our normal one would be, could be from 6.00pm - - -

10 Yes?--- - - - till finish.

Till, and when's finish?---Finish, what, for me it could have been 3 o'clock in the morning.

Was there an official time that would normally constitute a nightshift, presumably no longer - - -?---No.

20 - - - than eight hours, an official one, I understand you say that you worked longer but the official nightshift presumably wasn't longer than eight hours. Is that right?---Yeah, that's right.

Okay. And would that be shown in the section which has overtime hours and then you'll see on the left Nightwork times two and Nightwork?---No. Well, look, my hours - - -

30 No, I'm not asking you about your hours?---Well, I'm not, I'm just, I'm, I'm not understand, I don't understand these timesheets fully, okay, and I'm not understanding what you're actually saying to me.

So you, you can shed no light on how these timesheets worked?---Not really, no.

Not really. So you, you can't tell me whether night work would be shown in the section under Overtime Hours or a nightshift would be shown in overtime hours?---(not transcribable)

40 Well, let me ask this question, were you paid overtime rates when you worked a nightshift?---Well, it's, it's not overtime rates, okay. If you're working a nightshift it's, it's normal time - - -

Yes?--- - - - okay, plus allowances.

Plus allowances, I see?---It's not overtime. The night, the nightshift is not overtime.

So why, what, what do you make of the entry in this table on the left of Nightwork times two and Nightwork? What would you, what would your

understanding of that be just looking at it now and from whatever knowledge you have from the past about these timesheets?---I'm not sure, I'm not sure how they do it. I, I, I, they're so confusing and there's no, not many people knew how to operate them.

So is there any document in Council other than these timesheets which would indicate on a given day whether you were working a dayshift or a nightshift?---Other than this, probably not.

10 Other than that, probably not?---No.

So, so to the best of your knowledge?---You done this - - -

Yes?---You done this then you got your payslip - - -

I see?---And the payslip's completely different to the way this is calculated.

Right. Can you, do you know and I know, appreciate this is a difficult question but do you know whether you were working nightshifts during the period of February 2008 to October 2008?---Yeah, definitely.

Definitely?---Definitely.

And are you able to say whether you were doing predominantly nightshifts or dayshifts or was it just all over the place?---Predominantly both shifts, I was on both shifts.

So in a given week it would be fifty, fifty, fifty, it would be half dayshifts, half nightshifts?---They gave me a lot of work and I had to have, it was the time, you know, I was on a nightshift project and I was also on dayshift.

All right. Did you ever work - - -?---I was working 18 hours a day.

Did you ever officially work on weekends?---Yes.

Like directed to work on weekends?---Yes.

And again - - -?---Sorry, sorry.

40 - - - a timesheet presumably of the nature we have here - - -?---Can I just, can I just say something?

Yes?---Nightshift would normally start on the weekend which is on Sunday night.

Right?---I'm just saying the, well - - -

ASSISTANT COMMISSIONER: Well, I'm sorry - - -?--- - - - once I start -  
- -

- - - I hate to interrupt you but I'm a little bit concerned, we've been through  
all of this evidence before, I though we were are now onto the reprisal area.

MS McDONALD: The counsel, learned counsel assisting tendered some  
records, telephone records, the corrected telephone records after Mr Child  
had been excused and I made a specific request to her at the time to be able  
10 to asked to allow to cross-examine Mr Child about those records and that's  
what I'm seeking to do and it's, it won't take terribly much longer and that,  
that is the purpose of my questions.

ASSISTANT COMMISSIONER: All right.

MS McDONALD: I'm sorry, you were saying?---Night shift, night shift  
officially started on Sunday night.

On the Sunday night?---Yeah.  
20

I see?---I don't think it comes up here on Sunday night how they show it but  
that's how, that's how officially it starts.

I see. But if you were to work on a Saturday or Sunday it would be shown  
in some respect on this timesheet wouldn't it? I mean there is a Saturday  
and Sunday noted on the timesheets?---As I said about the Sunday, when  
you're starting at Sunday (not transcribable).

It could be recorded on a Monday?---Exactly.  
30

I see. But if you worked on a Saturday - - -?---Yes.

- - - that would be recorded on here. Now, I just want to remind you of  
some evidence you gave to this Commission last time you were here.  
Essentially the essence of your evidence was that Mr Romano had  
specifically asked you to do work on the units?---Yes.

And that he'd asked you to do that during Council time?---Yes.

40 Is that - - -?---It was only, it was only a, a, a certain part of it was directed at  
that, there wasn't, there wasn't people there working a night shift from  
Council or day shift every day of the week.

No, and I'm not suggesting that?---I just want to make that clear. It was for  
a specific task and, and that's what it was.

I see. But in answer to - I think counsel assisting asked you, Well, when did  
you understand he wanted you to do that? That's the work, i.e. was he

asking you to do that during the course of your weekends. Your answer was no, he wasn't asking you to do it during the course of your weekends?  
---Yeah.

You stand by that evidence?---Can you repeat that again?

Yes. Counsel assisting said to you, Well, when did you understand he wanted you to do that? That is, work generally on the units?---Yeah.

10 i.e. was he asking you to do that during the course of your weekends?---And your answer was no?---No.

You stand by that. And later she said, And so did he specifically say to you that he wanted you to do it during working hours? And your answer is, Yes?---For that, for that particular part of the, the, the jobs.

And what do you say - - -?---For, for myself. Hang on, I, I'm not understanding the question properly.

20 The question I'm just putting to you is this and I'm reading for the benefit of anyone who wishes to follow me I'm on page 691 of the transcript. Ms Ronalds was asking you about when Mr Romano asked you to do the work in relation to the units, just generally, at this point - - -?---Yeah. You're saying just me myself?

Yes, just you yourself?---Yes.

30 Did he specifically say - and I think you yourself means also to organise people to do work on the units so it's doing work, any work you did yourself but also organising other people to do the work, that's the context that we're in at this point of the evidence. And she asked you, And did he specifically say to you that he wanted you to do it during working hours? And your answer was, Yes?---Yes.

And you stand by that evidence?---Yes.

40 Now, consistent with that evidence and you're aware I think that there is, has been tendered in evidence to this Commission a record of telephone calls, and I'll get you to have a look at it in a minute, that you have made to Mr Becerra?---Yes.

And consistent with that evidence that you've just confirmed there would be no phone calls made outside of Council, outside of working hours would there?---Not, not necessarily.

But why not?---Well, depends on what you call Council hours. I was working 18 hour days so if you're talking about between 3 o'clock in the

morning and 6 o'clock in the morning or 7 o'clock in the morning I probably didn't call Albert Becerra then.

Let me rephrase it. Your evidence is that you were to do it during your working hours whenever they were so when you were working you were to do work on the units and organising work on the units?---Yes.

10 So therefore we would not find would we any calls being made to Mr Becerra when you were in your recreational time?---I don't believe that, you know, I've made calls to Pat Romano in my own time.

Why, why have you made - - -?---We've discussed, we've discussed what the units were about.

Because isn't it in fact the case that you were doing this as a favour to Mr Romano and therefore it didn't really matter to you whether you were ringing him during work hours or not. Isn't that right?---I, I spoke to Mr Romano, Mr Becerra in all types of hours.

20 I see. Could the witness please be shown Exhibit 141 please. Now, this is the table prepared by the Commission. I think perhaps it's Exhibit 97 was a document that I and my client had prepared which was based on a table prepared earlier which was wrong and I think that that document should be withdrawn.

ASSISTANT COMMISSIONER: Well, I guess some of the calls on it would still be accurate?

30 MS McDONALD: No, I think it's just a misleading document because it was based upon an earlier one which had a whole lot of duplicated telephone calls and we attempted to put those in chronological order and make some sense of them but in fact there really was not a lot of sense to be made of it.

