

MAGNUSPUB00605DOC  
30/03/2010

MAGNUS  
pp 00605-00662

PUBLIC  
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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION MAGNUS

Reference: Operation E09/0560

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 30 MARCH, 2010

AT 10.25AM

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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.

MS RONALDS: Poor Mr Blake thought I was going to fall on him a squash him.

MR BLAKE: No, no, I didn't. (not transcribable)

MS RONALDS: I'll just remind our friends that we're planning a little trip to Ireland at 5.00 this afternoon?

10

ASSISTANT COMMISSIONER: Yes. We're going on.

MS RONALDS: I call Mr Romano.

MR RODGERS: Assistant Commissioner, my name is Rodgers, R-O-D-G-E-R-S. I appear, I seek leave to appear for Mr Giangrasso.

ASSISTANT COMMISSIONER: Yes, Mr Rodgers. Yes, thank you, Mr Romano.

20

MS RONALDS: Now, Mr Romano, I'll just re-think for a moment. You say that in September, 2007, that, I think you've said you weren't friends with Mr Giangrasso. Is that correct?---He was a work colleague.

And you would have had, would you not, on occasion a reason to telephone him?---I probably would have, yes.

10

Why?---It probably would've been work related.

But why?---That was my style and, and management.

It was a long way from you in the hierarchy isn't he?---I would agree, yes.

And I'd suggest to you you had no proper reason to call him. Would you agree?---Well, no, I disagree. I would have had reasons to call him for work purposes. Yeah.

20

And I suggest to you that on 14 September, 2007, that is the day before the driveway was installed, you telephoned him twice to make arrangements about the driveway. Would you agree?---Well, I can't recall those calls.

Well, I'll just hand you this sheet. And do you see it lists four calls. There's two calls to Mr Child on 3 and 6 September, 2007. Do you see that?---Yes.

30

And you see the Friday, 14 September?---Yes.

There's a call at 8.52 for two minutes and twelve seconds?---Yes.

And you'd agree in telephone land two minutes and twelve seconds is a reasonably, reasonable length of telephone call?---Well, I suppose so, yes.

You can traverse a lot of things in that time can't you, in a telephone call?---Yes.

40

And you see that you started, and this is from the cell sites you started it at 8.52?---Yes.

At Russell Lea?---Yes.

And again that's from the cell site?---Yeah.

And then you had a second call at 9.07 for one minute and twenty nine seconds to Mr Giangrasso?---Yes.  
Do you see that?---Yes.

And I'd suggest to you that both of those calls were, were in relation to organising things for the driveway. Would you agree?---Well, no, I can't agree with that because I can't recall what the call was about. But it was my practice regularly to ring staff while I was traversing to work, in my car, on my mobile. That's something that I regularly did and continued to do right up until a few weeks ago.

10 You'd agree it's a possibility that the calls were about the driveway? Would you agree?---Well, I can't recall, so no, I disagree on that part.

If I can tender that sheet.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 65.

**#EXHIBIT 65 - LIST OF PHONE CALLS BETWEEN ROMANO,  
GIANGRASSO AND CHILD**

20

MS RONALDS: Now on Monday, 17 September, you had a conversation with Mr Giangrasso. Do you recall that, about the driveway?---No.

And you discussed with him the necessity to go back to remove the wooden formwork from around the concrete?---No.

And he advised you, did he not, that it needed some topsoil to fill in?---No.

30 And you told him to take the topsoil from the depot and to also topsoil the grass while you were there?---Absolutely not.

And in fact that's what happened, isn't it? He returned during Council time on 17 September and removed the formwork?---No.

Well, the formwork was there when you went to work, I'm sorry, I withdraw that. He returned after Council work time on 17 September, 2007, would you agree, and removed the formwork?---I don't know who removed the formwork.

40 Well, it wasn't the pixies, was it? Sorry, I withdraw that. It was there when you went to work?---Yes, it was.

And it was gone when you came home?---Yes, it was.

And did you not make any inquiries about who might've done it?---Yes. You'll recall yesterday I said to you that I rang Mr Child and we spoke about that over the phone.

So you thought Mr Child had removed it, did you?---No. Mr Child informed me that the boys had gone back and I don't know who the boys are, to clean up the site.

