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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 29 MARCH, 2010

AT 2.05PM

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

ASSISTANT COMMISSIONER: Thank you. Please be seated. Mr Child, could you back, please.

<STEPHEN GREGORY CHILD, on former oath [2.05pm]

MS RONALDS: Mr Child, just before the luncheon adjournment you referred to an email from Mr Macklin. Do you recall that?---That's correct.  
10

And I'll just show you this document just for the purposes of, you'll see, I suggest this is a copy of that email and it's one that you sent, well, the top bit indicates that you've sent it on to Mr Lewis. Do you see that?---(NO AUDIBLE REPLY).

So, we'll just ignore the top bit for the moment. See it's an email dated 17 November, 2008 where Mr Macklin advises you in regards to your comment you'll be going to Mayor on this issue regarding the conversation. I again remind you you'll be subjected to disciplinary action because as  
20 you're aware there a strict obligations in relation to staff interaction with councillors. And these obligations are clearly set out in the code of conduct. Yes?---That's correct.

Is that do you say the reason why you didn't approach the Mayor independently?---Yes.

If I can tender that.

ASSISTANT COMMISSIONER: That will be Exhibit 59.  
30

**#EXHIBIT 59 - EMAIL FROM PETER MACKLIN TO STEVE CHILD DATED 17 NOVEMBER 2008 TOGETHER WITH MR CHILD'S EMAIL TO MR LEWIS**

MS RONALDS: And, now I've lost where I am. I don't know if you know. Ms McClymont spoke to the Mayor?---Yes.

40 And after that you spoke to the Mayor?---That's correct.

And you told the Mayor certain things?---Yes.

And did the Mayor say she'd take any action?---The Mayor said she would have to have, she would get advice and she would come back to me.

And did she come back to you?---Yes, she did.

Within a short period?---A short period.

This is all prior to the publication in the Sydney Morning Herald?---That's correct.

And when she, what happened when she came back to you?---She came back and advised me that she'd spoken to the ICAC and she gave me a contact to speak to a certain person from the ICAC.

10 And at that stage had you prior to that been in contact with anyone in this Commission?---No.

And did you after that contact someone at this Commission?---Yes.

And that was before 4 April, which is the date of the Sydney Morning Herald?---Correct.

20 So you'd been to this Commission and had an interview before the article was published?---I was, I come in on 1 April.

Right. Now, I'd just like to turn to a different issue. On the, the election in 2008 was 13 September, 2008. Okay?---Yep.

So just prior to the election did you have any conversation with Mr Romano about the elections?---Yes.

And what, when was that?---The night before the election.

30 So that would make it 12 September, the Friday evening. Is that correct?  
---That's correct.

And what time of the day do you say this occurred?---It happened, I wouldn't like to say the exact time, but probably 6.00, 7 o'clock at night.

You just have to keep your voice up a little bit. Don't worry about the mike, you don't need to lean into it, but just keep your voice up?---Probably about 6.00, 7 o'clock at night.

40 And what do you say happened?---Mr Romano had called me and asked me if I could arrange for two people to go to the elections and hand out some How to Vote cards for the Labor Party. And he said, he made special things that they couldn't wear Council uniform. And that I was to pay them in cash.

And did you understand from the conversation that he would repay you?  
---Definitely.

So what did you do then?---I made the two phone calls. I arranged for the, I'd seen if they were, two people were available and they were. And I contacted Mr Romano back. And I think he even contacted me back and let, or told me exactly where they had to be.

All right. Well, who did you contact?---I contacted Ammar Issa and Joe Saad.

10 And what did you say to Mr Issa?---I asked them if they were available to work at the elections tomorrow and he said yes.

And did you discuss payment with him?---I told him that you would be paid in cash and, yeah, and to wear Council uniform.

And did you speak to anyone at any ALP campaign headquarters?  
---Definitely not.

Did you speak to anyone organising the campaign?---Definitely not.

20 Or the ALP?---There was earlier on in the day before we went home from work, our union delegate, Wayne Moody, came to the depot and he asked if anybody would volunteer and as far as I was aware nobody volunteered.

Right. But did you speak to any, did you speak to Mr Faker about - - -?  
---No.

Hang on, just let me ask the question prior to you answering it, prior to, about volunteers for going on the polling booth?---No.

30 And did you speak to anyone else from the ALP organising people?---No.

So you say you only spoke to Mr Romano?---Mr Romano, that was it.

And then Mr Romano you say called you back and told you where they were to go?---Where they were to go.

And do you recall where that was?---It was a polling booth in Comer Street at Burwood, it's at the edge of Burwood Park.

40 And were they paid?---Yes, they were paid.

Mr Saad and Mr Issa?---Yes, they were.

How were they paid?---They were paid in cash by myself.

And when did you pay them?---A couple of days after.

So did you attend at the polling booth to make sure they were there?---No (not transcribable).

Because you live some distance away, don't you?---Yeah, I live about 120 kilometres away.

So you weren't around on election day?---Definitely not.

10 And you paid, you gave each of them how much?---\$150 each.

And it was your understanding that Mr Romano was going to pay you back? ---That's correct.

And did he ever do so?---No.

Did you ask him for the money?---No.

20 So it might be correct, might it, that if all those other things you say happened he may not know that people were paid?---He know, he, he knew they were paid. He asked me to pay the people.

And did he tell you how much?---He said \$150 each.

So that was his idea, was it?---That was his idea.

The amount?---The amount was his idea.

30 Right. Did you speak to Mr Moody when he was there to ask people to volunteer?---I might have had a conversation with him.

But you didn't volunteer?---No.

And you didn't, as far as you know, hear anyone else volunteer at that time? ---No.

And that was on the Friday at the depot?---At the, Friday afternoon, it would have been close to finishing time.

40 Now I think you've been present during last week. Is that correct?---That's correct.

During all or at least most of it?---That's correct.

Now, Mr Faker told the Commission about a meeting he had with you. You, you were present when Mr Faker gave that evidence?---Yes.

And essentially he says that he telephoned you after an article in the Herald about his cabinet?---Yes.

Does that accord with your recollection?---Yeah, I would say so.

And either he or you suggested you meet. Do you remember who made the suggestion that you meet up?---Mr Faker rang me, I think it was on a Saturday - - -

10 Right?--- - - - afternoon. He asked me if I was in Sydney and I said no, he said when are you going to be in Sydney, I said sometime next week and he said when you get in to Sydney and you've got a spare, you've got a spare moment to catch up for coffee give me a ring.

And you did that?---I did that.

Did he give you his number then?---He would of, yeah.

Because you'd have no reason, would you, to have the Mayor's number?  
---No.

20 And you wouldn't have had his mobile number unless he'd given it to you?  
---No, that's correct.

And so you telephoned him?---I telephoned him and let him know that I was in Sydney. He never answered the phone.

Right?---He rang me, he rang me back a short time later.

30 Okay, and you made an arrangement to meet?---He made, he made the arrangement.

And he suggested a certain place?---Yeah, that's correct.

And where was that?---That was at a bowling club in Queens Street at Croydon.

All right. And you went there and met him?---I met him, yep.

40 And how long did you meet with him?---It was quite some time. I'd say possibly an hour and a half in total.

And you discussed a number of matters?---Several matters.

And do you recall what you discussed?---We discussed about his cabinets and we discussed about paying, me paying the election people. We discussed about how we were being, how my staff members and myself were being harassed by senior, senior management and we discussed about Mr Romano and why he would do, why he would put people on to harass us.

And you told him that you were unhappy?---Definitely.

And that you were unhappy about the way Mr Romano had treated you?  
---Yep.

Did you ask him to do anything?---No. He, he asked me if I wanted a meeting, for him to arrange a meeting and I said no.

10 All right, and Mr Giangrasso joined you at some stage?---Gian joined us would be a good three quarters of an hour later on.

So he wasn't there for the whole meeting?---He wasn't there for the first part of the meeting.

All right, and so when he was there, were there other issues discussed or the same sort of issues?---The same sort of issues.

20 Now, do you have a habit of taking diary notes about certain conversations?---No.

Are there some things, though, that you have recorded in the diary?---Yes.

I'll just show you this document. Now you see there's a note there on 2 May, 2009. Do you see that?---Yes.

Now, do you identify that as your handwriting?---Yes.

30 This is a photocopy from your diary?---Yes.

And it says, "Call from John Faker wanting to go for coffee, et cetera. Now, the fact that it's written for the Saturday, 2 May, would that indicate that that's the day that you received the call?---Yes.

Because the article was actually on 4 May, so is it possible he called you before the cabinets article?---Look, I'm not sure. He, he was concerned about what was coming out about him.

40 All right. So he'd heard the stories that - - - -?---Well, I'm not sure what he heard but that's what happened.

And he put to you that he didn't like trial by media?---I'd say so.

Well, did he say that?---Yes.

And then you've got a note saying, "Spoke to Kate". Does that mean you spoke to Ms McClymont?---Yes.

And then over the page, if you go two pages over you see it says, "Rang John Faker" and then there's a long note about the conversation that you had at the bowling club?---That's correct.

Now, when did you write this note? Was it on the day?---I presume it's on the day that we (not transcribable).

That you met?---Yes.

10 So it's a contemporaneous note, that is, it's done on the day?---On the day, yeah.

Not during the course of the meeting?---No.

But immediately after the meeting?---I'd say so.

Or when you got home?---Look, I'd say possibly when I got home at the end of the day.

20 And then could I ask you to turn back to the 3<sup>rd</sup>. You see it continues. So you seem to have run out of space on 4 May and then you go back to 3 May. Is that how it flows or have I misunderstood?---That's how it goes. I went back because I ran out of paper.

You ran out of paper on the 4<sup>th</sup>?---Yep.

This is for anyone reading it, so we understand, and then you go back to the top of 3 May going continued, "I also mentioned that he was trying to sack Joe and myself". See that?---Yes.

30 Now, just read through your note or have you read it recently?---No, I haven't read it.

Just have a quick look through it and see if it's consistent with what you recall was discussed at the meeting?---That's the conversation.

That's, that's consistent with your recollection. If I could tender that.