MS RONALDS: It was wrong data, it was the data that was wrong.

ASSISTANT COMMISSIONER: Yes. Although some of it was right.

40 MS RONALDS: Some of it was right.

ASSISTANT COMMISSIONER: Some of it was wrong, some of it was right but I mean I don't see the need to withdraw it, obviously we won't be relying on anything.

MS McDONALD: It shouldn't be relied on and could be withdrawn and probably should be withdrawn so that there's no misunderstanding when people go back and prepare submissions or do anything on the basis of the evidence.

MS RONALDS: I don't think anyone would (not transcribable).

MS McDONALD: Now, if you have a look at that table and maybe if you could just explain to me you'll see one, two, three, four, five, six, seven, the ninth entry is a call made at 7.42 on 21 February from Lake Illawarra?  
---Yes.

10 Now, I understand you live down Shellharbour way. Is that, is that right?  
---That would my (not transcribable).

I see. So you'd accept you weren't at work then. Is that right?---Yep.

And a little bit further down we'll see one from Darkes Forest?---Yes.

So you wouldn't have been at work then?---Definitely.

20 And across the page we can see a call on 30 May, 2008 from Heathcote?  
---Yeah, I'd be on my way home.

Okay. And a little bit further down we have Homebush. That's outside of the Burwood area is it or is that still within the Council - - -?---It's outside Burwood.

Sorry?---Well, it's, it's outside the Burwood CBD, yeah.

I see. And a few pages later if you go down to 15 August, 2008 we see a call from Heathcote?---Yeah.

30 So that's outside your working time?---(NO AUDIBLE REPLY)

And the very last page we see one on 19 September from Barrack Heights. Is that down your way?---Yes.

Again that would be something that you didn't do outside of, within your working time?---Well, I presume so, yes.

So why were you making these calls outside of your working time?---Why?

40 Why?---It's, obviously we were talking about the units.

Yes, obviously?---I had no other reason to contact Albert Becerra at all.

So why were you doing this work if it was outside of your working time? You weren't under Mr Romano's control in your free time were you?---No.

So why were you doing it then?---I'd be asking him what was going on. I, I, I'm not sure what you're trying to direct at the question.

You don't have to worry about that, just answer my question. So you gave some evidence earlier this morning about a conversation you had with Mr Romano in the stairwell. Can you remember that evidence?---Yes.

And it followed I understand a phone call to your house by Mr Romano the night before. Was it the night before?---Yes, it was the night before.

10 And as I understand it it was in around about March 2009. Is that right?  
---(not transcribable).

MS McDONALD: Late, late March or February, sorry?---In February.

February. Now, you had a conversation in the stairwell and it concerned allegations being made, I understand, by Mr Saad who was saying effectively that he had done work improperly on the units?---Yeah.

Is, was that the nature of it?---Yes, yeah.

20 And your evidence was that you reassured Mr Romano that Saad had never worked on the Council units during Council time?---That's correct.

Why were you so anxious to assure Mr Romano of something about which he told you to do? Why were you so anxious to reassure him that work had been done outside Council hours?---Because he never worked outside Council hours.

I'm sorry?---He, he never, he never worked on the units in Council time.

30 Okay, but why, why were you so anxious to reassure Mr Romano this fact?--  
--'Cause we were talking about Saad.

But - - -?---That was the conversation.

But hadn't Mr Romano told you it was completely fine to be doing this working during Council hours?---Myself, yes.

40 I see, so it was just directed to you but it was not directed to anybody else. You knew, didn't you, that no one else was allowed to work on the units outside of, within Council hours?---No, no, no, no, no. Mr, the, the people who worked on the units, well, okay, the staff members that worked on the unit - - -

Yes?--- - - - done a specific task and that was to put the skirting boards and finish off a couple of things.

But what about, but what about Mrs - - - ?--- - - - and that was it.

- - - didn't she, didn't she - - - -?---Not in Council time, no.

What about, were there not anyone, so in fact your evidence is that only that job was done in Council time?---Yes. In, in that specific task.

I see. So the work that had been specifically asked by Mr Romano to be done on the units in Council time - - -?---Yes.

10 - - - how long did that take?---I think they spent about, I think it was a combination of about 30 hours.

A combination of about 30 hours?---Yeah.

And so what work was that again, that - - -?---They done, they done skirting boards, they fixed, patched little holes, a bit of around the door, the door frames and things like that.

20 I see. Tell me, wasn't it, I mean you had this conversation in the stairwell. You'd accept that's a rather odd place to have a meeting?---Mr Becerra he, he, he was the one who also agreed there was a meeting in the stairwell.

Well, I'm not sure that he has but - - -?---He has. He, I can assure you that he said that on his, in his - - -

I don't think he's given evidence to this Commission but - - -?---Yes he has, yes he has.

Has he?

30 MS RONALDS: Yes.

MS McDONALD: I apologise, I apologise. So there's a meeting in a stairwell. You'd accept that that's a relatively private place to have a conversation?---It was in the, the emergency exit, that's what it was.

Okay, and your, and you were anxious to assure Mr Romano that, that Mr Saad had done no work during Council time, yes?---Well, that was in conversation.

40 Yes, I understand, but you were assured that's what you were doing - - -?---I was, I was (not transcribable) him that he didn't work, he didn't work in Council time.

Okay, because you knew, didn't you, that if he had've done work during council time, that that would've been quite wrong?---No, I was just re-assuring him that, the conversation was that Saad had made a disclosure to certain people in the Council - - -

And you were, sorry, go ahead sorry?---And that it was mainly about Albert Becerra. It wasn't really about Pat Romano as the owner. It was, what I'd say happened was that Mr Saad, during his time he'd done work on there, Mr Becerra's walked into the units and that's how he spotted him.

Quite?---Yeah.

10 Yes, and so, but you were aware, weren't you, from really the whole time that this work was going on, both the 30 hours that you say was being done during Council time and your own involvement of it, that it was quite wrong?---I took direction from Mr Romano.

No, no, no, just answer my question. Did you think it was wrong that that working was being done during Council time?---I didn't even think about it.

You didn't think about it?---No.

20 But you did think about it, didn't you, when you made your protected disclosure statement?---I thought about it when, when it was told to me from Mr Romano that it was wrong and I've already thought about it prior - - -

Can I just, Mr Romano told you it was wrong?---No, no. I thought, I thought about, about that it was wrong prior to even Mr Saad.

So you thought it was wrong prior to the Mr Saad incident?---Oh yeah.

30 Yes, oh yeah?---I, I tried to bring this issue up back in, I think it was in October with the Mayor. I wanted to approach the Mayor. I was served with a disciplinary, with an email saying they would take disciplinary action, okay, and then we, we, we refused to do any more units in November. We didn't want to have nothing to with any more.

Yes?---And, and, and yeah, that's, yeah. We knew it was - - -

So it dawned on you in November - - -?---Yeah.

- - - that it was wrong?---That's right.

40 Or October/November, 2008, sudden realisation that this was not right? ---That's right.

But that's, so that's October/November, 2008 but you didn't actually speak to anyone, either the Sydney Morning Herald or to ICAC or to anyone else until - - -?---No, that's not true, not true.

- - - until March, 2009?---I tried to speak to the Mayor.

What, what, when you say you tried to - - -?---I spoke to Mr Turkington, I, okay, also.

Can you just tell me your attempts to speak to the Mayor, what did they involve?---They, originally it, it was to do with a fraudulent, I thought was a fraudulent insurance claim and then it was also - - -

10 I'm not asking what it was to do with, what attempts did you make? Did you try, did you make an appointment with the Mayor?---No, I, I, I told HR that I was going - - -

Sorry, who?---Mr Macklin and I also told State Cover, the State Cover manager that I wanted to go to the Mayor and, and tell some things - - -

So you told Mr Macklin and you told State Cover - - -?---Yes.