See, I suggest to you you well know that it was Mr Giangrasso and you directed him to use topsoil from the depot, didn't you?---No.

And you claim that you made a payment on the Saturday of \$900?---Yes.

10 And you claim you made a second payment, is that correct?---Yes.

And when do you say that was?---Some time the week after the driveway was constructed.

And who do you claim you gave that money to?---I passed the money on to Mr Child to give to Mr O'Brien.

And I suggest to you that that didn't happen. Would you agree?---No.

20 And where did you get that money from? Sorry, what was the amount of the second payment?---It was \$800 I think.

So where did you get that amount from?---As I said yesterday, I kept a small amount of cash in the home and that was the balance of the cash that I had.

So that meant within a space of four days you had expended \$1700 from the cash you had at your home?---That's right.

30 And I suggest to you that a review of your bank accounts show that you removed modest amounts of cash on a regular basis, would you agree?---I, I put money aside on a regular basis. They're small amounts. I also - - -

Mr Romano, I ask you please to listen to the question. Would you agree that your practice is to remove small, reasonable small amounts of cash from the ATM on a regular basis?---Yes.

200 or \$150?---Sometimes more.

40 And, well, in the previous period of some a month or six weeks prior to that, that was your pattern. Is that your standard pattern?---No.

200 or \$150?---No, not necessarily, no.

And so you say, do you, you accumulated the cash?---Yes, I did.

Out of those cash withdrawals?---No, I didn't say that. I was trying to explain when you interrupted me. It is my practice to put small amounts of money away. Occasionally on birthdays, my sons' birthdays, my birthday,

for example, I have family that give us gifts of cash and my practice e is to put that money away for whatever purpose in the future. Could be to buy a gift for the family or go away on a holiday or what not.

And I'm suggesting to you that you at no stage paid \$1700 to Mr O'Brien and Mr Child for the work on your driveway, would you agree?---No, I don't agree.

10 Now, your practice if you're taking staff members to lunch or to coffee is to claim it on your corporate credit card, isn't it?---If it's a legitimate business lunch or coffee, yes.

And that includes, for example, having a coffee with Mr Dencker who is your work colleague?---He's one of the directors that reports to me, yes.

And you think if you go and have a coffee with him that's an appropriate thing to claim on your corporate credit card?---If we're discussing business, absolutely.

20 And if you have lunch with people, you think that that's a proper thing to claim on your corporate credit card?---If we're discussing business, yes.

And we'll return to expenses later, but on your account of the lunch that you had at il Buco on 19 October, 2007, as I understand your evidence yesterday, you say that was a business lunch?---It was a show of appreciation for business work, yes, amongst other things.

30 On your understanding of how you're entitled to spend your corporate credit card, it was a business lunch, wasn't it?---I thought it was a legitimate expense, yes.

And I'd suggest to you that you well knew at the time that you went on that lunch that it was a personal business, would you agree?---No, I, I just said that I legitimately thought it was a business expense.

And you didn't think it was related to work. You at all times knew it was related to the installation of your driveway, would you agree?---No, I don't agree.

40 You see, you didn't claim that lunch on your business expenses, Mr Romano, do you recall that?---No, I can't recall whether I did or not.

Well, what I'm putting to you is you didn't claim it?---Okay.

And do you agree that if one reviews all your expenses you make a number of, a large number of claims for lunches, don't you?---I do meet with a lot of people, yes.

And this instance, now what I'm handing you is three pages. You'll see the first one finishes on 4 October?---Yes.

And then the third page in starts on 20 October and these are, you're familiar with these documents?---Yes.

These are the compilation of your expenses?---Yes.

10 And you'll see there's nothing there for the lunch on 19 October?---It's quite possible that I may have put it on the account that we have there at the Il Buco.

So it could be on the Il Buco account but wouldn't it - - -?---Could be.

- - - have then turned up somewhere?---Oh, look, I'm not sure how that's processed but I'm sure if it was it's on, it's on the accounting system somewhere. I may have paid for that account out of my own pocket that day, I'm not sure, I can't remember.

20 What I'm suggesting to you is you paid for it out of your own pocket because you well knew it was a private expense, would you agree?---Well, I can't recall so I'm not able to answer that question.

I tender that.

ASSISTANT COMMISSIONER: Yes, that will be Exhibit 66.