40 ASSISTANT COMMISSIONER: Yes. That will be Exhibit 60.

**#EXHIBIT 60 - COPIES OF MR CHILD'S DIARY – 2<sup>nd</sup>, 3<sup>RD</sup> AND 4<sup>TH</sup> OF MAY 2009 ENTRIES**

MS RONALDS: Now turning to the driveway. Do you agree that on 15 September, 2007, you attended at Mr Romano's private home?---That's correct.

And you knew on that day it was his private home?---That's correct.

And you worked on the driveway?---That's correct.

10 Now, going back a step, how was it that that happened?---Two weeks earlier, Joe had come up and said that he'd spoken to Pat Romano. That he wanted a driveway laid. We spoke about it. He said that Pat would get in touch with me or I was to get in touch with Pat. And that was the start of the events.

And did you then contact Mr Romano or did he contact you?---It could've been both ways. But I'd say I contacted him.

Right?---And we spoke about the driveway.

Right?---And he asked me took after it for him.

20 And what did you do in terms of looking after it for him?---I spoke to Joe, Joe was to go and have a look at the driveway to see if we were able to do it in one day.

Right?---Mr Romano wanted the driveway (not transcribable) in one day as not to go through, through Council approval.

And did he tell you that?---Yes.

He, Mr Romano told you that?---Mr Romano told me that.

30 And you didn't go and asses the job beforehand?---Definitely not.

Had you been to Mr Romano's house before 15 September, 2007?---No.

And so you then spoke did you to Mr O'Brien?---No, Joe spoke to Mr O'Brien.

So you didn't organise Mr O'Brien?---No, I didn't organise Mr O'Brien.

40 What about Mr Issa?---Oh, we would've had a conversation, Joe and I and Mr Issa.

Because you're all in the same team?---We're all in the same team, yeah.

And was it your understanding that you were going to be paid for the day before you did the work on the day?---Oh, there was never no talk about payment.

Right. Were you or did you understand you were doing a day's paid work?

---Oh, for sure I was doing a days, a days work. I wouldn't say I was doing a days paid work. You know, it, it, yeah.

Did you understand that Mr O'Brien was the contractor in charge of the job?---(not transcribable)

Sorry?---In charge of?

10 Of doing the job, that is the driveway?---I wouldn't say he was in charge of the job, no. I was in charge of it.

You were in charge of it?---And Joe, it was collective.

Right. And did you ever have a conversation with Mr Romano where you told him on 15 September, that Joe, that Mr Giangrasso worked for Mr O'Brien?---Never.

And that they were working for Mr O'Brien on that day?---Never.

20 That wasn't the arrangement was it?---No. Definitely not.

Mr O'Brien was there helping out as well?---Yes.

And he wasn't subcontracting the job and paying you all was he?---No.

As far as you know, he wasn't paid either?---Oh, as far as I know he wasn't paid.

30 So you all turned up at 7 o'clock in the morning. Is that correct?---Yes, I'd say that.

And you worked there during the course of the day?---Yes.

Did you come and go during the course of the day?---No.

Did you go to the depot at any stage - - -?---Not that I - - -

- - - with the rubbish and dump it?---No.

40 You weren't part of that trip were you?---No.

And were you aware that Mr Giangrasso had gone to dispose of the concrete spoil at the depot?---Yes.

Were you aware on the day?---Yes.

And what did you understand was the reason he was doing that?---He was directed by Mr Romano.

Did you hear Mr - - -?---Yes, I did.

- - - Romano direct him to do that?---Yes, I did.

So what did you hear him say, Mr Romano say?---I heard Pat Romano say to drop the spoil at the Council work's depot.

And you understood that that's what happened?---That's correct.

10

And the only involvement of Mr O'Brien is it correct was to work the, now I think they're called excavators are they?---That's correct.

It's not a girls job. And he dug up the old, I'm sure there's a better term for it, but he dug up the old concrete?---I don't say it was all concrete, there was, it seemed to be like a brick, part of it was brick and there was dirt and there was, yeah, all, you know, there was the old kerb.

20

Right. But - - -?---Part of the kerb and gutters, parts were bricks and part, part concrete and part dirt.

And he used his excavator to do that?---That's correct.

And you all helped?---Yeah, we had, we had a saw cutter at first.

Right?---And, yeah, we helped.

30

And then it was dumped in the back of the truck, the back of Mr Giangrasso's private truck?---That's correct.

Not a Council truck?---Not a Council truck.

Right. And then went off and came back and is it correct that Mr O'Brien left at that stage, after doing the excavation work?---He went with Joe to tip the rubbish, come back and then he, and then he loaded up and left.

Because he didn't have a role to do once the excavation of the old driveway had been completed. Is that correct?---That's correct.

40

And then the three of you worked for the remainder of the day?---That's correct.

And is it correct that you were handed at some stage two cheques by Mr Romano?---No. Mr Romano paid the, for the steel, to Croydon Park Building Supplies, himself.

Right. Just so, was it delivered on the - - -?---Yeah, yeah. The steel was delivered while we were, while we were preparing the, the job.

Right?---Mr Romano was there then. He paid, he paid Croydon Park Building Supplies himself. He left the cheque with me, 'cause he had to, for the concrete, 'cause he had to go and drop his son off.

Right. So you completed that when the concrete arrived?---That's correct.

And handed it and they handed you a receipt?---That's correct.

10 And that was made out to Joe Gian, and that was the one we looked at earlier?---That's correct.

And what time do you estimate that you completed the work?---Around 2.00, 3 o'clock in the afternoon.

And did at any stage Mr Romano offer to pay you for the work you'd done?---No.

20 And did he pay you for the work you'd done?---No.

Now, you went to lunch on 19 October, 2007?---That's correct.

At Il Buco?---That's correct.

And, and before that you'd received a note from Mr Romano about that? ---That's correct.

30 I'll just show you this document. It has one of those headings that (not transcribable) my friend. It's not an email, this is a , as I understood it, as I understand it, it's an Outlook calendar event where you can add a note? ---It's a, it's a, it's an acceptance.

Right?---If you, you're not seeing the actual person who sent, who sent that.

It comes up, it comes in the email, but it comes up as a diary entry doesn't it?---I think I sent it to my solicitor, the actual whole document.

40 Right?---What you're seeing there, it's a thing to, and you've got a chance to accept it or not.

Yes. So you accept or decline it, doesn't it?---That's correct.

And then if you accept it it automatically pops itself straight in your diary. You don't have to do anything?---Yes. That's right.

It's spooky technology really. And there's an email that says, Stephen, that was you wasn't it?---Yes.

Can you please invite and then there's some people, Joe Giangrasso, Shane, Ammar, and I've probably spelt their names wrong, but you know, names wrong, but you know who they are. Thanks?---Yes.

And you understood who that was for, I mean, who that meant?---The email come from Vera Karpowicz.

Right?---On behalf of Pat Romano.

10 Right?---It actually says that on the, if you bring it up on the computer that's how it comes.

And she was his personal assistant?---Yes.

And had you and Mr Romano before this had a discussion about having lunch on this day or some other day?---Yes.

And what did you understand the lunch was for?---To say thank you for doing a good job and probably - - -

20

Just generally?---Generally and maybe as part payment or payment of, for the job.

But when you say the job do you mean your work at Burwood Council, to thank you for the work you'd done at Burwood Council?---I would say it was for the work we done at Pat Romano's property.

Right. Because the only people invited were the people who worked at the property?---That's correct.

30

That was the only actual connection between you all, wasn't it?---That's correct.

Because there are other members of your team who were not people who'd worked at the property?---Yes.

So if you were going to invite your team there would have been a number, a number of other people who would have been invited, wouldn't they?---At that time my team consisted of 28 people.

40

If I could tender that email.

ASSISTANT COMMISSIONER: That will be Exhibit 61.

**#EXHIBIT 61 - COPY OF OUTLOOK CALENDAR INVITATION  
RE SPECIAL LUNCH IL BUCCO – ORGANIZER PAT ROMANO**

MS RONALDS: And there's no other reason you know, apart from the driveway, of those, that group of people being connected?---That's correct.

Now the article came out, the first article was in the Sydney Morning Herald was 4 April, do you remember that, 2009?---I'm not sure exactly what day it come but I remember there was an article.

10 And I'll just show you this copy of it and you'll see it's a, this is a copy of the first one. Do you see that?---Yes.

And if I could ask you to turn to the second page of the clip you've got and on the last column of the story, you see the second, no, the first full paragraph, Mr Romano said he used private contractors on his driveway. Do you see that?---Yes.

20 And was not aware of any Council staff being involved. Is that, to your recollection of what occurred on 15 September, 2005, a correct account of what happened on that day?---Definitely not.

You'd agree, wouldn't you, that there were no private contractors as such? ---Definitely not.

There was Mr O'Brien who was a Council contractor who ran a private company?---That's correct.

And there were three Council staff working there?---That's right.

30 But on that day you weren't working on Council time, were you?---No.

But you were Council staff?---Yes.

Mr Romano was present, was he not, from 7 o'clock in the morning? ---That's correct.

And he made coffees at 7 o'clock?---That's correct.

He spoke to you all?---That's correct.

40 He knew who you were?---Yes.

There was no doubt, was there, that he was not aware of who you were? ---He was well aware.

And what was your reaction when you read that?---A bit of a shock that he'd tell some lies to the newspaper.

And then if I could ask you to turn to the next page, you'll see this is Monday, 6 April, 2009 and the second paragraph over on the left-hand side you'll see last week Mr Romano insisted to the Herald that he didn't, he had not used Council staff to do work on his driveway and had paid the excavator, a private subcontractor, for his work. Do you see that?---Yes.

So that repeats the denials?---Yes.

10 And then there's more detail about what happened. Would it be correct to say that after the Saturday article appeared with Mr Romano's denials did you then provide further information to Ms McClymont?---I'd say so.

Well, did you or didn't you?---Yes.

And you were upset about the denials, is that right?---Yes.

Well, or you were angry or what was your reaction?---I was upset that he was lying.

20 That he, that he was lying?---Yes.

And there was no doubt in your mind that that was a false statement of his attributed to him in the Herald on the 4<sup>th</sup> of April?---No doubt.

And so you then provided further information to Ms McClymont Ceting out much, all the details about the driveway. Is that what happened?---I'd say so.