- - - back in November - - -?---October - - -

20 - - - 2008?---Yes.

About the fact that work had been done on the units, is that what you said, and you wanted to speak to the Mayor about it?---No, I told, I told the man from State Cover that I wanted to talk to the Mayor about the fraudulent, what I thought was a fraudulent claim and - - -

Okay?--- - - - and, and other, other things.

And - - -?---Now, he states that in his statement.

30 Okay, but you obviously made - - -?---And it was in an email.

- - - they didn't, nothing happened I'm, I understand, is that right?  
---Because I was issued with a email saying that I would be disciplined if I contacted the Mayor so I just backed out of it completely

And ultimately the way you got to the Mayor was via Kate McClymont, is that right?---That's correct.

40 So why didn't you approach Kate McClymont back in October/November when you weren't getting anywhere or you got the letter saying you can't approach the Mayor?---I didn't, I didn't know Kate McClymont.

Well, how did you find out about her or how did you make contact with her in the first place?

ASSISTANT COMMISSIONER: We've been through all of this evidence, Ms McDonald, at length, about he contacted the Anti Corruption people and they took him - - -?---That's correct.

- - - put him in touch with the paper. I mean, I just don't see the point of going through it again.

MS McDONALD: Okay, I won't rehash it if that has already been done?  
---That's correct, I - - -

Now, just finally, as I understand it when you were previously here giving evidence, you said that one of the reasons that you did the work for Mr Romano was that you were fearful of him?---Yes.

10

Do you think that's consistent with some evidence you gave this afternoon that Mr Romano had an open door policy and therefore you felt completely able to approach him with the email complaining about conduct toward you?---I think it's, I think it's been well noted that everybody's given evidence in this, in this Commission has been pretty fearful of Mr Romano.

That's not my question. Do you think it's the same, an open door policy suggests someone who is very receptive and, and interested in complaints?  
---Quite possibly.

20

Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Neil?

MR NEIL: Do I understand, Mr Child, that you contacted the Mayor on 28 March, 2009, with your protected - - -?---That's, that's - - -

- - - disclosure material?---That's correct.

30

And at that time did you consider it was a possibility that the firm of Maddocks might give some legal advice to the Council or the Mayor about the matter in which you contacted the Mayor?---At the time I was, I was concerned that Maddocks was working close with the General Manager who I was making the protected disclosure against and I had advised, I advised, this is Furneaux-Cook, that I didn't think it was a good thing to contact Maddocks.

40

Did you think that Maddocks might give some legal advice to the Council or the Mayor upon the matter in which you'd contact the Mayor?---No, I didn't think that Maddocks would give legal advice.

Did you think Maddocks might otherwise be involved and be consulted by the Council in some legal capacity about what you had contacted the Mayor about?---Yes.

Did that play a part in your telling the Mayor you didn't want to go to the Maddocks office?---It was never, I can't remember anybody suggest to me to go to Maddocks office.

Well, did you tell the Mayor you didn't want to go to the Maddocks office?  
---I can't remember that conversation at all, but she suggested that we would go to any Maddocks office. I strictly told her that I did not want my disclosure to be told to Maddocks.

Did you, prior to 28 March, did you become aware of any Council arranged television surveillance of any of the workplace?---No.

10 Wasn't there some surveillance before that date?---I'm aware of that now, yes.

You didn't know of it at the time?---No.

All right. Thank you.

ASSISTANT COMMISSIONER: Yes.

20 MR CHALMERS: Very shortly, particularly short. I'm acting for Mr Issa. Did you ever tell Mr Saad that Ammer Issa's back injury was not caused by work he performed at Burwood Council?---Never.

Okay. That short.

ASSISTANT COMMISSIONER: All right. Very short. Very good. Mr Blake.

30 MR BLAKE: Mr Child, on the last occasion in which you gave evidence you spoke about a conversation you had with Mr Romano on the day before the election. Do you recall that evidence?---Yes.

And there were two phone calls that day you had with Mr Romano. Is that correct?---I couldn't tell you exactly how many calls, but over the election?

Yes?---There would've been, it would've been at least two calls.

Two. And when was the first call on the Friday, what time?---I can't tell you exactly what time, but it was in the, it was in the evening and I was home. So, it could've been between around 7.00-ish, after 7.00.

40 You said 6.00 or 7 o'clock at night?---Yeah.

Yes. And he rang you on your mobile?---Yes, he did.

And in the second call he rang you on your mobile again didn't he?---No, I rang Mr, I rang Mr Romano. After he, he'd asked me to organise some people I rang him back to let him know. And then, I'd say he even possibly called me back after that.

So, Mr Romano rang you. Then you rang Mr Romano?---Yes.

And you say that Mr Romano then rang you back?---It's possible, to give me the location and where they had to go.

Well, do you recall Mr Romano ringing you back the second time? You say it's possible?---I think so, yeah. I think so.

10 To the best of your recollection he did?---Because he didn't have the location, the location of where, where the boys had to go.

And what time did Mr Romano call you back?---It would've been within a half an hour to an hour period.

So, it was in half an hour to an hour, there had been three phone calls. One from Mr Romano to you, one from you to Mr Romano and then Mr Romano called you back?---It's possible. You know this, this is - - -

20 But when you say - - -?---over a year ago, you know. Like I didn't stand there and count them, no.

When you say it's possible are you talking about it's possible there were three calls or are you talking about the time it was?---Well, I can't even be sure exactly the time either. You know, I'm just saying, I know I was at home, right, and, and that's around the time I got home about 6 o'clock, so it was after I got home.

And you recall ringing him back?---Yes, sir.

30 And you also recall him calling you back again?---I think so.

And, and that happened on your work mobile phone?---Yes.

40 And can Mr Child be shown Exhibit 143, please. Mr Child, this was tendered through counsel assisting, but it contains a record of calls from Mr Romano to your mobile phone in 2008. Can you please go over to, you'll see the dates in the first column, the page that contains the dates commencing 5 August, 2008. If you read down the page you'll see one phone call on 12 September, 2008?---That's correct.

And that took place at 12.43. Do you see that?---Mmm.

There's no record of one or two phone calls to your mobile phone from 6.00pm on 12 September in this record is there?---That's because Mr Romano had more than one phone.

Mr Child, you had a Council mobile phone. Is that correct?---That's correct.

Yes. And the number was 0-4-1-1-5-5-1-3-4-9?---Correct. No, say that number?

ASSISTANT COMMISSIONER: That's Mr Romano's number isn't it?

MR BLAKE: Oh, sorry, I beg your pardon.

ASSISTANT COMMISSIONER: That's the, this is a list of calls made from Mr Romano's mobile 0-4-1-1-5-5-1-3-4-9. I don't think it says  
10 anything about calls made possibly from other phones.

MR BLAKE: Yes, I see. And, that can be withdrawn then. Can Mr Child be given Exhibit 140, please. And when you called back Mr Romano, did you use your Council phone?---Yes.

And you'll see Exhibit 140 refers to calls from your mobile phone to Mr Romano for 2008. Do you see that on the front page?---Yes.

If you go to the date commencing 10 September, 2008, you'll see three  
20 phone calls on that day, on the 12<sup>th</sup>?---Yes.

Three phone calls on 12 September?---Yes, yes.

And the last one was at 4 minutes to 5.00?---Yes.

I suggest the evidence that you gave about the three phone calls on the evening of 12 September, what you said about those phone calls on the last occasion was false, do you agree with that?---I'm not sure how accurate these are but they've obviously come from Optus but Council has their own  
30 records of telephone calls and I, I don't know if the Commission's got it from Council's record because my, my record, my phone calls, I'd made, around that time I'd be making 800 to 1,200 phone calls a month for Council business and I'm not sure if these have come from the, you've recycled these from Optus but there is Council records of, of my actual phone calls which I signed off on and I'm sure that they would, would show that I made the calls. I'm not, I'm just not sure where, where's this come from, whether it comes straight from Optus or has it come from Council records - - -

40 Right?--- - - - because Council they do, do keep their own records.

Well, you don't need to worry about that, Mr Child, just answer my question please?---Well, they're not on, they're not showing on that.