30 **#EXHIBIT 66 - BURWOOD COUNCIL DOCUMENT – SUBJECT: CHARGES TO CORPORATE CARD – GENERAL MANAGER – SEPTEMBER TO OCTOBER 2007**

MS RONALDS: Do you recall when the first article came out in the Sydney Morning Herald and immediately prior to that you'd had some contact with Ms McClymont?---Yes.

40 And you'd made certain claims to her?---I tried to respond to her questioning but she kept intervening.

And you said to her, didn't you, that you'd used private contractors on your driveway and you were not aware of any Council staff being involved?---No.

That's what you told her?---That was taken out of context.

I beg your pardon?---That statement was taken out of context.

What context do you say it was taken out of?---I was responding to her claim that I used Council staff on the units that we were involved with.

Well, I, sorry. I suggest to you that she was clearly, raised with you an issue about your driveway, didn't she?---She did also talk to me about the driveway, yes.

10 And what you said to her was that you'd used private contractors and you were not aware of any Council staff being involved?---No. As I just said, that was taken out of context but I did say to her that I used a contractor on the driveway.

But it would not have been correct, would it, for you to have said that, that no Council staff were involved?---Sorry, could you ask that question a little bit more clearly. What, in relation to the driveway or in relation to the unit?

Yeah, we're only talking about the driveway, Mr Romano, just so you're not confused?---Yeah.

20 It would not have been correct, would it, sir, for you to have said in relation to the driveway you were not aware of any Council staff being involved?---I think that would be a fair statement to say that there staff on the construction of my driveway on that day, yes.

So do you agree that it would not have been correct to say if you - - -?  
---Well, I didn't say that to Kate McClymont.

30 I understand you're saying that, Mr Romano, but I'm saying to you that if you had said that it wouldn't have been correct, would it?---Well, what I might have said is not relevant, is it? I did not say that to her.

So you deny that you said that?---I deny that I said that in the context of the driveway, yes.

Now, after the article was published you received correspondence, did you not, from the Canada Bay Council?---That's correct.

40 And the first document you received is a letter dated 12 May, 2009 from a Robert Zrilic?---Yes, I believe that's correct.

Well, after the article was published, did you contact the Canada Bay Council?---No, I did not.

And before, at the end of the process of putting in the new driveway, did you at any stage contact Canada Bay Council to make sure that the paperwork was in order?---No, I did not.

Why not?---It didn't occur to me.

I'll show you this letter. Don't worry about the beginning of the bundle, they're internal emails from, now don't worry about the rest of the bundle, just concentrate on the document that I've taken you to, if you wouldn't mind. Now you received that letter?---Yes, I did.

And it referred to didn't it a recent inspection in relation to illegal driveway works?---Yes.

- 10 And they were illegal as far as Canada Bay Council was concerned because there was no consent for the work to occur. Was that your understanding?  
---I would agree with that, yes.

And so it says a driveway application hadn't been submitted to et cetera, and it then attached a form?---Yes.

Now just turn to the next page and there's a completed form there. Do you see that?---Yes.

- 20 That's your handwriting?---Yes, it is.

And there's two pages?---Yes.

And you claim on the second page that in answer to your application approval, I do not know as contractor did not provide me with this information. Do you see that?---Yes.

And that wasn't a correct statement was it?---In my mind, I believe it is correct.

- 30 You see there was never responsibility on any so called contractor was there, to provide any information to Canada Bay Council. Would you agree?---No.

And you see then there's a certificate, you see there's a certificate of insurance?---Yes.

And a certificate of currency for worker's compensation?---Yes.

- 40 Where do you say you go these documents from?---I obtained them from Council files.

You did that without discussing it with Mr O'Brien?---That's correct.

And without his consent?---That is probably correct.

Well it's not probably, it is correct isn't it?---Yes, it is.

You took them for an improper purpose from the Council file. Would you agree?---In hindsight, it was an error that I made, yes.

Well, what does hindsight tell you about it, Mr Romano? You clearly had no authority to remove a copy of a document that had been provided to Burwood Council for a completely unrelated purpose did you?---I did not have that authority, you're right.

10 And you knew that at the time?---No. It was an error of judgement on my part.

You knew it at the time didn't you Mr Romano?---I made an error, yes.

You were trying to cover-up weren't you - - -?---I don't cover-up.