30 Because previously the focus had been the units, hadn't it?---That's right.

The main part of the story on the 4<sup>th</sup> was about fixing up the flats on the headline?---Yes.

And the driveway really was just put in at the end?---That's right.

But by the 6<sup>th</sup> there's much more detail and what I'm suggesting to you is that is because your reaction to Mr Romano's denial about the driveway caused you to provide Ms McClymont further information. Is that correct? ---I spoke to Miss, Mrs McClymont on several occasions.

40

Right. But I'm trying to explore with you was one of them after the Herald published on Saturday which had a reaction in it?---Yes.

And that made you provide further details so that that story could be further ventilated?---Yes.

If I could tender, that's a whole bundle, just for convenience, of all the, of all the Herald articles all in one bundle.

ASSISTANT COMMISSIONER: That will be Exhibit 62.

**#EXHIBIT 62 - COPIES OF ARTICLES FROM THE SYDNEY MORNING HERALD AND THE INNER WEST NEWSPAPERS**

10 MS RONALDS: Now, I show you this bundle of documents and there's three documents and you're on, yours is page 3. You see the third one there, that's your timesheet?---That's correct.

Now it covers 19 October, did it?---Yes, yes.

And what does it record as your hours of work on that day?---On the 19<sup>th</sup>?

Ah hmm? It's the last Friday as I understand it?---Eight, eight hours.

20 Eight hours. And what time did you get to lunch at Il Buco?---I'd say possibly 1 o'clock.

Did you return to work that afternoon?---No.

And did you drink alcohol during the course of lunch?---Yes, we did.

And you stayed there for how long?---Several hours.

30 And so if you got, it would be correct, would it not, that you did not actually work eight hours that day?---That's correct.

So you knew when you filled out this that this was not accurate?---I put my hands up, yeah.

And, but Mr Romano was with you all or most of that time?---That, that's correct.

Did he leave earlier than you?---I wouldn't think so because he paid the bill.

40 Right?---But I'd say no because he paid the bill.

Well, do you recall or you're only guessing now?---I'm pretty sure he didn't.

And did he arrive late, ie were the others, the four of you there prior to his arrival?---I'd say he arrived there shortly after us.

Right. If I could those, there's three in the bundle, Mr Giangrasso and Mr Issa and Mr Child.

ASSISTANT COMMISSIONER: Yes. The timesheets will be Exhibit 63.

**#EXHIBIT 63 - COPIES OF MR GIANGRASSO'S, MR CHILD'S  
AND MR ISSA'S TIMESHEETS FOR THE PERIOD 9/10/07 –  
22/10/07**

10 MS RONALDS: I might do a bit of multi-skilling.

ASSISTANT COMMISSIONER: Mr Child, I notice that the Outlook appointment actually had the time set as 2.30 to 4.30 for the lunch. Do you recall that?--I'm, I'm not sure if it says 2.00, the one I (not transcribable) says 2 o'clock or 2.30. I'm, I'm not sure of the exact time but as far as I'm aware I didn't, I didn't put an acceptance in that, it was a, a phone call so I, I would say that being a restaurant they would normally try to start shutting down after 2 o'clock possibly, the chef maybe.

20 Yes, all right, thank you.

MS RONALDS: I have nothing further for this witness at this stage.  
ASSISTANT COMMISSIONER: Thank you. Yes, and does anybody seek to cross-examine Mr Child?

MR BLAKE: I do, Assistant Commissioner.

ASSISTANT COMMISSIONER: You do, Mr Blake. All right.

30 MR BLAKE: Could Mr Child be shown Exhibit 63 please. So you can help me to understand it, Mr Child, in the copy I have your name is at the top of the first page but I think it might be the third page on yours, is it? ---That's correct.

Well, we can speak about the same one, and it covers the period in the top right-hand corner from 9 October, 2007 to 22 October, 2007?---That's correct.

40 So the Friday, he 19<sup>th</sup>, as you go across the columns at the top of the page, would be the second Friday, is that correct?---That's correct.

And it records eight point zero. Does the timesheet in any way record the starting time or the concluding time?---No.

No. And is this a document that you prepared or was prepared by other Council staff from information that you provided?---I'd say so, yes.

Sorry?---I would say so.

Well, I gave you an alternative. Is it something you prepared or something that was prepared by other Council staff?---I, I don't, I don't prepare the, the document.

All right?---But I would give the information.

And so you completed some other document, did you, that was provided to the HR section to complete timesheets?---No.

10 No. Well, how were timesheets prepared?---My timesheet would've been prepared by the secretary which I would, of the depot because I would've gave information verbally.

Yes, and there's a signature on the bottom right-hand corner. Whose signature is that?---That's not my signature. Graham Macpherson's.

It's Graham Macpherson?---Possibly.

20 So you're not sure, is that what you're saying?---It looks like Graham Macpherson's.

All right. And what, timesheets were prepared on a fortnightly basis, is that correct?---That's correct.

Yes. And what was your normal starting time?---7.00 to 3.00

7.00 to 3.00, okay. So with an appointment for lunch, you see the lunch appointment in the diary entry was 2.30pm?---Yes.

30 Yes. Well, I suggest that you in fact arrived around about 2.30pm rather than between 12.30 and 1.00pm?---That's not correct.

Well, why did you attend an hour and a half or up to two hours between two hours and an hour and a half earlier than the time notified in the diary?---I would've had a conversation with Mr Romano. I verbally accepted it and I would say we changed the appointment.

You're making that up, aren't you, Mr Child?---Definitely not.

40 You don't recall any such conversation, do you?---I definitely recall the conversation.

So your explanation is that the appointment time in your diary was changed verbally in a conversation you had late with Mr Romano?---Can you repeat that?

Your evidence is that the appointment time for the luncheon as recorded in your diary was changed later through a telephone conversation with

Mr Romano?---I never recorded that in my diary, okay. This is a, was an email sent to me, an acceptance, it's some sort of calendar type thing and I verbally spoke to Mr Romano about it and we, we had an agreement of an earlier time.

Now, Mr Child, I'd like to ask you about the driveway that you've given evidence about at Mr Romano's home. I suggest in late August or early September he had a conversation with you in which he asked you did you know any tradesmen who he could get a quote from for the construction of a ramp in front of his place?---Definitely not.

And that you said to him you had a mate who might be able to help and you'd ring him and see if he was available and let him know?---Definitely not.

And I suggest that, again about early September, certainly before 15 September, you told him you had a mate who could do the work?---Definitely not.

20 And you told, Mr Romano asked you what were his contact details and that he would get a quote for him?---Definitely not.

And you said don't worry about it, you'd ring him for Mr Romano and you asked him what were the dimensions of the ramp?---Definitely not.

And I suggest that Mr Romano gave you some dimensions of the ramp about three metres in width by about 200, 2.5 metres in depth, do you agree with that?---Total lies.

30 And Mr Romano told you he wanted it done quickly?---Mr Romano told me he wanted it done in one day.

And he said that your mates are going to have to do all the work to construct the ramp and get the Council approval for the construction?---That's incorrect.

And he said to you he wanted you to work on a weekend so that Mr Romano could see what, what was going on?---That's incorrect.

40 And you said you'd go ahead and organise it?---That's incorrect.

I suggest that you got back to him and told him that you had a mate, Shane, who was happy to do the job?---Shane wasn't my mate. He was a contractor for Council.

Yes, working regularly on Council jobs, is that correct?---That's correct.

Yes. And you told him that Shane was happy to do the job on the basis that Mr Romano pay for the materials and he paid cash for the plant and the labour?---Totally incorrect.

And you told him that Shane thought it would cost about two and a half thousand dollars?---Totally incorrect.

And you told him that that's fine, sorry, I withdraw that. Mr Romano said that was fine and asked you to let Shane know it was fine and you,  
10 Mr Romano wanted to know when the work could be done?---No.

Sorry, that was incorrect you said?---Could I have that again, sorry?

I suggest to you that Mr Romano said to you, "That's fine, let Shane know that's fine and let me" Mr Romano "know when he can do the work"?  
---That's incorrect.

And I suggest that after that conversation there was an arrangement made where you told Mr Romano that Shane could do the work on Saturday,  
20 15 September?---I told Mr Romano that we could all do it on 15 September.

And on the day itself, I think you said that you arrived around about 7.00 or 7.30, is that right?---About 7 o'clock.

And shortly after you arrived I suggest that you had a phone call with Mr Romano when you went to the front door, just by yourself?---That's incorrect.

And after saying hello to him, Mr Romano asked you whether the contractor  
30 had arrived?---That's incorrect.

And you told Mr Romano, yes, you'd arrived about twenty ago and you'd started excavating the driveway?---That's incorrect.

And you asked Mr Romano to come out and meet Shane?---That's incorrect.

I suggest that Mr Romano came out and you introduced him to Shane?  
40 ---That's incorrect.

And he said hello to Mr Giangrasso and Mr Issa. Did Mr Romano do that?  
---Mr Romano's, yeah, come out and said hello.

And then he - - -?---Of course he's going to come out and say hello. It's his driveway.

And he came back to you and said, what are Ammar and Joe doing here?  
---That's incorrect.

And you said, they came with me this morning. They're just helping Shane set up?---That's totally lies.

And you then told him you were going back to work after the boys had set up?---That's incorrect.

10 And I suggest about an hour after you started, you had a further, maybe about 8.30 or so, you had a further conversation with Mr Romano at the front door, near the driveway and Mr Romano said to you, why are Ammar and Joe working with Shane?---That's totally incorrect.

And you told him they worked for Shane on the weekends, it's not a big deal?---That's totally incorrect.

And he said to you, actually, I've got a problem with that, Steve. You should've told me that Shane was going to use Council staff on the (not transcribable)?---That's totally incorrect.

20 And he said to you they're going to have to complete secondary employment notices when they return to work?---That's totally incorrect.

And you'd said, okay?---Definitely not.

And Mr Romano said that he, to you, Steve, I hope Shane has completed the Council application forms?---That's totally incorrect.

30 And you said, Pat, I don't think, I don't think he's had time to do that? ---That's totally incorrect.

And Romano said, Steve, this is going to cause me problems, you know? ---That's totally incorrect.