I suggest to you that the evidence you gave on the last occasion about Mr Romano calling you and asking you for, to arrange for two people to go to the elections was false. Do you agree with that?---No, I don't.

I suggest that you called him on Friday, 12 September and said to Mr Romano that you'd been approached by Wayne Moody of the union and he wanted to know whether some staff can work on the election day for the Labor party handing out how to vote cards, you asked him that?---Definitely not.

And he said to you, Steve the staff can't do that, it doesn't look good?---No.

10 And you said to him, A couple of the boys want to do it, I just wanted to make sure you were okay with it?---Definitely not.

And Mr Romano said to you, They can't do it on work time, they'll have to do it in their time but I'm not even happy with that, it doesn't look good? ---That's incorrect.

And you said, The boys want to help the Mayor?---Totally false.

20 And Mr Romano said, Look, I'll get the Council's lawyer to give me some advice but I don't think it's what you're going to want to hear?---Totally false.

And I suggest Mr Romano rang you back later on that day and said, Steve, I've just got off the phone to the Council's lawyer, it's absolutely out of the question, I'm not going to approve it?---False.

And you said, Well, the boys are going to do it anyway?---Not true.

30 And Mr Romano said, Well, I can't stop them but I don't want them to do it if they're working on Council jobs, they'll have to do it in their own time? ---That's not true.

And you said, Okay, I don't know that I can stop them but I'll tell them you said no?---That's completely untrue.

And you were opposed to the reform of the depot, weren't you?---No.

40 In November you spoke to Mr Romano and said you were opposed to the, November of 2008 I suggest you spoke to Mr Romano and said you were opposed to reforming the depots, do you agree with that?---No.

And he told you you'd need to get on board?---(NO AUDIBLE REPLY)

You disagree with that?---Mr Romano told me that I should get on board, yeah, that's fine.

And you told Mr Romano I suggest on a number of occasions that you were unhappy with the Morrison Low process proceeding, didn't you?---I told

Mr Romano that I didn't agree with the Morrison Low report on certain parts that I thought was false.

And Mr Romano's response to you was that you should get on board and cooperate with the reforms, didn't he?---I did cooperate.

That's what he said to you, didn't he?---I, I cooperated with Mr Romano.

10 That is what Mr Romano said to you, wasn't it, Mr Child, you should get on board and cooperate?---He asked me, yeah, he asked me to get on board, yeah.

And cooperate?---Yes.

Yes. And could Mr Child be shown Exhibit 200 please.

20 Counsel assisting took you through the minutes or some minutes of this meeting and asked you a number of questions about a meeting on Tuesday, 17 February, 2009 but you were unhappy about the outcome of the meeting weren't you?---I was asked to comment on the meeting and I did.

Yes. You were unhappy with the outcome of the meeting, weren't you?---I wasn't happy with every detail of it.

Yes. And the late night phone call that you gave evidence about took place on the same day as this meeting, didn't it, on the evening of Tuesday, 17 February, 2009?---(NO AUDIBLE REPLY)

30 Do you agree with that?---No.

You don't. Was it before this meeting or after it?---It was on 9 February, Mr Romano, this is 2009?

Yeah?---I'm not sure what late night phone call you're - - -

Well, you gave some evidence about a, a phone call late at night in February 2009?---Hey, that's, that's correct, on 9 February.

40 Well, I'm suggesting you're, and how many late night calls did you have from Mr Romano in February 2009, one?---I had a couple.

A couple?---Yes.

I thought Mr Romano was making himself unavailable to you?---Not at that time he wasn't.

Well, what was the - - -?---Mr Romano was very concerned with the disclosure that Mr Saad had made.

Well, I suggest to you, Mr Child, there was, in the late night call that you referred to you said to Mr Romano, I've been trying to get hold of you for weeks. Do you agree with that?---Not on this date I don't.

I suggest that Mr Romano said to you, I've been busy, I don't want to talk to you about personal matters. There have been complaints about Council staff have been working on the units. Do you know, do you know anything about this?---Absolute rubbish.

10

And you said, I don't know what you're talking about. Do you agree you said that?---No.

And he said to you, You must, you told me Vadala has been at the units, who else, was Saad there. Do you agree - - -?---No.

- - - Mr Romano said that? And you said, Nobody, is that why you're doing the reforms? Is that what this is about, why are you doing this, the boys are unhappy, this is disrespectful?---That never happened.

20

And Mr Romano said, Steve, I told you months ago I didn't want staff working at the units, that is the reason why. In any case, Steve, we're reforming the depot, it's going to take some time, I want your participation and involvement in the process, you have an opportunity to make a difference so get involved?---Rubbish.

And you said, Listen to me?---Rubbish.

And you had a discussion about the reform process?---No.

30

And Mr Romano said, If you want to get involved, get involved, it's your choice?---Absolute rubbish.

Do you still have Exhibit 200 in front of you?---Yes.

Now, did you write to Mr Romano following this meeting?---Sorry?

Did you write to Mr Romano following this meeting expressing your unhappiness about it?---I replied to this, yes.

40

I'll show you this document. That's an email you wrote to Mr Romano isn't it, Mr Child?---That looks, looks like it, yep.

Yes. And in that email you refer to the conversation on the Tuesday night didn't you?---I'm not sure what you're trying to say.

Well, in the one, two, three, fifth paragraph you refer to the phone conversation on Tuesday night?---This is a different conversation to what, the one on the 9<sup>th</sup>.

Well, so you're saying this is a second conversation?---Yes, that's right.

Well, I'd suggest there was only one and this refers to the one conversation you had with Mr Romano in February 2009. Do you agree with that?---No, I don't.

10

Right. And you addressed the email, Hi Pat?---That's correct.

Yes. Did you tell counsel assisting, she showed you a document which had Hi Pat on the front of it?

ASSISTANT COMMISSIONER: It had - - -

THE WITNESS: Hi.

20 MR BLAKE: Just hi.

ASSISTANT COMMISSIONER: Yes. He said he wouldn't start a letter with just hi.

MR BLAKE: Right. But you would've started a letter with hi and the name of the person?---That's how, that's the way I do it.

Yes. I tender that email.

30 ASSISTANT COMMISSIONER: Yes. That will be Exhibit 202.

MR BLAKE: Sorry. Mr Romano replied to you didn't he?---(NO AUDIBLE REPLY)

Well, I'll show you this. Is that a reply you received from Mr Romano? ---Yes.

I tender those together.

40 ASSISTANT COMMISSIONER: Yes. They will both be Exhibit 202.

**#EXHIBIT 202 - EMAIL TO MR ROMANO FROM MR CHILD DATED 19 FEBRUARY 2009 AND MR ROMANO'S EMAIL TO MR CHILD DATED 20 FEBRUARY 2009**

MR BLAKE: You refer to a conversation in the stairwell of the Council. I'd suggest to you that that conversation commenced just between you and Mr Romano, Mr Becerra came later. Do you agree with that?---That's correct.

And you said, Pat, I need to talk to you?---Definitely not.

And Mr Romano said, Yes, Steve, what do you want?---Definitely not.

10 And you said, I've heard a rumour from the boys that Joe Saad has made allegations against Albert?---Definitely not.

And you said, sorry, Mr Romano said, I'm not sure that's correct, but Ian Dencker's looking into it. Were there staff at the units?---Can you repeat that?