- - - now that you'd been, could you just please wait for me to finish. You were trying to cover-up the fact that you hadn't got permission from Canada Bay Council and that there was no contractor on the job. Would you agree?---No.

20

And that you well knew when you copied this from the Burwood Council file that you had no authority to do so. Would you agree?---Sorry, would you repeat that question?

You well knew when you photocopied this from the Burwood Council file that you had no authority to do so. Would you agree?---It didn't occur to me at the time.

30 Mr Romano, you're the General Manager of the Council. Is your serious evidence to this Commission that you seriously think you can go into a file and photocopy a document that's given to Burwood Council in good faith for one purpose and use it for your own private purposes unrelated to anything to do with Burwood Council?---When I make a mistake, I admit that I make a mistake. I was in error in taking those files and using it for this purpose.

40 And I'm asking you do you seriously want this Commission to believe that at the time you did it, you didn't know it was wrong?---It did not occur to me.

So the answer is yes is it?---The answer is that I made a mistake and I've admitted to making that mistake. And people do make mistakes from time to time.

Mr Romano, that's not what I'm asking you is it? I'm asking you how it is as the General Manager, you possibly could've conceivably thought that you had authority to do what you did?---It was an error.

And you knew when you were doing it that it was the wrong thing to do didn't you?---It did not occur to me.

Why didn't you just ring up Mr O'Brien if you thought he was really the contractor and ask him?---Given the newspaper articles and the tone in which they were set, I don't believe that I would've had any joy with Mr O'Brien. He was quoted and, and not named, but it was obvious who it was that he disagreed in relation to what happened at my home and the driveway. So there was no point in ringing him. But in hindsight, that's probably what I should've done.

You didn't try though did you?---No, I didn't. No.

Thank you. And if you'd like to just turn several, there's a couple of photos?---Sorry, Ms Ronalds - - -

It's not in your bundle?---There's no, no photos here.

Just have a look at the photos on the screen then would you please. They're photos you took?---Yes, they are.

And they're photos of the day, that you took on the day?---Yes, they are.

And then do you have your letter? Do you have a copy, I'm sorry, my bundle is obviously different to yours. I don't quite understand how this has happened, but, do you have a copy of your letter dated 16 May, 2009? No, well, it's not in my bundle. I'm sorry - - -?---I don't appear to have it.

Sorry, Commissioner, just bear with me a second (not transcribable). If I could show you this letter?---Yep.

That's your letter? You wrote that letter?---Yes, it is and - - -

Your signature down the bottom?---Yes, it is.

And I'd suggest to you that the statement in paragraph numbered 1 is not correct is it?---Yes, it is correct.

And the statement in paragraph number 2 is not correct is it?---Yes, it is correct.

And I'd suggest to you that O'Brien Civil Pty Limited did not undertake the driveway works on the Council's nature strip on 15 September. Would you agree?---No, I don't agree.

And that you had when you made those statements an intention to deliberately mislead Canada Bay Council about the process of the construction of the driveway. Would you agree?---No.

And that you well knew when you completed this letter that Mr O'Brien and his company had never been contracted to undertake the driveway work had they?---That's not correct.

And they'd never been undertaken or they'd never been contracted to complete the paperwork. Would you agree?---No, I don't agree.

10 Now do you recall that you made a series or three what were called protected disclosures in May, 2009 to this Commission?---Yes.

And there is one that relates to the construction of the driveway?---Yes.

And I'd suggest to you that the contents of that are false aren't they?--- Counsel, if I may see the statement and the area that you're referring to so I refresh my memory?

20 I'm just asking you to reflect on what your memory is of the statement at this stage?---I'm not able to do that without refreshing my memory.

Can you just tell me the circumstances in which this statement was created? ---It was my response to the articles that I saw coming out of the Herald.

And you did this in the company of your lawyers at Henry Davis York?---I believe so.

And they are your personal lawyers?---I'm not sure that I can answer that with a yes or no answer.

30 Well, that's what I'm trying to explore with you, Mr Romano. As I understood it - - -?---(not transcribable)

- - - Maddocks at that stage were engaged by the Council to respond to the Sydney Morning Herald allegations on behalf of the Council, is that not correct?---Yes, that's correct.

And you sought private legal advice, is that correct?---I sought private legal advice in my capacity as General Manager.