And you said, no, it won't Pat. You worry too much. Actually, I've got to get back to work. Is that why you wanted me back here?---That's totally incorrect.

40 And Mr Romano said, I just wanted to know what Joe and Ammar were doing here?---That's totally incorrect.

And you were present, I suggest up to about lunch time?---That's incorrect.

And Mr Romano organised a barbeque for lunch?---Mr Romano made us lunch.

Yes. It was a barbeque?---He come out with some rolls, with some steak on them.

Yes. And he barbequed that?---For Joe, for Joe and myself only.

And Mr Issa was there also during lunch?---Mr Issa was there, but he didn't eat lunch.

And Mr O'Brien was there as well?---Definitely not.

10 And on the Monday, that's Monday, the 17<sup>th</sup>, I suggest that you spoke to Mr Romano about the driveway and by telephone. Do you recall that?---I spoke to Mr Romano, it would've been face to face.

Well, I suggest to you there was a telephone conversation on the Monday in which he said to direct, it looks good?---That's incorrect.

And the barricades and the formworks are gone and the guts are gone? ---That's incorrect.

20 And you told him the guys had gone around and finished up the work? ---That's incorrect.

And Mr Romano asked you could he drive on it?---Mr Romano may have asked me in conversation with him if he could drive on the driveway.

And you said to him, no, you should leave it a couple of days to let the concrete cure properly?---Are you talking about the Monday? I was already  
- - -

On Monday, the 17<sup>th</sup>?---It's already a couple of days that it drained.

30 All right. I suggest to you, you told him on the Monday, you should leave it a couple of days longer so it could cure properly?---That's not correct.

You were aware weren't you, Mr Child, that on the Saturday, Mr Romano paid for half the work with payment to Mr O'Brien?---That's totally incorrect.

And I suggest that on the Wednesday, the 17<sup>th</sup>, you met with Mr Romano in his office at the Council Chambers?---That's incorrect.

40 And he gave you an envelope containing the cash for the balance of the work and asked you to pass it on to Shane?---Totally a bunch of lies.

Oh, sorry, I'll withdraw that. My friend (not transcribable) with my dates, Wednesday, 19 September, 2007. So, I haven't confused you with the date, Mr Child?---Totally a bunch of lies.

And I suggest that in that meeting that you told Mr Romano that you'd pass on the money to Shane?---Definitely not.

I'll just leave the questions at that point, Assistant Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Blake. Does anybody else wish to question - - -

MR LEGGAT: Yes, thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Leggat.

10 MR LEGGAT: Mr Child, in answer to a question from counsel assisting, the question being to the effect you knew it was not accurate concerning the timesheet. You said something like, yes, hands up. Can you recall saying that?---Yes.

Well, what did you mean by hands up?---Well, I'm - - -

ASSISTANT COMMISSIONER: He said, I put my hands up?---Yeah. I'm concerned, I'm concerned the documents are not there (not transcribable) signed by me, is one thing. Okay. And this document would be possibly  
20 four days even before we actually even get paid.

MR LEGGAT: Are you trying to answer the question that I asked?---I did say that. I did say, I'll put my hands up.

What did you mean by, I put my hands up?---Well, I'm admitting that I, that I, I worked, worked during Council time. I was at lunch during Council time with Mr Romano.

30 You're aware that at present you are both under oath and the beneficiary of a section 38 declaration. You're aware of that aren't you?---Yeah, I'm well aware of it.

You would agree that you are a person who at times is prepared to provide false information in order to obtain a financial benefit. That's correct isn't it?---No, that's not correct. That's not correct at all.

40 What's your explanation for providing false information in relation to your work on the Friday in order to obtain a financial benefit?---I was with the General Manager having lunch. He invited me to lunch in Council time. Mr Romano invited me to lunch and coffee's many a time.

And that (not transcribable)?---No, it's not an excuse. What's the difference? I'm acting under a direction, he wanted us to be there.

And you say under those circumstances it's justifiable to provide false information. Is that what you're saying?---Well, Mr Romano was my boss. As far as, I was there prepared to work for eight hours a day or the time that

was required. And, yeah, you know, we were acting under the direction from Mr Romano. It was an invitation from him. What can I say?

Well you seem to be saying that under certain circumstances you are prepared to provide false information. Is that what you're saying in a nutshell?---No, that's not, that's not right either.

Thank you.

10 ASSISTANT COMMISSIONER: Yes, does anybody else wish to question the witness?

MR HANLEY: Yes, Your Honour, counsel assisting, might I - - -

ASSISTANT COMMISSIONER: Yes, Mr Hanley.

MR HANLDEY: Mr Child, you were asked some questions about Shane O'Brien. Do you recall that?---Yes.

20 Now, Mr O'Brien was a contractor at the Council?---That's correct.

And how long had you know him for?---Probably since I started there.

Was he working as a contractor before that?---For Council?

Yes, before you - - -?---Before I was there, yes.

And was there a practice that he kept some of his equipment in the depot?  
---Yes.

30

And when you became the supervisor, did you change that practice?  
---That's correct.

How did you change it?---There was no longer a need to, he had a machine there for eight hours a day, every day for as long as I, I've know except for when I took over in that position as the civil maintenance supervisor then. We, we didn't, we were told to get rid of all contractors and only use them when necessary.

40 So was the situation that after you took over he no longer had his machinery kept there?---That's correct.

Is that something you instigated?---I wouldn't say that I instigated it but yeah, he had no longer to, no reason to leave his machine there.

So he wasn't a particularly close friend of yours, was he?---No.

Can I just take you to 2007. At that stage you were working in a supervisory capacity?---That's correct.

And you told us, I think, that you, Mr Romano started visiting the work sites?---That's correct.

Did that happen in 2007?---Yes.

And it happened before then?---No.

10

Approximately what time of the year in 2007 did that occur?---I noticed this after I was given that position.

You hadn't had any direct dealings with him prior to that?---Never.

And what was the chain of command? How many levels of chain of command were there between you and Mr Romano and that stage?  
---There's was the depot manager, the senior, the senior assets manager, my director, HR and Mr Romano.

20

And did it seem unusual that the General Manager of the Burwood Council would come and speak to you?---Very.

In relation to works that were being performed?---Very unusual.

Was that something that you expected to receive direction from as more immediately above you?---Definitely.

30 Were you (not transcribable) trying to establish a more personal relationship with him, that is, Mr Romano?---I would say so.

And is it after that contact that he invited you to start having coffees with him?---That's correct.

And then in 2007 you became aware that he approached Mr Giangrasso in relation to (not transcribable)?---That's correct.

Had Mr Giangrasso worked at Council longer than you?---Yes.

40 And appeared to have a relationship with Mr Roman?---Before me, yes.

Before you?---Yep.

You were asked some question by counsel assisting about the Morrison Low Report?---Yes.

And you're aware that was a report that was instigated by Council in late 2008?---That's correct.

And you also told us about Mr Ristevski?---Yes.

He was someone who worked under you?---Yes.

And in 2008 how long had he been employed with Council?---I'd say he was employed from probably around about March as a casual, originally started as a casual.

10 Do you know how he came to be employed with Council?---He was good friends with Mr Romano.

Do you know what the relationship was?---Mr Ristevski's wife, as far as I'm, I was aware or I was told was Pat Romano's wife's boss.

And in relation to the Morrison Low inquiry, are you aware that Mr Romano recommended a number of people from the depot to liaise with Morrison Low Consulting?---That's correct.

20 And there's yourself?---Mr Grasso and Mr Ristevski.

And in relation to Mr Ristevski, how senior was he in relation to the other employees?---He, he was at the bottom of the list.

Did it seem strange that he needed to be on the consultative committee?  
---Very strange.

30 You were asked some questions about, as a consequence of the Morrison Low Report, that you had a meeting in January, 21 January, 2009, in respect of changes to your position?---That's correct.

Now, was that a meeting with Mr Issa and Mr (not transcribable)?---That's correct and Mr Grasso.

And Mr Grasso?---He was my support person.

Were you advised at that meeting that there was to be a change in the name that your position was to be known as?---That's correct.

40 And that, do you agree with this, some sweepers would be taken away?  
---Could possibly lose the street sweepers.

And other than that, there were no significant changes to the position?  
---Definitely none.

And you didn't have to reapply?---No.

And that those changes were in accordance with the recommendations of the Morrison Low Report?---That's correct.

And was it your understand that that was the only change to be made as a result of that report into your position?---That's correct.

Now, you've told us that you spoke to ICAC on the 1<sup>st</sup> of the 4<sup>th</sup>, 2009 and an article appeared in the paper on the 4<sup>th</sup> of the (not transcribable) 2009?  
---That's correct.

10

Are you now aware that on 7 April there was a meeting of what was known as the CFT committee?---That's correct.

In which it was decided that your job would be changed?---That's correct.

And that the position would be changed from a level 15 to a level 17?  
---That's correct.

20

And that you would be required to have tertiary qualifications?---That's correct.

And that it was known that you didn't have tertiary qualifications to those members of the CFT?---That's correct.

And that the position would have to be readvertised?---Yes.

And you would have to be reapply if you could satisfy the position (not transcribable)?---Yes.

30

That was advised to you on the 20<sup>th</sup> of the 4<sup>th</sup> - - -?---Sorry?

That was advised to you on the 20<sup>th</sup> of the 4<sup>th</sup>, 2009?---I had a meeting. I was dragged into a meeting by Mr Lim and Mr Macklin.

And it was put to you in cross-examination by counsel appearing for Mr Romano, in respect to the driveway, Mr Romano spoke to you about secondary employment forms for staff?---No.

40

Did you ever, ever supply any secondary employment forms to Mr Romano in relation to any work carried out by the staff at (not transcribable) Burwood Council?---Not myself personally, no.

Did you ever get any emails from Mr Romano asking where the reports were?---Not that I can recall.

Any letters from his secretary asking where the reports were?---Not that I can recall.

And it was also put to you that you were required to ensure that any applications made to the Canada Bay Council in relation to the work that's been carried out on - - -

MR LEGGAT: I don't think you put that to him.

ASSISTANT COMMISSIONER: No, I think it was put that it was Mr O'Brien's responsibility to make sure they were put in.