Mr Romano said to you, I'm not sure that's correct but Ian Dencker is looking into it. Was there staff at the units? Did Mr Romano say that to you?---Mr, I agree with the comment about Mr Dencker looking into it, we spoke about that but I don't agree with the rest of the contents.  
20

And you told Mr Romano, No, there wasn't staff at the units. Do you agree you said that?---No.

Mr Romano said, Well, there must've been because he's made a complaint. Do you agree Mr Romano said that?---No.

And when Mr Becerra came along you agree he came along during the course of your conversation?---Yes.  
30

And Mr Becerra said, What's going on?---I don't know if he said that.

And Mr Romano said, Nothing, Steve's worried about staff working at the units?---No.

Mr Becerra said, Is there an issue?---That wasn't the conversation.

And Mr Romano said, No, Steve just told me that no staff had been working at the units, anyway no need for you to be worried?---That's not correct.  
40

You heard Ms Furneaux-Cook's evidence this morning that when you spoke to her you didn't reveal your identity. That's correct isn't it?---No.

You did reveal your identity?---I reveal my identity.

In the first phone call to Ms Furneaux-Cook?---Possibly not the first phone call, I'd say maybe the second phone call.

And when did you make your protected disclosure to ICAC?---1<sup>st</sup> of April.

And did you tell anyone, Mr Romano that you'd made a protected disclosure to ICAC?---No.

To any of the executive team at the Council?---No.

To any employees of Burwood Council?---I made it with another employee.

10 Mr Giangrasso?---Yes.

And is he the only person who knew that, only person from Burwood Council?---No.

Who else knew that - - -?---Ammer Issa.

Beg your pardon?---Ammer Issa.

20 Ammer Issa?---Yes.

And you didn't tell any other person from Burwood Council that you had made a protected disclosure. Is that correct?---No.

And did that position at the time, throughout the balance of 2009 you didn't tell any staff from Burwood Council that you'd made a protected disclosure to ICAC?---No.

30 So when you say no are you agreeing with me?---Well, I, I, I'm pretty sure that I didn't speak to anybody else about my protected disclosure.

Or ICAC, yes. And in answer to counsel assisting you said you regarded the response of the Council to your worker's compensation claim as part of the reprisal against you?---That's correct.

Can you explain how it is that you regarded that as being part of your reprisal?---Well, after reading some of their statements Mr Romano's, Mr Dardano's, Mr Azer's, Mr Macklin's statements, yeah, I, I disagree with their statements, yes.

40 So did you consider they were telling lies in their statements?---Yes.

And it's because you consider they are telling lies in their statement that you think they did that in reprisal for your protected disclosure. Is that correct? --- (not transcribable).

Thank you. There's nothing further, Counsel Assisting. Sorry, Commissioner and Counsel Assisting.

ASSISTANT COMMISSIONER: It's been a long week.

MR BLAKE: It has been a long week.

ASSISTANT COMMISSIONER: Thank you, Mr Blake.

MS RONALDS: I realise I've made a mistake, Commissioner. I just left something out. I'll be brief I promise. Just show you this photo. Is that a photo of your house?---That's correct.

10

Now, just so you understand the source of this photo some documents have been produced by IPP Consulting. You've heard who they are?---Yes.

And this photo was found in that file. Have you ever had occasion to give people from IPP Consulting a photo of your house?---Never.

Thank you. If I can tender that photo.

ASSISTANT COMMISSIONER: Yes, that will be Exhibit 203.

20

### **#EXHIBIT 203 - PHOTOGRAPH OF MR CHILD'S HOUSE**

THE WITNESS: Can I just, sorry. I'm not sure when this was taken because this is - to me it looks like it's the Council vehicle.

MS RONALDS: My understanding it was taken on the 4<sup>th</sup>, 6<sup>th</sup> or 9<sup>th</sup> of April, 2009?---Possibly could've still had the Council vehicle.

30

And that vehicle at the front, sorry, I should've said that. That vehicle at the front is your Council ute isn't it?---Yeah, I think so, yeah. 'Cause I do have a ute there now but it looks like my Council vehicle.

This was in early April, 2009, if it was indeed as I understand it, it was taken by - - -?---Yeah. I, yeah, I'm just saying that it must've been taken reasonably early because the Council ute.

Well, there's some notes that I'll go to later with that?---(not transcribable).  
40 Yep.

But I just wanted to confirm that you'd never provided IPP with that photo? ---Never.

If I could show you a copy of this letter. Have you ever seen this letter before? You'll see the front cover is a letter from the New South Wales Local Government Clerical Administrative Energy Airlines and (not transcribable) Union, otherwise known as United Services Union, from Pat

Romano, to Pay Romano from Ben Krues. And you see underneath there's a, a letter. Have you ever seen this letter before?---I don't think so.

This is not your union is it? It is your union?---That is my union, yeah.

10 This is about, you see it says that United Services Union recently received a number of inquiries from members regarding surveillance of them while at work for Burwood Council. Do you remember the occasion in early April or late March where people thought they were being followed?---Possibly, yes.

You'd gone off hadn't you at that point?---I think I, I think I might've - - -

You left on the 21<sup>st</sup>?---Yeah.

And it was after that. But were you talking to people at work at that time? ---Well, somebody did tell me they were followed. Yeah.

20 Right. Did you play any role in talking to the union possibly being followed by surveillance, by somebody?---No.

And you haven't seen this letter before?---No, I don't think so.

Right. If I could tender the letter now?---Oh, I did read, I did get a, I remember getting a, a message from Stephanie King, who got a message from Wayne Moody, who's the union rep, that I was being investigated.

30 Right?---But I'm not sure if that, it's actually diarised in my diary, but I'm not sure if that was actually meaning this.

ASSISTANT COMMISSIONER: Yes. That letter and fax cover sheet will be Exhibit 204.

**#EXHIBIT 204 - COPY OF A LETTER DATED 1 APRIL 2009 TO PAT ROMANO FROM BEN KRUSE, GENERAL SECRETARY, NSW LOCAL GOVERNMENT, CLERICAL ADMINISTRATIVE, ENERGY, AIRLINES AND UTILITIES UNION**

40

MS RONALDS: Thank you. I have nothing further.

MR BLAKE: I did forget, just, sorry. Mr Child, was there a worker at the depot named John Sherry, S-H-E-R-R-Y?---Yes.

And he's a street sweeper?---Yes.

And you met him, I suggest at about quarter to 7.00am on Thursday, 14 May, 2009?---I don't think that I met him, I come across him on my way to the union or something like that, yes.

And you stopped him, I suggest, and spoke to him?---Well, we said hello, yes.

And you asked him a number of questions in relation to the job he was doing?---Not at all.

10

And you gave him some advice or directions in relation to his work?--- Absolutely false.

So if there was a communication by John Sherry to the Council's HR department on Thursday, 14 May saying that you had asked him a number of questions in relation to the job and given Mr Sherry directions or advice in relation to the sweeping vehicle, that would be a false communication by Mr Sherry would it?---Definitely.

20

Thank you.

ASSISTANT COMMISSIONER: Yes.

MR HANLEY: Commissioner, I have some questions if I may for Mr Child.

ASSISTANT COMMISSIONER: Yes, Mr Hanley.

30 MR HANLEY: Mr Child, in 2008 was it your understanding that you were highly regarded by Mr Romano and the other directors and executive members in relation to the work you and your team performed?---Yes.

Is it the situation that during 2008, you received numerous recommendations from Mr Khaled Azer and Mr Romano for you and your team?---Yes.

And you had a number of major construction works during that year?---Yes.

40 And prior to the election you received a pile of work from Mayor Faker that he wanted done before the election as well?---Yes.

And that required you to work the types of hours you've told us about? ---Yes.

Did that require you from time to time to stay in a caravan or a motel in Sydney? ---Yes.

Rather than travel home?---That's correct.