40 So you saw, did you, the article where it related to the driveway that somehow impinged on your capacity as the General Manager?---No, I saw the collection of the articles as, as issues that would impinge on my role as the General Manager and the reason why I sought independent advice was so that there wouldn't be a conflict between council business being acted on by Maddocks and my business as the General Manager representing Council.

Well, you see, I suggest to you that you had two quite different interests, didn't you? You had a personal interest in your reputation in maintaining your job as General Manager, that was one strand, wasn't it?---There were multiple strands to this. I don't think that we can simplify it by putting them into silos. They have to be looked at in the context of the overall issues.

10 Well, what I'm suggesting to you is there are two quite clear silos. One is there is your function as the General Manager and one is there are personal issues relating to what I will call your reputation and maintaining your position as General Manager, would you agree?---No, I don't agree. I think that both those issues are inter related and they, they do cross over into the business of Council. My reputation and my ability to do my job are very, very much of paramount issue in relation to the Burwood Council. My reputation could tarnish Burwood Council's reputation so there's a clear link and cross over between the two.

20 You see, what I'm suggesting to you is this. That the way you have handled the matter since the Sydney Morning Herald allegations were published is to blur and confuse the distinction between your personal interests and Council's interests, would you agree?---No, I don't agree. It's quite the contrary. It was my intention to ensure that the business of Council was kept intact and my ability to do my job for Burwood Council was kept intact.

And your ability, I'd suggest to you, to defend yourself personally has been of paramount interest to you, hasn't it?---Where it applies to the Burwood Council business, absolutely.

30 And your ability to defend yourself personally, I'd suggest to you, Mr Romano, has been one of your primary considerations, hasn't it? ---Mr Ronalds, I answered the question earlier by saying that there is a cross over between those issues. And, and - - -

And what I'm suggesting to you is there wasn't a cross over?---May I finish?

40 Sorry, I thought you had?---Well, I was in mid sentence, so if I can finish. There is a cross over between those two silos as you call them and in my opinion, with respect, they're very much inter-related and they do impact on the business of Council. I am, I am always motivated by the pride in my job and my pride in, in representing the Burwood community and that was as motivation.

Did you prepare a document in which you set out the different interests that you were looking at and considering?---I'm not sure what you're referring to. Can you show me something that I can look at to - - -

No, I'm asking you whether you ever set on paper the different interests and how you would deal with where there was a conflict if it arose between your personal - - -?---No.

- - - interests and the Council's interests?---Not that I'm aware of, not, not that I can recall.

10 And did you obtain any legal advice from Mr Gorry or anyone at HDY, sorry Henry Davis York about how to manage the difference between your personal interests and the Council's interests?---I, I'm not able to answer that. I can't recall.

So is the answer no you didn't or you can't recall?---I can't recall. That, that may have happened. I just can't recall.

20 So if I asked you to go and review the advices you'd received from Henry Davis York over a period of time, and you identified one, would you be able to advise - - -?---If I had the time to do that I could probably answer that question, yes.

Well, you've got all next week so perhaps you'll have time to do it them?  
---Okay.

Thank you. But the statement about the driveway was produced by Henry Davis York, is that correct?---It was produced by them with my assistance, yes.

30 And just for the record, I'll hand you this document. And you see that starts off, "My wife and I own a property"?---Yes.

And this one I suggest to you is the one about the driveway. You made three, didn't you, and this is the one about the driveway?---It was a collection of protected disclosures that were done individually but I believe submitted as a whole.

And someone gave you advice, did they, that they were protected disclosures?---I can't recall at this stage.

40 Well, do you recall why it's headed a protected disclosure?---Well, there was discussions but I can't recall the discussions at the moment.

And I suggest to you that the story as set out by you there in relation to the conversations between you and Mr Child from paragraphs 2 to 11 are false, would you agree?---No, but I have actually expanded on this statement since and if you'll allow me to refer to my most up-to-date statements I'm happy to elaborate.

No, Mr Romano, please if you would just listen to the question and it's a very simple question. I'm putting to you the conversations you set out between you and Mr Child between paragraphs 2 and 11 are false, would you agree?---I answered the question. I said, no, they are not false.

Thank you. If I could tender the document?