10 MR HANLEY: Yes, thank you.

ASSISTANT COMMISSIONER: Thank you, Mr Hanley. Yes? Nothing else?. All right. Well, Mr Child, you're stood down but you will have to come back, as I understand it.

MS RONALDS: Just before we, sorry, I just - - -

20 At the time of your lunch on 19 October, did you consider you'd knocked off when you went to lunch or did you consider it part of your day?---Part of the day.

And why did you have that view?---Because we were still in our, as far as I know I was still in my work clothes and it was just a lunch every, Mr Romano invited me to many a lunches a cafes and things before and I didn't think it was anything different.

So in this instance, you thought it was just part of the pattern of social engagements you'd had with him in the past?---Definitely.

30 And then you usually discussed work?---Definitely.

And you just saw it as part of that pattern?---Yes, correct.

So would it be correct to say that when you provided the information to the secretary who filled out your timesheet, you did not do so thinking that you're providing false information?---Definitely.

Thank you.

40 ASSISTANT COMMISSIONER: Yes, thank you, Ms Ronalds. Yes, you can stand down.

THE WITNESS STOOD DOWN

[3.10pm]

MS RONALDS: I call Mr Issa.

ASSISTANT COMMISSIONER: Is Mr Issa here? Yes, you're Mr Issa?

MR ISSA: Yes, that's correct.

ASSISTANT COMMISSIONER: Mr Issa, you've been called here to give evidence. You are required to answer all of the questions asked of you, however you can seek to object and receive a direction under section 38. Do you understand the effect of that?

10 MR ISSA: Yes, I do.

ASSISTANT COMMISSIONER: Do you wish to seek the direction?

MR ISSA: Yes, I seek the direction.

ASSISTANT COMMISSIONER: Could you speak - - -

MR ISSA: I seek the direction.

20 ASSISTANT COMMISSIONER: Yes, could you speak up, please. Pursuant to section 38 of the Independent Commission Against Corruption Act I declare all answers given by this witness and all documents and things produced by him during the course of today's hearing 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. Now, Mr Issa, you're required to swear to tell the truth. Do you wish to swear on the Koran or the bible or make an affirmation?

30 MR ISSA: An affirmation, the Koran.

ASSISTANT COMMISSIONER: Have you got the Koran?

MS RONALDS: Could you tell the Commission your full name?---Ammar Issa.

And your occupation?---Construction team leader at Burwood Council.

And how long have you worked for Burwood Council?---Since July 2006.

10

And what's your current employment status?---I'm off on workers comp due to a back injury, due to a back injury.

And how, when was that back injury?---March 2008.

2008?---'08, yeah.

And so you continue to receive workers compensation payments at this time?---Yeah, I think it's only about 70 or 80 per cent of my pay.

20

And what sort of work did you do at the Council when you were working? ---Just normal capital works projects, concrete, footpaths, we used to pretty much do all aspects of Council works (not transcribable).

Is it correct that you were in Mr Child's team?---Yes, when I first started at Council, yes.

And were in someone else's team at some later date?---No, I was, after Steve took the position of supervisor role I applied for Steve's position and I got the job.

30

So you received a promotion?---Yes.

And when was that?---2007, I think. I was acting as team leader and then I think that position went up for application I think late 2007, 2008 I think.

And so you then became a substantive team leader?---Yes, that's right.

And that was the position you were in when you injured yourself?---Yes.

40

Now, you've been here for some time during the last week?---Yes, I have.

Now, on 13 September 2008, which was the day of the local government elections, what if anything did you do in relation to Burwood Council elections?---I was handing out how to vote Labor cards.

For Labor?---For the Labor Party, yes.

And where were you?---In Comer Street, it's a school, I think it's Christian Brothers.

And how was it that you were there on that day, how did that come about?  
---Steve contacted me the night before.

Steve Child you mean?---Steve Child, yeah.

10 Yes. And what did he say to you?---He asked me if I wanted to work tomorrow and you'll get paid for it - - -

Right?--- - - - and handing out how to vote Labor cards and I told him yes, he said I'll call you back, I just need to call Mr Romano and let you know where you need to go.

Right. And did he discuss with you about a uniform?---He told me not to wear Council uniform.

20 And prior to his call had anyone else approached you about giving out ALP how to votes?---Late Friday afternoon before we knocked off work the union rep, Wayne Moody I think it is, he came in and asked if anyone would like to volunteer, no one put their hand up, I didn't put my hand up.

So why is it that later in the day you were prepared to do it when you weren't prepared to do it earlier?---Because I was called and told by Steve pretty much.

Right. So you thought - - -?---I was asked, yeah.

30 - - - if Mr Child asked you to do something you had to do it. Is that right?  
---Pretty much, yes.

And did he say to you anything about Mr Romano in that conversation?  
---Yes, he told me Mr Romano needs two people for voters cards, hand out how to vote cards.

And was that part of your decision?---Yes, it was.

40 And was that a job you'd ever done before, hand out how to vote cards?  
---That's the first time.

And you're not a member of the ALP?---No.

And so you went to the polling booth. How long were you there for?  
---Four, five hours.

And before you went, on the Friday night before, did anyone from the ALP campaign headquarters call you?---No.

Did you have any conversation on the Friday night with Mr Faker?---No.

You know who I mean by Mr Faker?---Yes, I do.

He was then the Mayor?---Yes.

So he didn't call you?---No.

10 And did anyone call you saying they were calling on behalf of Mr Faker?  
---No.

And so you attended for four or five hours and gave out how to vote cards?  
---Yes, that's correct.

And did you see Mr Faker that day?---No, I didn't see him that day.

And did you see Mr Romano that day?---No, I didn't see Mr Romano that  
day.

20 Did Mr Child drop by?---No.

And was anyone with you who you knew from work?---Yes, Joe Saad.

All right. And was he there the same four or five hours as you?---I'm not  
too sure, I left before him so - - -

Right. And, and who told you you could leave?---I ended up leaving  
because I had my friend's wedding that day so I had to leave early.

30 Right. And when you got to the polling booth did you have to report to  
someone?---Well, I've, presumably because I was handing out how to vote  
Labor cards so I went, went to the Labor Party and spoke to, I think it was  
Joe, Joseph Tannous, I think and he told me what to do, how to vote, how to  
hand out our cards, where I can stand, where I can't stand and stuff like that.

And did he tell you what to say to people?---He was just telling me put, you  
know, Labor 1, you know, and other stuff and, you know.

40 Right. And that's what you did for the four or five hours?---Yes.

So what time did you start?---I'm not too sure, I can't really recall, maybe it  
was about - - -

You just have to keep your voice up a bit, Mr Issa, it's not a - - -?---I can't  
really recall what time I started.

Right?---It was early in the morning.

And did anyone pay you on that day?---No.

Were you paid subsequently?---I was paid after.

Right. And who paid you?---Steve Childs.

And how much did he pay you?---\$150.

10 And in what form was that, a cheque or - - -?---No, it was three \$50 bills.

And did he tell you what it was for?---He just told me it was for the day that you worked for Labor, handing out how to vote Labor cards.

So no one offered to pay you on the day?---No, no one offered me to pay on the day.

And no one from the ALP ever discussed with you a payment?---No.

20 In relation to the driveway, you'd agree that on 15 September, 2007 you went to Mr Romano's house?---Yes.

What were the circumstances that led you to go there?---Well - - -

That is, who spoke to you and when did they?---I was approached by Joe Giangrasso.

Mr Giangrasso you mean?---Mr Giangrasso.

30 Yes?---I was approached by him, he told me we got a job for the General Manager at his house and not to tell no one.

And what?---Not to tell no one about it.

Not to tell anyone about it?---Yeah, that was on the first occasion.

Okay. And did you say why me or do I have to do it or - - -?---No, I didn't say that, no.

40 And, why not?---I'm not too sure. He asked me, I'm, I was pretty close with Joe so he used to call me on occasion to go do some jobs with him on the side and I would go with him because I was pretty qualified at concreting.

Right. So that was out of working hours though?---That was outside of working hours, yes.

And so did you, did Mr Giangrasso tell you that this was a paid job?---At first he didn't mention nothing, later on he, he didn't mention anything about paid but I presumed that we weren't going to get paid.

Sorry, you'll have to speak up?---I, I presumed that we weren't going to get paid.

You weren't going to get paid. Why did you presume that?---It was for the General Manager.

10

Right. And did anyone, did Mr Romano ever offer you any money?---No.

Did you ever ask Mr Romano for any money?---No.

Did you have any sort of independent relationship with Mr Romano before this day?---I met him a couple of times on site when we were working on Railway Parade, he would come down very frequent as it was around the corner from the Council Chambers.

20

Right?---And, yeah, I met him on site a couple of times.

Have you ever had coffee with him or lunch with him?---We've had lunch.

Apart from the - - -?---Oh, apart from that, no.

Apart from the lunch at Il Buco, have you ever, had you been to coffee with him before?---No.

30

So would you agree that you wouldn't describe yourself as friends?---No.

You didn't know him very well?---I didn't know him very well, no.

So Mr Giangrasso asked you to join in the work and did he give you the address?---No.

Who gave you the address?---I was picked up in the morning.

Right. So no one gave you the address?---No one gave me that address, no.

40

Who picked you up?---Steve Child, Mr Child.

Right. So Mr Child collected you in the morning?---Yes.

At what 6.30 or so?---I think it was about 6.30, yes.

And drove you to an unknown destination?---No, we drove to Joe's house and then from Joe's house we all left together.

Right. But you understood that you were going to Mr Romano's private home?---Yes. That's correct.

And when you arrived you saw Mr Romano in the morning?---Yes.

Did he come out and speak to you?---He said good morning.

So he was there was he when you arrived or shortly thereafter?---Yeah. No, he was there when we arrived.

10

And did he bring you out coffee's?---No. I couldn't eat or drink that day, I was fasting.

You were fasting for Ramadan?---Yes, that's correct.

All right. So the discussion about lunch and things doesn't include you does it?---Yes. That's correct.

20

No. And so what happened during the course of the day? Do you recall?  
---Oh, yeah, I do recall it. We started work - - -

And so, let me just stop you there?---Okay.