You're aware now aren't you that there are Exhibited emails in these proceedings between Mr Macklin and Mr Azer where they are concerned about the hours you're working?---That's correct.

But indicating between each other that they don't wish to demotivate you because you're doing such a great job?---That's it.

And was that indicative of how you thought you were appreciated within the Council at that stage?---That's correct.

10

You're aware in August, 2008 the Morrison Lowe report was commenced?  
---Yes.

And that was an investigation into the Council including your depot?--- Yes.

And you're aware that some recommendations were made, some which affected the depot and you?---That's correct.

20

You know how or you have known earlier that on 20 January, 2009, Mr Romano signed off the report?---That's correct.

The following day you were spoken to by Mr Azer in relation to, and Mr Macklin, in relation to the recommendations about your position?---That's correct.

There was a change of name?---That's correct.

And the sweepers were going to be taken away from you?---Yes.

30

And you said you didn't think that was a good idea?---I was asked to respond.

Yes. And you told them that?---Yes.

But you accepted it?---Yes.

You were told that the position hadn't really changed in substance?---Yes.

40

And that there was no need for you to reapply?---That's correct.

And they were the changes that were made to your position as a result of the Morrison Lowe report?---That's correct.

(not transcribable) not indicated that there were any other changes that had been recommended to your position?---No.

As a result of that report?---That's correct.

Mr Dandarno was employed as an interim superior to you in relation to the depot's work?---That's correct.

And he was also I think working at another job at the airport. Is that correct?---Yes.

And it's fair to say, and I think you've conceded that there was a clash of personalities between you and him?---That's correct.

10 And there were policies implemented in relation to overtime, trying to cut it down?---That's correct.

And you were directed that you were to either contact him - - -?---That's correct.

- - - or Mr Azer - - -?---That's correct.

- - - if you needed overtime?---That's correct.

20 And you did that?---Yes.

And on one occasion when you did it, it was in relation to some concreting that had been done at Park Street?---That's correct.

And it required some overtime and hours overtime for your workers. Is that right?---That's correct.

30 And the need for it was because of the rain that day. Is that correct?---It wasn't raining that day, but it had been previously raining for two and a half weeks prior.

Okay. My apologies. But as a result of that the concrete wasn't going to set in time and another hours overtime was required?---That's correct.

And you rang Mr Dandarno to get approval?---Yes.

And you had a fight with him about it?---That's correct.

40 And you took the view didn't you that the cost to the Council if the work was left to go on would far exceed an hours overtime?---Definitely.

And you paid them yourself, you paid the workers yourself, 30 bucks each. Is that right?---Yep. That's correct.

Okay. And you were in effect work remanded for that?---That's correct.

And that occurred in February didn't it? Is that right or not?---That's right. Yep.

You're aware now though aren't you that early in February, Mr Dandarno had had a complaint made to him by Joe Saad about Pat Romano?---That's correct.

And that you and he and other people in the depot had been doing work on Mr Romano's home?---That's correct.

And some units owned by Mr Becerra?---That's correct.

10

Were you spoken to by Mr Azer about that?---No.

Were you spoken to by Mr Macklin about that?---No.

They were aware of those allegation from Mr Dardano you know now, don't you?---Yes.

Well, the same time you were being reprimanded for paying some workers for an hour's extra time?---Yes.

20

And I think you were also reprimanded in relation to allowing Mr Giangrasso to take his sick mother to work, to hospital one day?---That's correct.

And you gave him some time off at work?---That's correct.

And in the letters that have been shown to you today, where you're talking about being harassed by senior staff, they are in effect the two matters you're referring to, is that correct?---That's correct.

30

There were disagreements by you, weren't there, in relation to some of the work practices that were being implemented?---Yes.

But up until 20 April, you had absolutely no idea that that included any further changes to your job other than what the Morrison Low report had recommended and had been implemented on 21 January - - -?---That's correct.

40

You were concerned, weren't you, that the Morrison Low report seemed to take into account blow outs in cost that you understood should not have been taken into account because they were supposed to be referable to special projects?---Definitely.

But it had been counted as a blow out in overtime?---Yes.

And you thought that that was wrong?---Definitely wrong.

And you made those views known?---Yes.

Well, do you recall receiving an email from Mr Khaled Azer on 2 February, 2009, commending you and your team for all the hard work you'd done in Angel Street, particularly during the very hot weather?---That's correct.

If I can just show you this and I provide some copies to the Commissioner and counsel for assisting the Commission. Have you see this? I showed it to you a week ago?

10 MS RONALDS: (not transcribable)

MR HANLEY: You confirmed that you'd seen it.

And, sorry, have you got that in front of you?----That's a different one, that's the wrong one, I think. That's the wrong one.

Let me have a look. 2 February, did I give you that one?---No, I've got 23 March.

20 Sorry. Is that 2 February?---That's correct.

And that's another email in early 2009 commending your work again and your workers?---And my workers, yes.

And that seemed to be consistent with the way you though you were being, you'd been viewed throughout your time as a supervisor?---That's correct.

Yes, I tender that.

30 ASSISTANT COMMISSIONER: Yes, that will be Exhibit 205.

**#EXHIBIT 205 - EMAIL FROM KHALED AZER TO STEVE CHILD AND OTHERS DATED 2 FEBRUARY 2009 – SUBJECT: JANUARY PERFORMANCE ON RESTORATIONS**

MR HANLEY: Now, in relation to Mr Dardano, he was only there on an interim basis, wasn't he?---On a casual - - -

40

Casual basis or part-time basis but not a full-time basis?---Very casual, yeah.

And he was replaced by a man by the name of Steven Ellul?---That's correct.

And in relation to Mr Ellul, he commenced employment at the Council on - - -?---23 or 26 March, I think it was.

23 March, 2009, is that right?---That's correct (not transcribable).

And he was appointed the services manager of works and operations?  
---That's correct.

Now, in relation to Mr Joe Saad, his, one of his complaints about you was that you hadn't made him a permanent employee?---That's correct.

10 You had advised Mr Saad, hadn't you, that if he wished to attain that position he should get a particular driver's licence that would allow him to drive some of the heavier machinery in the Council depot?---That's correct.

But he didn't take your advice?---Not at this stage, no.

And you selected someone else (not transcribable) that you felt was better qualified?---Better qualified, yes.

But he was upset about that?---Yes.

20

And he made certain allegations about you to Mr Dardano?---Yes, he was also - - -

One of them being that you had, you'd (not transcribable) concrete and you hadn't put enough into the work at Park Street?---Yes.

And as a result of that Mr Dardano had something like 21 holes dug and (not transcribable) drill into the cement?---23 core - - -

30 And you've seen the statement, Mr Dardano's statement in these proceedings?---Yes.

And in fact all the cement had been used?---Definitely.

And he had, to use his words, egg all over his face?---That's correct.

And in fact, according to Mr Dardano, all the complaints made by Saad about you to him, none were substantiated at all?---That's correct, not one.

40 And did you feel that Mr Saad was somehow attempting to make trouble for you because you hadn't appointed him permanent?---That's correct.

Now, after Mr Ellul commenced employment on the 23<sup>rd</sup> of the 3<sup>rd</sup>, I think some three or four days later on the 23<sup>rd</sup> of the 3<sup>rd</sup>, 27<sup>th</sup> of the 3<sup>rd</sup>, '09, you took some sick leave?---That's correct.

So he had been at the Council for, whilst you were there working, three days?---Yes.

And how long did you stay on sick leave for?---I'm not sure exactly but possibly a week, a bit more than a week.

Were you concerned in March of 2009 that the response you were receiving from Mr Romano indicated that he was concerned about you possibly verifying the allegations made by Joe Saad in February of 2009?--- Definitely.

10 And you told the Commission that you spoke to what you've called anti corruption people?---That's correct.

And they were people who were from, councillors from other councils? ---That's correct.