ASSISTANT COMMISSIONER: Yes, well, that will be Exhibit 68 and what about the previous in - - -

10

**#EXHIBIT 68 - STATEMENT OF KHALED AZER DATED 18 MARCH 2010**

MS RONALDS: The bundle, yes.

ASSISTANT COMMISSIONER: - - - the bundle.

20 MS RONALDS: If I could, I was just going to hold it back so we could fix it up.

ASSISTANT COMMISSIONER: Clarify it, all right.

MS RONALDS: Yes. I'm sorry, I don't know how that's happened.

ASSISTANT COMMISSIONER: The statement will be Exhibit 67.

30 **#EXHIBIT 67 - COPY OF PROTECTED DISCLOSURE OF PAT ROMANO**

MS RONALDS: We'll attend to the others over the morning tea adjournment. I've given my friends a bundle as it exists and if they want the other letter I can provide a copy if they need it for cross-examination purposes. I'm sorry, there's some discussion about whether the statement, the statement is 67 then, is it?

40 ASSISTANT COMMISSIONER: Yes.

MS RONALDS: Yes, thank you. I have nothing further at the moment.

ASSISTANT COMMISSIONER: Yes, thank, Ss Ronalds. Does anyone wish to examine the witness at this stage? He will be back.

MS HANLEY: Can I just indicate, I probably will want to ask him some questions but I'd seek to reserve that until (not transcribable)

ASSISTANT COMMISSIONER: Yes. All right. Well, if there's nothing at this stage you may stand down, Mr Romano, thank you.

<WITNESS STOOD DOWN

[10.57am]

10 MS McDONALD: Sorry, Commissioner. If I could just, my name's McDonald. I seek leave to appear for Mr Becerra and I anticipate that that, he may be called in the next, short while.

ASSISTANT COMMISSIONER: Yes, sorry, what did you say your name was?

MS McDONALD: Ms McDonald.

ASSISTANT COMMISSIONER: Thank you. Yes, you're given leave to appear for Mr Becerra.

20 MS RONALDS: If I could tender this statement from Khaled Azer and it relates to the identification of the documents that were, the two documents that Mr Romano has now identified as having been taken from the file, just about locating those and where he found them.

ASSISTANT COMMISSIONER: Yes, the statement of Mr Azer will be exhibit 68.

30 **#EXHIBIT 68 - STATEMENT OF KHALED AZER DATED 18 MARCH 2010**

MS RONALDS: And I tender a bundle of documents that relates to the establishment of Befaro Pty Limited as it's the incorporation certificate and the related documents plus some, it's just the formal documents establishing the setting up of the company.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 69.

40

**#EXHIBIT 69 - BUNDLE OF DOCUMENTS REGARDING BEFARO PTY LTD**

MS RONALDS: I call Mr Giangrasso.

ASSISTANT COMMISSIONER: Yes, Mr Giangrasso, you remain under oath and the section 38 declaration applies.

MS RONALDS: Thank you, Commissioner.

Now, Mr Giangrasso, do you recall having a conversation with the then Mayor, Mr John, sorry, he wasn't the then Mayor, the former Mayor Mr John Faker in 2009?---Yes, I do.

10 Now prior to that conversation did you have any sort of relationship with Mr Faker?---Not really, no.

Had you met him?---Yes, several occasions.

At functions?---Functions, events. His parents actually live across the road from my parents.

Oh, right?---And his father's had a shop at Croydon for 20, 30 years so I know him through that sort of way, yeah.

20

And so you're a local Burwood boy, are you?---Yeah, you could say that, yeah.

And do you recall having a conversation with him when Mr Child was also present?---Yes, I do.

And do you recall when that was?---No, not at all.

Was it after some articles were published in the Sydney Morning Herald?  
30 ---I think it may have been, yes.

And how was it that you were present at that conversation?---Steve Child gave me a call because that club is basically one street away from where I live.

Right. And he said he was there, did he?---He was there with John Faker and if I wanted to come around for a drink (not transcribable).

So it hadn't been organised between you and Mr Child that he was going to be there?---No.

40

It was a spontaneous contact?---Well, I'm pretty sure it was, yes.

And what did you, do you recall what the discussion was when you arrived there?---No but I spoke on what had happened to me basically.

And I think that this conversation was early May 2009 and did you tell him that you were upset about what had happened to you at Council?---Yes, I did, yes.