We as Mr Child, Mr Giangrasso?---Mr Child, Mr Giangrasso at first. Shane was just standing aside until we got everything ready and so he can start - - -

Mr O'Brien?---Mr O'Brien, yeah.

30

And you knew Mr O'Brien before then?---Yes, I've worked with him many, on frequent occasions in Council.

Right. And is he a particular friend of yours?---I wouldn't classify him as a friend. I know him through work.

Right. And he was there?---Yes, he was there.

So he was on the side for a while and then he used his excavator - - -?  
---Yep.

40

- - - to pick up the old driveway?---Yes. That's correct.

And you were all working on that process?---Yes.

And was Mr O'Brien there during the course of the entire day?---No.

Do you recall what time he left?---I can't really recall what time he left, but he didn't stay there the whole day. He left probably mid morning.

Right. And he wasn't there by lunchtime?---No, he wasn't.

And you're sure about that?---Yes, I'm positive.

And so after that, after the old one was picked up, then you laid down the formwork - - -?---Yes. We prepared it all, laid the, laid the steel.

And the concreters came?---And the concrete came, yes.

10 And you did - - -?---Yeah, we done what was necessary to do.

What was necessary?---Yes.

And what time do you say you finished?---It was late afternoon. I can't really recall what time.

Right. And you then left - - -?---And went home.

20 And Mr Child dropped you home did he?---Yes. That's correct.

And you didn't travel with Mr Giangrosso to the depot to dump the rubbish?---No.

Or the spoil?---No. I stayed behind (not transcribable)

So you stayed on the premises all day?---Yep.

And were you there when Mr Romano served lunch?---Yes.

30 But you didn't participate because you were - - -?---No. He asked me, but I told him I can't 'cause I'm fasting for Ramadan.

You're fasting?---Yes.

And you did go to lunch on 19 October, 2007?---Yes. If that's the date, I don't recall what date it was.

Right. But you remember a lunch at Il Buco?---Yes. That's correct.

40 And what was your understanding of the purpose of the lunch?---As a payment for the driveway that we done at Mr Romano's house.

And why did you attend that lunch?---Because I was invited.

And who invited you on your understanding?---Steve told me we got an invitation from Pat to attend a lunch as a gesture, as a thank you.

And did you see that as part of your work duties?---No.

So did you see that you were taking time off, effectively?---If you say that, yes.

Well, no, how, I'm asking you - - -?---Yeah. It would be pretty much time off.

And the others were drinking alcohol?---Yes.

10 You weren't?---No.

You don't drink alcohol. Is that right?---Oh, sometimes.

But you didn't on this occasion?---No, I didn't.

Do you remember what time you arrived?---I think it was about 12.30, 1 o'clock we arrived there.

20 Would you remember what time you left?---Oh, it was well past Council finishing time. I can't recall.

And were you the designated driver?---No. I had no license at the time.

Oh, right. Now you completed, can the witness be shown Exhibit 63, please. You completed a timesheet in relation to the day. And you'll see, if you look at - - -?---Which time am I looking at?

You see the second Friday?---The second Friday, yes.

30 It has you working eight hours. What's your normal starting day?---7.00 to 3.00.

Right. And how does your worksheet, how does this timesheet get completed from your perspective?---How does it, how do they know - - -

Mmm. How do they know what to put on it?---I fill out a day sheet.

You fill out a day sheet?---Yeah.

40 Because that's got you down for Friday and then it's got you overtime, that overtime would've been done the night before wouldn't it?---Sorry?

If you run down, see the last, the second Friday is the 19<sup>th</sup>?---Yep.

And you see it's also got (not transcribable)?---Oh, this is, this is the wrong one. This is Joe Giangrasso's, sorry.

No, just, sorry, look through the next one?---Oh, okay.

See your name is on the top of that one?---Yep. There we go.

You see that?---Overtime.

Yes. It's got night work?---Yes.

Would that mean you'd done it on the Thursday night and Friday morning or the Friday night and Saturday morning?---I think that would, I'm not too sure how they do the night work 'cause I'm not - - -

10

But you don't recall going to do a nightshift after you left lunch?---No.

No. It would've been the night before?---It must've been the night before.

But you don't fill these out. Do you check them?---Well, on this occasion I didn't check it 'cause my signature's not down the bottom.

No, usually they're signed aren't they?---Yes.

20 Usually you sign them?---Yes.

But this one you'll see it's got Mr Macpherson's signature on it?---I'm not too sure if that's Mr Macpherson's signature, but - - -

But his, he was then the supervisor of the depot?---Yes.

But you normally sign it, but this one's not signed by you?---No.

And that would be unusual?---Yeah, pretty unusual.

30

Would it be that you fill out the sheets and then somebody in the office compiles this on the computer?---Yes.

And then it's the practice that it's normally give back to you for you to sign off?---Yes.

But you haven't signed this one?---No.

I have nothing further, Assistant.

40

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

MR BLAKE: Just very briefly, Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr Blake.

MR BLAKE: Mr Issa, on the occasion that went to Mr Romano's home on Saturday, 15 September, you asked to do that Mr Child was it?---Mr Giangrasso spoke to me first.

He spoke to you first and Mr Child also spoke to you about going?---I think we just arranged a time so he could pick me up.

Right. And you say you were there the whole day?---Yes. That's correct.

10 And, and Mr Child, was he there the whole day or not?---Yes.

All right. And Mr Giangrasso, he wasn't?---Mr Giangrasso just left to dump the concrete, the waste and then came back.

All right?---But he was there the whole day, yes.

And it was Mr O'Brien had a whole day too?---No.

20 You could be mistaken about that couldn't you?---No, I can't.

I suggest to you Mr O'Brien was there until after lunch?---No, he wasn't.

And he was present during the lunch?---No.

Thank you. Nothing further, Commissioner.

ASSISTANT COMMISSIONER: Thank you, Mr Blake.

30 MR McILWAINE: Commissioner, I have a question, if I could come forward?

ASSISTANT COMMISSIONER: Yes, Mr McIlwaine.

MR McILWAINE: Mr Issa, I just want to ask you some questions about the involvement of Mr Shane O'Brien on the day this work was done on the driveway at Mr Romano's?---Yes.

40 Firstly, was Mr O'Brien there when you arrived?---We left Joe Giangrasso's house or Mr Giangrasso's house, we all left from there and went to Mr Romano's house.

And was Mr O'Brien there when you arrived or did he arrive later?---No, he was there.

He was there already?---Yeah.

And he had his, had his excavator - - ?---Yeah.

- - - and his truck?---Yes.

And he was involved in removing the existing driveway. Correct?---Yes, that's correct.

And then he left the premises of Mr Romano with Mr Giangrasso in Mr Giangrasso's truck. That's correct, isn't it?---Yes, if I can - - -

With concrete which was taken elsewhere?---Yes.

10

Correct?---Yes.

And Mr Giangrasso and Mr O'Brien returned?---Yes.

Correct, and then Mr O'Brien packed up his equipment onto his vehicle and left. Is that correct?---Yes, that's correct.

Mr O'Brien?---And that's all Mr O'Brien did on this day?---Yes, that is correct, yes.

20

And so he left, I think on your evidence, some time mid-morning?  
---Mid-morning, yes.

Okay. So it would be wrong to say that Mr O'Brien had the supervision of the work that was going on on that day, that, that's the situation, isn't it?  
---Sorry, can you repeat that?

Perhaps I'll ask another way. It was Mr Giangrasso or Mr Child who were in charge of what was happening on that day. Would you agree with that?

30

---Yes, that's correct, yes.

And it would be wrong to say that Mr O'Brien was in some way in charge of what was happening in that day other than in relation to removing the existing driveway. Correct?---Yes, Mr O'Brien just had to excavate the driveway and that's it.

That's it, thank you?---It was done by orders from Joe Giangrasso.

Mr Giangrasso was telling Mr O'Brien what to do, was he?---What to do, yes.

40

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes, Mr McIlwaine.

MS RONALDS: And you didn't consider yourself working for O'Brien on the day?---No, I didn't. I was working for Joe.

And have you ever done any work for Mr O'Brien out of hours - - -?---No.  
- - - out of hours, extra time?---Never.

ASSISTANT COMMISSIONER: Thank you. Can, is Mr Issa coming back?

MS RONALDS: Yes, he's returning, yes.

10 ASSISTANT COMMISSIONER: Yes, Mr Issa, you are excused for the time being but you're stood down until you're required again?---Okay.

Thank you?---Thank you very much.

**THE WITNESS STOOD DOWN**

**[3.32pm]**

MS RONALDS: We call, we call Mr Romano.

20

ASSISTANT COMMISSIONER: Mr Romano, take a seat please. Mr Romano, you're still under oath and the section 38 declaration I've made before applies to your evidence today as well.

MR ROMANO: I understand, thank you.

ASSISTANT COMMISSIONER: Thank you. Yes, Ms Ronalds.

MS RONALDS: Mr Romano, from late 2006 onwards I suggest to you you developed a personal relationship with Mr Joe Giangrasso. Would you agree?---No, that's not correct.

10 And you discussed various issues with him at various times, various sorry, I'll withdraw that, various work issued with him at various times?---I did have discussions with Mr Giangrasso from time to time.

Well, how would you describe the relationship in late 2006, early 2007?  
---I would describe it as a purely working relationship.

Did you have coffee with him?---I don't recall having coffee with him in 2006 and 2007.

20 There was a time when you and your wife and Mr Child and his wife and Mr Giangrasso and his wife all went out to dinner. Do you recall, is that correct?---It is correct, yes.

And when was that?---I can't recall but it was an invitation as a Christmas dinner and get together.

So - - -?---So it must have been around Christmas but I'm not sure when.

You don't remember what year?---No.

30 2007?---Look, I'm not sure. It did happen but I'm not sure.

Well, as I understand the course of the relationship by December 2008 there had been a disintegration in the relationship, would you agree?---There was disagreements, yes.

So if there was to be a Christmas dinner it would be more likely to be 2007, wouldn't it?---It would seem so, yes.

40 And I'd suggest to you you developed a relationship whereby you trusted Mr Giangrasso. Would you agree?---No, I wouldn't agree with that, no.

And by August 2007 you thought that the relationship was sufficiently developed that you could ask him to do you a favour, would you agree?  
---No, that's not correct.