A group that were concerned with corruption within the councils in New South Wales?---The area, yeah.

20 That area in particular?---Well, the two areas joined together.

And you were asked how you came to meet Kate McClymont and it was through them or you were directed by them to her, is that correct?---That's correct.

You didn't, it wasn't your idea to go to her?---No.

You , in fact, is the situation, you didn't know who to complain to?---That's correct.

30 You'd been told by Mr Macklin that you couldn't complain by way of a disclosure to the Mayor earlier?---That's correct.

In 2008?---That's correct.

And I want to suggest Mr Romano ran Burwood Council in such a fashion that if you crossed his path your influence or ability to function there was extremely limited, if it existed at all?---That's correct.

40 And it's as a result of this group directing you to, and Ms McClymont, that you went to the Sydney Morning Herald?---That's correct.

And you subsequently, through her intervention, made the disclosure to the then Mayor?---That's correct.

So that occurred, those events occurred on the 28<sup>th</sup>, the disclosure to the Mayor, the 1<sup>st</sup> of April you spoke to ICAC?---Yes.

Were you at work on those days?---No.

So at this stage Mr Ellul had still only seen you at most working in your position for about three days, do you agree with that?---I don't, yeah, yep.

And on the 4<sup>th</sup> of April, 2009, the first of the articles came out in the Sydney Morning Herald?---That's correct.

And one on the 6<sup>th</sup> and one on the 7<sup>th</sup> as we know now?---Yes.

10 You now know, don't you, Mr Child, that somehow on the 7<sup>th</sup> of the 4<sup>th</sup>, 2009, a cross-functional team meeting was held between Macklin, Hullick, Dencker, Azer and Mr Ellul where the principal matter discussed was changing your position?---That's correct.

On the recommendation of a man who'd seen you working for about three days, is that right?---Yes.

And the position was going to be changed from someone who was a Role 15 to 17 or some designation as such, Grade, yes.

20

An increase in the position as far as salary was concerned?---Yes.

When Council that you understood were trying to cut their costs?---That's correct.

And this position you later found out several weeks later on 20 April was one that would require tertiary education which you didn't have?---That's correct.

30 Or the qualifications that you didn't have?---That's correct.

And you know from the minutes of 7/4/09 meeting now in these proceedings that those who attended at the meeting were aware you didn't have those qualifications?---That's correct.

And the other thing in relation to the change in this position had been recommended by Mr Ellul was that the new position would take over some of the job or role that had been performed by John Inglese, is that right? ---That's correct.

40

Had there been any recommendation to your knowledge in the Morrison Low report that Mr Inglese should have part of his work taken away and put in another position such as a new one for you?---No way.

You were asked questions by counsel assisting whether you regarded this change in your position as retribution for you going to the Mayor, ICAC, the Sydney Morning Herald in the days between 28 March, 2009 and 4 April,

2009 and you said yes. Is that still your position?---Can you say that again, sorry.

You regard this change in your position as one that is referable to you having been a whistleblower, don't you?---That's correct.

And on 20 April, 2009 when you were told about this, some almost three weeks after the meeting on the 7<sup>th</sup> of the 4<sup>th</sup>, that's what you said, You're trying to get rid of me?---That's correct.

10

Between 7/4/2009 and 20/4/2009 were you at Burwood Council working? ---20<sup>th</sup> of the 4<sup>th</sup>?

On 7/4/2009 there was a cross functional meeting, team meeting in relation to your position, on the 20<sup>th</sup> of the 4<sup>th</sup> you were advised, weren't you, that your job was going to be changed in a meeting you had with Mr Macklin and Mr Ellul?---That's correct, that's correct.

20

How many days did you work between the 7<sup>th</sup> of the 4<sup>th</sup> and the 20<sup>th</sup> of the 4<sup>th</sup> at Burwood Council?---I'm not sure but I would say possibly not a lot of them. I'd - - -

Not a lot of them?---I'd say, I'd say possible not a lot of them, I think I had a bit of time off on, I was on, I was on the, stressed, very stressed. I think, I think I just had a couple of days off in between them two times.

You've read the articles in the Sydney Morning Herald?---That's correct.

30

Where certain emails where the contents had been quoted?---That's correct.

It's clear if anyone had, like Mr Romano had received, that you were the person who'd been talking, wasn't it, and you knew that?---Oh, yes.

And you felt a large degree of discomfort in going back to work?---Yes.

Had anyone from the Council between the 7<sup>th</sup> of the 4<sup>th</sup> or the 20<sup>th</sup> of the 4<sup>th</sup> rung you, for example the HR man, Mr Macklin or your more direct boss, Mr Azer, to tell you that they were going to change your job - - -?---No.

40

- - - in the way that had been fashioned on the 7<sup>th</sup> of the 4<sup>th</sup> at the cross functional team meeting?---No.

The first you heard about it was on the 20<sup>th</sup>?---That's correct.

You told us you spoke to Mr Moody, I think of your union?---Yes.

And he raised with Mr Macklin in the letter that's been shown to you in these proceedings the fact that they were in effect changing the job so it was no longer going to be a role you'd performed as a working supervisor?  
---That's correct.

Someone who could go from job to job, roll up his sleeves and help the workers out if necessary?---That's correct.

Is that right?---That's correct.

10

And also they were apparently for no apparent reason taking the work away from Mr Inglese's position and putting it in the new role?---That's correct.

Now, there are some other people who were involved in the disclosures as well, weren't there, Mr Giangrasso?---That's correct.

And Mr Issa?---Yes.

Mr Giangrasso was subsequently suspended?---Yes.

20

And Mr Issa, there was no work for of a light nature's duty, is that, duty nature, is that right?---That's correct.

And Mr Saad was, as we now know, not made a permanent employee but he was gotten rid of too, wasn't he?---Yes.

Or over, as we now know, Mr Ellul's recommendation?---Yes.

30

The four people who had implicated any inappropriate use of Council staff and time in the Romano, Becerra units or Mr Romano's house had gone?  
---That's correct.

And did the four of you or did the three of you, Mr Giangrasso, Issa and yourself consider that as recriminations against the role you'd played in disclosing this?---That's correct.

40

You are aware, you became aware I think that after Mr Saad's dismissal which I think was in about April 2009, that in July he made a complaint that you had discriminated against him?---That's correct.

And a claim that you had called him a racially discriminating name, do you recall reading his complaint?---Yes.

And that you and Mr Issa had discriminated against him because he was a Moslem?---That's correct.

You responded, as we've seen in the letter that's been tendered in these proceedings, to those claims?---That's correct.

And one of them, one of the matters that you raised was that Mr Issa himself was a Moslem?---That's correct.

And you raised that to suggest that there may be some doubt about the voracity of Mr Saad's allegation, is that right?---(NO AUDIBLE REPLY)

And you also raised the fact that at the depot barbecue you had ensured that pork was ever used to make sure all the Moslem workers could join in?  
10 ---That's correct.

And you had a number of them working at the depot, didn't you?---We had a few.

And you raised those matters in your defence to cast some doubt on the voracity of Mr Saad's claims, didn't you?---Definitely.

You were advised by Mr Macklin that you'd be, by letter, that you'd be kept informed in relation to any developments in relation to this and any  
20 negotiations?---That's correct.

And you're aware of the policy that the Council had in relation to this type of behaviour, discriminative behaviour, didn't you?---Yes.

To your knowledge was any of it followed in relation to you?---No.

You were in effect kept in the dark, weren't you?---That's correct.

And after you became fit to go back to work, you advised Mr Macklin I  
30 think on 16 September, 2009 that you were ready and fit and able to come back to work?---That's correct.

On the 17<sup>th</sup> you got a letter from him saying that you were suspended?  
---That's correct.

On legal advice?---That's correct.