And did you ask him to do anything for you?---I can't recall that, no.

And did he say he'd do anything for you?---I can't recall that either.

10 Right. But you weren't expecting anything from him, you weren't - - -?  
---No, not really.

You didn't think he'd be able to solve your problem?---No, definitely not.

And he wasn't Mayor at that stage?---No.

So you were just providing him information about what had happened to you?---Correct.

20 And could the witness be shown Exhibit 63 please.

Now, I'm not sure if yours is in the same order as mine so you'll see that there's a couple of timesheets there and if you look up the top you'll see one of them is in your name. Could I ask you to turn to the one in your name?  
---I've got it.

Now what's the process you say that these timesheets are produced? You don't do them on the computer yourself?---No, I don't even know how to work a computer so - - -

30 And you don't have an email account at work or when you were at work?  
---No, no, I don't.

You don't email, you don't send or receive emails at work?---No.

And you don't have a computer at work?---No.

You don't have a desk - - -?---No.

40 - - - that has a computer on it?---No.

So that's not the sort of facilities you were afforded by your work?---That's right.

And so you don't, this is, appears on the face of it to be a computer generated document so you don't produce it?---I don't produce it, no.

And what do you understand happens to produce it?---I give a daily account of what I do. At, at that time it was Stephanie King.

And they're call run sheets, are they or - - -?---Daily worksheets.

Right. And do you complete those on a daily basis?---On a daily basis.

At the end of each day you just jot down what you've done - - -?---Yeah.

- - - and the sort of hours you might have spent on particular - - -?---On particular jobs, yeah.

10

And they are given to Stephanie King, now she's the secretary at the depot or was the secretary at the depot?---That's correct.

And do you hand those to her on what a daily, weekly, monthly?---It all depends, sometimes I've, I might have kept them in my file for two, three days and then handed them in or she would badger me Joe, you haven't handed them in or whatever but mostly on a daily basis, yeah.

20

And is it correct that you start in the depot every morning and finish there every afternoon?---That's correct.

And that you all meet there at 7.00, is it?---7.00am.

And you're told what you're going to do that day?---Yes.

Or you know because it's a continuation?---Well, I know because, well, most of my jobs were capital works programmes so they were large works so I knew what to do, what do get, what to organise and - - -

30

Right?--- - - - and we just went and done it.

And so you'd then - - -?---If there was any changes they would let me know or they would come and see me.

And you would then return at, what, half past 2.00 or so to pack up and clean up?---Thereabouts, yeah.

And be ready to leave at 3.00?---Correct.

40

Unless you were working overtime?---Unless we were working overtime.

And if you worked overtime that's recorded on your daily worksheet as well?---That's correct.

And so you'll see this document isn't signed, is it, by you, it's signed by Mr Macpherson but it's not signed by you, do you see that?---Yes, I do.

Is it your practice to sign these fortnightly timesheets?---Well, it should be, yes.

Yeah. So this would be unusual that it's not signed?---Not necessarily, no.

But it requires someone to give it back to you. Do you check it or do you just sign it off?---I check it before I sign it off.

10 And you check it because it relates to the overtime you're going to be paid?  
---Or even just the normal ordinary hours to make sure that I haven't made a mistake and the allowances that they need to give me as well.

Right. And you'll see this one runs from the 9<sup>th</sup> of the 10<sup>th</sup> to the 22<sup>nd</sup> of the 10<sup>th</sup>, '07?---Yes.

And so if I could suggest to you that the second Friday, do you see that - - -?---Yes.

20 - - - is the 19<sup>th</sup> of the 10<sup>th</sup> and that's the day you went to lunch with Mr Romano and others at Il Buco. Do you see that?---Yes.

And you'd agree that you haven't got any adjustment for time there for going on that lunch?---No.

And can you explain why?---Because we were invited to lunch in Council time by the General Manager so that, that for me is considered work.

30 And you'll see there's some overtime for you for night-work. Would that have been the night before, wouldn't it?---That's correct.

It would have been the Thursday night, Friday morning, it wouldn't have been the Friday night, Saturday morning?---That's right, yeah.

That's what I understand is that - - -?---Yeah, that's, that's correct.

As a matter of practice it's put on the night before?---Correct.