And you thought that he wouldn't cause you any trouble. Would you agree?  
---No, that's not correct.

And that he was loyal to you?---I don't believe that is the case, no.

And you had a conversation with him about a certain matter whereby you asked him not to tell anyone about it. Would you agree?---No, I disagree with that entirely.

10 And over time, that is from 2007 onward, you developed a relationship with Mr Child, Mr Steve Child, would you agree?---I did work, did have a working relationship with Mr Child at that time, yes.

And during the course of 2007 and 2008 it became a friendship, didn't it?  
---I would say that I'd developed a closer relationship with him during the 2008 period, particularly the early part of 2008 and I would talk - - -

Well, when you use the term, I'm sorry, I didn't mean to cut you off?---I would, I would call him a friend but not a close friend.

20 When you use the term "personal relationship" what do you mean by that?  
---We would talk about social activities that he or I might have been involved with at the time so I would call a working relationship purely a relationship that we'd have dialogue relating to work only.

Right. So you did, at some stage, develop a personal relationship with Mr Child?---I think I had a friendship with him, yes.

And what circumstances was it that that developed?---Mainly his interaction with me over that period of time, it became quite frequent.

30 Would you agree with me it would be unusual, in the usual course of events, for the General Manager to have a personal relationship with a supervisor in the depot unless there was some family or social connection separate from work?---Well, I, I don't agree with that. I mean, I don't know - - -

And then - - -?---May, may I - - -

40 No, I just asked you whether you agreed or disagreed with the proposition and you've disagreed with it, thank you. Would you agree that on occasion you had coffee with Mr Child?---Yes.

And you had breakfast with him on occasion?---On occasions, yes.

During the course of 2007 and 2008, would you agree?---No, I don't believe that it would have occurred throughout 2007 but definitely throughout 2008.

And you had lunch with him on occasion?---Yes, that's true.

And you had him in your office where you had discussions with him?---Yes, that's true.

One on one?---There may have been occasion for that, yeah.

And you trusted him, didn't you?---Absolutely.

You understood that Steve Child was a hard worker, wasn't he?---I thought he was an exemplary worker.

10

And you knew that he encouraged his team to work hard as well?---They delivered results so I would assume that he managed them fairly well, yes.

And you knew that during 2007 and 2008 he had been putting in a substantial amount of overtime?---I became aware of Mr Child's overtime volume in about mid-2008. I wasn't aware of it prior to that.

On 18 November, 2008 you said in an email that you had developed a personal friendship with Mr Child?---Yes.

20

And if I can just show you this document. This is an email from you, isn't it?---Yes, this is an email from me, yes.

And that's saying why you say you can't have anything to do with looking into the Ristevski complaint against Mr Child - - -?---That's right.

- - - that you had, you called it an acquaintance with Mr Ristevski and a personal friendship with Mr Child?---Yes, I, I did have an acquaintance with Mr Ristevski and I also had a personal friendship with Mr Child, that's correct.

30

But the personal friendship with Mr Child grew only out of work, didn't it? ---Well, I, as I said earlier, it grew over a period of time and it started off as a work-relationship and grew into a more social friendship.

So you say it was more than just a work related friendship where you discussed sport, et cetera?---We, we discussed social issues, yes, but we never socialised together.

40

Well, we traversed once when you did?---Well, only the one dinner.

That's with your family but it's true, is it not, that you had lunch on a number of occasions?---They were work related.

And you discussed things other than work during those meals?---Well, I don't recall, we may have.

Well, what do you say gave it the criteria to be described in November, 2008, to be a personal friendship?---Well, if I recall this issue specifically, there was a dispute between the two people. I felt that I was conflicted. I didn't feel that I was in a position to arbitrate between the two. Both of them at the time had called me individually.

10 I'm sorry to interrupt you, Mr Romano, but that in entirely unresponsive to the question. Could you please listen to the question and do the best you can. In November, 2008, when you described your relationship with Mr Child as personal friendship, what criteria did you apply to give it that label?---Only that we had had over the course of that year occasions to talk about many social issues.

Thank you. If I could tender that email.

ASSISTANT COMMISSIONER: Yes, that will be Exhibit 64.

20 **#EXHIBIT 64 - EMAIL FROM PAT ROMANO TO PETER MACKLIN DATED 18/11/2008 SUBJECT: S CHILD MATTER**

MR RONALDS: Now, in relation to the driveway at your home, do you agree, if we can cut it down, that Mr Child attended on 15 September, 2007 and performed certain duties on your, to construct a driveway at your home?---He was there on that day but wasn't there all day.

30 Was he there, did he do any work?---He was there. I'm not sure if he did any work because I wasn't there all the time.

So you didn't ever see him do any work?---Saw him around but I don't know that I saw him doing any work.

Well, what reason would he have to be there if he wasn't doing any work? ---When he first arrived he told me that he was just introducing me to Mr O'Brien.

40 Excuse me for a moment, I just have to check my notes. See what I suggest to you, all right, we'll started to make it short but we'll go the long version. You approached Mr Giangrosso in August, 2007 and told him that you wanted a driveway constructed at your home, would you agree?---No.

And you asked him not to tell anyone about it, would it agree?---No, that's, no, that's not correct.

And you asked him to speak to Mr Child about it and he and Mr Child to organise it - - ?---No, that's not correct.

- - - would you agree? And Mr Giangrasso then spoke to Mr Child and Mr Child spoke to you, would you agree?---No, that's not correct.

And so what's your version? You spoke to Mr Giangrasso and asked him to do it?---No, that's not correct.

That's not yours, sorry?---No.

10 I've completely misunderstood your version of the world. How do you say that it happened that on 15 September these four men were outside your front door?---Some time before 15 September I had discussions with Mr Child. I said that I received a quote, not then, but some months earlier from Canada Bay council regarding my driveway. I said to him that we were considering doing the driveway at that point in time. He said, "Well, would you want me to give you a trades friend of mine that can do the work for you" and I said, "Yes".

20 See, I suggest to you, Mr Romano, that's entirely invented by you, isn't it? ---No, that's not true.

That is not the sequence of events, is it?---No, that's not true.

You approached Mr Giangrasso and then you approached Mr Child and you asked them to construct a driveway for you, would you agree?---No.

And you did so with the clear intention of never paying them for the work they performed, would you agree?---That's not true. I did pay them.

30 And you didn't ever pay them, did you?---I did pay them.

And it simply isn't true, is it, that Mr O'Brien was ever the contractor for the position?---My understanding and my discussions with Mr Child was that Mr O'Brien was to do the work from beginning to end.

Simply not how it happened, is it, Mr Romano?---Well, it is in my recollection of events.

40 Mr Child told you that they would turn up on 15 September and lay the driveway, do you agree?---He did tell me that, yes.

And prior to that Mr Giangrasso had attended at your house in August on one Saturday and assessed the job, hadn't he?---That's not correct.

And he spoke to you when he was there, didn't he?---No, that's not correct.

Well, you never had a conversation with Mr O'Brien prior to 15 September when he stood out the front of your house and gave you a quote on the job, did he?---I had never spoken to Mr O'Brien prior to the 15<sup>th</sup>, no.

So would the answer be, that is correct, you never stood out the front of your house and discussed the driveway with Mr O'Brien prior to 15 September, 2007?---Yes, yes, that's correct.

And you'd never received a written quote from Mr O'Brien?---That's correct.

10 Or O'Brien Constructions or anything in writing or by email that indicated that Mr O'Brien was providing a quote for the driveway, had you?---That's correct.

So I'd suggest to you that that, you had never seen that because Mr O'Brien had, would, had never turned his mind to the cost of the driveway or provided any form of quote, would you agree?---No, I don't agree, that's not what Mr Child had told me.

20 Mr O'Brien was there purely for one task only and that was to excavate the old driveway, would you agree?---No, I don't.

And that's all he did on the day, isn't it?---No, I disagree.

And what happened was, they turned up at 7 o'clock at set to work, would you agree? Mr Child, Mr Giangrasso, Mr Issa and Mr O'Brien?---I couldn't tell you when they arrived because I didn't see them but it would've been in around that time.

So you didn't hear them arrived?---Not from what I can recall, no.

30 You made them coffee when they arrived or shortly thereafter?---Some time after, yes.

See, you knew prior to their arrival who was going to turn up on the day, didn't you?---I was completely unaware as to who was going to turn up on the day other than Mr O'Brien.

40 It was no surprise to you when you walked out to the front of your house and saw Mr Issa, Mr Giangrasso and Mr Child there, was it?---It was a surprise actually.

Well, why did, did you send them home?---No, I didn't.

Why not?---The work had commenced. By the time I'd gotten outside they - - -

So?---Well, I didn't want to have a dug up driveway and not be able to get into my home. I don't think anyone would want that.

Well - - -?---And when I - - -

As I understood it, you claim to be concerned that they had secondary employment without permission?---I was concerned about that, yes.

Well, why didn't you tell them to go home till it could be sorted out?  
---Because I didn't want to have a driveway half excavated left open in front of my home.

10 Shortly after 7.00am no excavation had commenced, had it?---I, I can't recall. I don't - - -

Well, there was some preparatory work to be done, would you agree?---I, I don't know, I wasn't there.

See, what I suggest to you is this. You were well aware of who was there before Mr O'Brien and the others commenced the excavation work, would you agree?---No.

20 And that when you first became aware that they were there, not any hole had been dug, no concrete had been turned, would you agree?---I don't agree and my driveway at the time wasn't concrete.

Well, something was removed from it, wasn't it?---It was oil and some old bricks.

Something was removed from it, wasn't it?---I thought I'd just answered. It was some spoil and some old bricks.

30 And it was removed from there?---Absolutely.

And I'm suggesting to you that when you walked outside and you became aware that Mr Child and the others were there, nothing had been removed from it, had it?---No, that's not correct.

And you - - -?---they had started the work. I, I mentioned that earlier. They had substantially started the work. Mr O'Brien was in the excavator and he was excavating out the area that was to be the driveway.