Because this was a very serious claim?---That's correct.

40 I think I might have put September, I think it was in August?---It was in August.

You now know and you've told counsel assisting that you have become aware that in September Council, Burwood Council, without any reference to you had settled the claim with Mr Saad?---Yes, to my surprise.

After the claim was settled did anyone from Council contact you and tell you that?---No.

Suggest that you may not be suspended any longer?---No.

Could return to work?---No.

Did you see the way you were treated in relation to Mr Saad's claim as being part of the recrimination against you as a whistleblower?---Definitely.

10 Did you believe that Mr Saad's voracity had been undermined significantly by the false claims he'd made to Mr Dardano which had been tested and proven false?---Yes.

You are aware now, aren't you, though that even though they had settled the matter with Saad that some sort of investigation appears to have continued in relation to whether you could be sanctioned in any way for what you alleged said and did to Mr Saad?---That's correct.

20 And you've seen some emails in December of 2009 which are now tendered in these proceedings between it appears some sort of expert in this area and a solicitor from Maddocks?---That's correct.

And the conclusion that's suggested by the writer (not transcribable) is that they were unsubstantiated claims or not proven?---That's correct.

30 Were you ever aware that after the matter was settled in, the discrimination matter for Mr Saad was settled by Council, that there was an ongoing investigation in relation to whether you could be sanctioned in any way because of those claims?---No. I've had no contact with Burwood Council at all.

You were shown some exhibits today by counsel appearing for Mr Romano, Exhibit 202 1 and 2. Just wonder if he could have those please if it's possible. I'm just about finished, Assistant Commissioner. It's (not transcribable) I just deal with this matter now. First one is a letter sent by you to Mr Romano on 19 February, 2009, 4.04, it's part of Exhibit 201. You see that? Very lengthy letter. And you refer to instructions on Tuesday afternoon. See paragraph 2?---Yes.

40 And the meeting on Tuesday in paragraph 1?---Yes.

Now, the Tuesday before 19 February I want to suggest to you and ask you to accept it was 17 February. Would you accept that?---Yes.

And you've set out in effect things that have been said and were happening in relation to the depot?---Yes.

If I could take you to paragraph 3. You refer to Khaled meeting you at the depot and that's Mr Azer?---Yes.

And you reiterate what you've been told that you had to ring either John Dardano or Khaled Azer to get approval for overtime and you'd done that?  
---That's correct.

And this was in relation to the hours overtime you paid?---(NO AUDIBLE REPLY)

10 Is it or not?---No, no, no.

It's just generally speaking?---No, no, this was to do with the after hours call-out.

The after hours calling?---Yes.

Both these men were supposed to be on 24/7 available call for you to get permission to do this?---That's what I was told.

20 Okay. And again if I take you now to paragraph, the large one in the centre which I think is about 5. You reiterate don't you in the course of that paragraph and basically the balance of the document how hardworking your team is?---Yes.

Not just you your team?---(not transcribable).

And how their work and the quality of their work has been commented on by professionals and experts from other areas that have observed it?---  
That's correct.

30 Because you were concerned that despite all the praise your team had received in the future, in the past I should say they were now being questioned in relation to the quality of the work they were doing and their capacity to do it?---That's correct.

And you saw Mr Dardano was making those criticisms?---Definitely.

40 And you were pointing out that these criticisms Mr Romano and the executive looked at the compliments that had been received in the past from other experts were unfounded?---Definitely.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you.

MR TAYLOR: Commissioner, my name is Taylor solicitor, I seek your authority to appear on behalf of Mr Azer.

ASSISTANT COMMISSIONER: Yes.

MR TAYLOR: I also seek leave just to ask Mr Child a very short number of questions in relation to one discreet issue. Mr Child, it's not the case is it that Mr Azer was universally praising you in relation to your work performance and that of your team throughout the time that both of you were working at the Council is it?---Mr Azer, Mr Romano they all praised us for what we were doing.

10 Mr Child, it's not the case that every time Mr Azer spoke with you or dealt with you he was praising you and/or your team in relation to work performance is it?---Mr Azer praised us quite often.

And in addition to that he also clashed with you about your performance in your job?---Definitely not.

Beg your pardon?---No, he didn't.

He didn't. Mr Turkington is a management expert and councillor as far as you're aware?---As far as I'm aware.

20 You were directed by Mr Azer to attend upon Mr Turkington to improve your work performance weren't you?---No.

What do you say the reason was that you were seeing Turkington?---It was to, it was to (not transcribable) management skills.

Because you didn't have those skills to perform your job. Correct?---No.

30 It was a situation that you've been subject of a number of complaints in 2008 from your fellow workers. Is that right or not?---No.

Is it not the case that a number of your fellow workers under your supervision were making stress claims and the like?---No.

How many times did you see Mr Turkington?---Several.

And did that commence in or about October or November 2008?---That's correct.

40 Now I want to suggest to you that you were advised that you needed to see Mr Turkington because of the number of complaints that had been made about you by your fellow workers. Would you agree with that or not?---No.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Thank you. All right.

MS RONALDS: Just before you make a dash - - -

THE WITNESS: Sorry. Just in answer to this man's question what you're saying if you go back to the findings of Mr Ristevski's claim, okay, that supported, that, from that claim that Mr Risteski made that is why I was referred to Mr Turkington.

MS RONALDS: So it's your understanding you were referred because of the outcome of that claim, not the matters that have just been put to you, that is, a much broader level of , I don't want to misrepresent it, a much broader level of complaint about you?---Definitely.

10

And the way you behaved and bullying et cetera, is that, is that your understanding?---Well, I, I never bullied anybody but yeah, definitely.

All right. Now, the order of the witnesses, I'm not sure, but we'll sort out on Monday morning and then if anyone wants to drop me an email I will then compile a list and I'll email it back to them. But we'll next sit at 9.30 or 10.00?

20

ASSISTANT COMMISSIONER: I think we can go back 10.00 as there's no prospect of finishing today.

MS RONALDS: Well, another few minutes I could probably knock it over.

ASSISTANT COMMISSIONER: I've given up on that prospect.

30

MS RONALDS: We we'll sit on the 27<sup>th</sup> and the 29<sup>th</sup> and then starting the 3<sup>rd</sup> and we hope the 3<sup>rd</sup> and 4<sup>th</sup> only. We'll be sitting at the Police Integrity Commission which is at level 3, 111 Elizabeth Street, Sydney, for those of you who have never had occasion to traverse, to visit PIC. And so we'll be there, not there. If you come here you'll be sitting in a very foreign inquiry and you might wonder why there's no one you recognise at the bar table. It's because we'll all be at PIC.

ASSISTANT COMMISSIONER: I think there's still a chance the first few days might be here.

MS RONALDS: No, well, not from the correspondence I received during the course of this afternoon.

40

ASSISTANT COMMISSIONER: Yes, well, in any case we'll let people know but yes, it's likely it will all be at PIC.

MS RONALDS: The note I received after we started sitting was that we were at PIC. We're still mud wrestling over whether it's us or then but I think we might've lost the mud wrestle. As I say, I'm not sure of the order. If anybody wants, if it matters to anyone, well, obviously we'll be advising people when they're required as witnesses but if anyone else wants to contact me I'll send them an email about it. And if anyone's not sure about

the venture then they can, Don McKenzie is back next week and he will have, he can handle those calls. I will retire from that part of the job.

ASSISTANT COMMISSIONER: Now, Mr Child will be coming back, will he, or is he finished now?

MS RONALDS: No, I think he's finished.

10 ASSISTANT COMMISSIONER: All right. Thank you Mr Child. You're now excused from further attendance and we will adjourn until 27 April.

**WITNESS EXCUSED**

**[4.08pm]**

MATTER ADJOURNED UNTIL TUESDAY, 27 APRIL, 2009 [4.08pm]