40 Sorry, is your serious evidence to the Commission that there was an excavator outside your house and you didn't hear it?---Our house is quite deep into the block and it's set back from the front of the block. I did not hear the truck arrive and I did not hear them removing the excavator from the truck. In fact, if my memory serves me well, I believe Mr O'Brien's truck was on the other side of the road and some metres away from the front of my home. So it's, it's quite possible that I wouldn't have heard that or anyone in the home would've heard any noise.

I'm not talking about anyone else in the home, Mr Romano?---Well, I didn't hear the noise.

Are you aware of the noise that a concrete saw makes?---Yes.

10 And is it your serious evidence that you didn't hear a concrete saw operating at your driveway before you knew they were there?---Well, I don't believe that the concrete saw had been operated at that point in time. It was about, I think about 8 o'clock by the time I'd gotten out there and they were excavating, not cutting with a concrete saw. That I believe occurred later on.

And is it your serious evidence that Mr O'Brien was driving an excavator out the front of your house and you didn't hear it until after you walked out the front door?---Yes.

20 Well, if it was only Mr O'Brien driving the excavator, you knew that he wasn't a Council employee?---No, I didn't know Mr O'Brien so, you know, and I knew that he wasn't an employee, yes.

So he could've kept excavating, couldn't he?---I suppose he could've.

And you could've sent the others away?---I suppose in hindsight I could've, yes.

But you didn't?---No, I didn't.

30 And I suggest to you the reason you didn't was because you well knew before 15 September who was going to be out there and who was going to be doing the work. Would you agree?---Assisting counsel, no, I don't agree with that. And I did explain my reasoning for it.

You see prior to 15 September, Mr Giangrasso spoke to you didn't he, and told you that he needed certain equipment which he didn't have?---No, that's not true.

And you told him to get it from the depot in effect?---No. That's absolutely not true.

40 And that's what he did?---I wouldn't know that.

And what I'd suggest to you is that the waste material was loaded into the back of Mr Giangrasso's truck. Did you see that happen?---I don't recall seeing the loading into the truck, but it could've happened, yes.

And when, it was discussed between you and Mr Giangrasso in the presence of Mr Child what was to happen to that material, you directed them to take

it to the Council depot. Would you agree?---No. That discussion never happened.

And that you were well aware at all stages during the course of the Saturday that there was Council equipment being used on your drive. Would you agree?---No, I don't.

10 And you well knew that during the course of Saturday morning the waste from the driveway was taken to the Council depot and deposited by Mr Giangrasso. Would you agree?---No.

And that he did that in the company of Mr O'Brien and you were aware that Mr O'Brien went as well. Would you agree?---I'm not aware as to whether Mr O'Brien accompanied Mr Giangrasso. But I am aware that there were two trucks operating that day. And Mr O'Brien was oscillating between both trucks and also the excavator.

20 And after they returned, that is Mr Giangrasso and Mr O'Brien returned from dropping off the waste, Mr O'Brien left. That is he put his excavator on the back of the truck and he drove off from your street. Would you agree?  
---No, I don't because he was there for lunch. And I know I gave him a bread roll with a sausage and also with a steak in it.

What I'm suggesting to you is that that is wrong, a wrong recollection. Would you agree? And that Mr O'Brien was not present at, by lunch time?  
---No, I disagree.

What time do you say lunch was then?---I would've been about 12.30-ish.

30 I suggest to you that by 10.00 or 10.30 Mr O'Brien had reloaded his excavator on the back of his truck and left your street. Would you agree?  
---I don't agree.

Now, some, would you agree that some material was delivered to your place during the course of the day?---There was, well there was material of sorts delivered on the day, yes.

And do you agree some, some steel was delivered?---Yes, I agree with that.

40 And, just bear with me. And you paid, you were present when that occurred? When the steel was delivered?---I don't believe I was present, but I was aware that it was delivered shortly thereafter.

Well, I'm suggesting to you you were present and you provided a cheque to the value of \$100 to the person who delivered it. Would you agree?---No. I gave a cheque to Mr Child.

All right. And would you agree there was \$100 cheque noted on your cheque account of 17 September, that it is like that that relates to a cheque to pay for the steel?---Yes, definitely to pay for the steel. I notated on the cheque butt that it went to Croydon Park Hardware.

And do you hold that cheque butt with you?---I don't have it here right now, but my barrister and legal team do have a copy of that.

10 And can the witness be shown Exhibit 57. You also left a cheque did you not to pay for the concrete?---I actually handed that cheque to the driver of the concrete truck.

So you say you handed that?---Yes.

And you filled that out yourself did you?---Yes.

So you were present at least at that part of the day?---Yes. I was present throughout the day from time to time.

20 And you see this is a receipt made out to Joe Gian and you've heard the explanation for that?---Yes.

You don't doubt that's a receipt for the concrete delivered to you on that day?---It looks right, but I, I wouldn't be able to vouch for it.

Well, it's got your address hasn't it?---Yes. I'm saying it looks right. I believe it probably is, but if you ask me to swear on a bible, I couldn't do that.

30 Well, you've sworn on the bible (not transcribable) ?---Well, it looks like, it looks like the invoice and I did pay the amount to the concrete, yes.

And that's the company you've paid it to?---Yes.

You'd have no reason not to doubt that this was not a legitimate invoice would you?---No.

40 It's the amount - - -?--- I mean the truck was there, it had concrete on it. I, you know, I've had concrete delivered to my home previously. It looked very legitimate.

Okay. And the work was completed, would you agree, by about 3 o'clock that afternoon?---I couldn't be sure. I can't recall.

And then Mr Giangrosso, Mr Child and Mr Issa left. Do you agree?---I believe they would have, yes.

And before they left you had a conversation with them about how long it would take before you could drive on the drive?---No.

And then were witches hats out the front weren't there, to stop it, weren't there, to stop anyone driving on the drive?---There were barricades as well as witches hats, yes.

So is the answer to witches hats correct, yes?---I believe so, yes.

10 And those witches hats remained behind didn't they?---Yes.

And I'd suggest to you you were aware that those witches hats were Burwood Council witches hats weren't you?---No, I wasn't.

And you well knew when they were out there that that's who owned that property. Would you agree?---No, I did not know that.

20 And so do you say that they left and you had no conversation with them about how long before you could drive on the driveway?---No. I didn't talk to them. I did have a conversation with Mr O'Brien and also Mr Child some time earlier than that. With Mr O'Brien, I, I gave him some cash, it was about \$900, part payment for the work.

And I told him that once the work had been completed, the barricades removed, et cetera, that I would pay him the rest of the money.

I suggest to you that never happened did it? You never gave Mr Child \$900 for the payment for the work?---It wasn't Mr Child, it was Mr O'Brien.

30 ASSISTANT COMMISSIONER: Mr O'Brien.

MS RONALDS: Sorry, Mr O'Brien?---And it did happen.

We'll I'm suggesting to you it didn't and you've made that up. Would you agree?---No. I haven't made it up.

You well knew didn't you when the three men were standing there that they were Council staff?---I did know they were Council staff.

40 You knew that from the very beginning didn't you?---When I saw them out there, yes.

You never had any slightest misapprehension you were a bit confused and maybe it was someone who looked like Mr Child, but wasn't Mr Child?---I wasn't confused and I did have a discussion with Mr Child when I saw the employees - - -

I'm not asking you that. I'm asking you whether you were ever confused at all as to the identity of, of Mr Child, Mr Giangrasso and Mr Issa on the day?---I was not confused. No.

Thank you. Now what account do you say the \$900 that you've just described came from?---It wasn't an account, I had some money in my home and I used that money to pay them. They wanted cash. That was the arrangement that we had prior to the day.

10 So who did you make that arrangement with?---It was in a discussion I had with Mr Child.

So you say that, you'd said to Mr Child, "I'll pay you cash"?---No.

You understand that that - - ?---No, Mr Child suggested to me that Mr O'Brien wanted to get paid cash for the labour component of the work.

All right. And I'm asking you where the \$900 came from?---I had it in my home.

20

So you say that you already had that money, you didn't take it out of any account?---No, I always keep some small amounts of money in the home.

And \$900 is a small amount, is it?---Well, I, I have from time to time in the order of \$1500 in the home.

And so you, did you understand that the purpose of being, that you claim you understand that we disagree about that matter but that you claim the \$900, you knew if that was happening was so they could avoid income tax, was that correct?---I don't know what they do with their income tax.

30

Well, you - - ?---They, they asked, they asked to be paid cash. It's legal tender and I have a practice of paying tradesmen cash whenever they ask for it.

Well, do you understand that one reason why a person might want to be paid cash is so they don't have to declare it on their income tax?---I understand that but it's not what I understood on the day.

40 Well, what did you think was the reason they wanted to be paid cash?---I have no idea. That's something you'll have to ask Mr O'Brien.

Now, on 19 October, 2007, you took those who had worked on your drive out to lunch, would you agree?---Yes, that's correct.

And you did that as a thank you for the work they'd done on the driveway, would you agree?---No.

And that was the only reason that you took them out that day, wasn't it?  
---No, that wasn't the only reason.

Well, what do you say the reason was, Mr Romano?---Mr Child has been a very obliging employee. He proved to me that he was a very dedicated person in terms of the Council work that he did. No requests from me or any of the management team seemed to be difficulty for him but throughout the latter half of 2007 he proved that to me. Him and his team were able to deliver on, on urgent matters and also on matters that were on our budgeted and programmed agenda. I did want to thank him for the work on the Saturday, that's true, but I also felt that I wanted to show appreciation for generally the dedication to the job that he had.

There are 28 members of the team. Why weren't they all at lunch?---I was specifically looking at his team, not, not the rest of the depot. I do, from time to time, reward a number of people within the organisation. I told barbecues for the depot staff. I've had reason to give them hot cross buns at Easter, for example. I've also had occasion to have lunch with other members of the depot staff and indoor staff. I do it when I feel it's appropriate.

And that's all on your expenses account?---It's part of what I see as a business expense of Council. It's keeping the morale, keeping our people happy, showing appreciation that Council is a considerate employer and that we do care about it.

So it the answer yes?---Yes.

Thank you.

I note the time, Commissioner.

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

**<THE WITNESS STOOD DOWN**

AT 4.01 THE MATTER WAS ADJOURNED UNTIL 10.00AM ON  
TUESDAY, 30 MARCH, 2010 [4.01pm]