40 Right. Thank you. Now, you're aware of some units in Edwin Street, Croydon?---Yes, I am.

And how do you say you became aware of the existence of that particular set of units?---Through Pat Romano and Albert Becerra.

Okay. Well, taking it one at a time, you've named Mr Romano first, was he the first person to speak to you about them or was Mr Becerra?---Pat Romano was.

And when did he first speak to you about them?---I think it was early January 2008, straight after the Christmas break.

Okay. And what happened?---To the best of my recollection I was either in the Chambers or working directly outside there and pat approached me.

Right?---He wanted to speak to me.

10 And what did he say?---He told me that he had a mate of his that was fixing up some units and he wanted to know if I could possibly help him because if I can recall that things went wrong, whoever was looking after it and they didn't do it properly and it was half finished and they just needed some help to complete the units.

And did he tell you that he had any interest in this property?---No.

And did you at some stage become aware that he did have some interest in this property?---Yes, I did.

20 And when was that?---Oh, much further down the line. I can't recall, but, yeah.

But at that stage you understood it was a property owned by his friend?  
---His friend, correct.

And did, did he tell you who the friend was?---Oh, I asked him and he said, and he told me it was Albert Becerra.

30 And did you know Mr Becerra at that point?---I did because he was the Council principal architect, so I don't know if I had ever spoken to him, I might've said g'day to him, but, yeah, I was aware who he was.

Right. And had you had occasion during the course of 2007, for example, to work with him at all, Mr Becerra that is not Mr Romano?---We done some reconfiguring of the offices, but I'm not sure if that was in 2007 or 2008. And if it was 2007, well, then I would've been involved because he was designing the reconfiguration of the officers in the Chambers.

40 Right?---And we, we, my team actually carried out the works.

But he wasn't a friend of yours?---No, not at all.

I mean, you didn't know him particularly well?---Not at all.

And so, so Mr Romano named Mr Becerra?---Yes.

Told you - - -?---I asked him who it was and he said it was Mr Becerra.

And what did he say then?---He says, well, he might be in the building, I'll just give him a call and he can come and talk to you now.

Okay. And is that what happened?---And that's what he did.

So, so were the three, did the three of you have a conversation then?---Yes, we did.

And this is early January, 2008 to the best of your recollection?---Yes.

10

Right. And what, was there an arrangement made in the course of that conversation?---Yeah. Well, Mr Becerra come in and he started to explain to me about the units. And then Pat said, Listen, why don't you two blokes just go to the units. He told Albert, why don't you just take him there and show him.

Okay. And do you recall what time this was?---I really don't know.

But it was during your working day?---It was during my working day.

20

And so you left the Council premises?---I left the Council premises with Albert Becerra in his private vehicle.

And you went to the - - -?---To the units at Edwin Street, Croydon.

And you'd not been there before?---Never.

And Mr Becerra drove you there?---Yes.

30

And what happened while you were there?---He went through the units with me and what was required to be done on the units.

And, so you looked at how many units?---Two units.

So it's a block as I understand it?---It's a block of six units. There's three units on the, on the ground and three units on the top floor.

And which were these two units?---I don't know the numbers, even though I've been there a few times, but once you walk in the front foyer, it's the one directly to your right and the unit directly above that one.

40

Right. And so you went through both those units with Mr Becerra?---That's correct.

And what did he ask you to do?---He was going through all the works that needed to be done and if I could help him. And I explained to him the works that he was showing me was not my field.

All right. And that was because what, it required - - -?---Carpentry and gyprocking type of skills.

And they're not your, and I'm not being (not transcribable) - - -?---No, they're not my skills.

No. You're more a handyman?---Correct.

10 So you don't have that more specialist skills?---No. No.

And did you say, did you, what did you tell him? That you couldn't do it?  
---I couldn't do it.

And then - - -?---But I could help him out with the rubbish removal and the cleaning up.

So there was rubbish that needed to be removed?---Yeah. The units were, were in a, yeah, they were dirty. It wasn't a clean environment.

20 And was that because work had been being conducted on them - - -?  
---Correct.

- - - that hadn't been completed?---That's right. They were, they were - - -

30 So they were in the process of renovation? Sorry?---They were in the process of renovations and there's also a seventh unit down the bottom that, to my recollection Council wouldn't let them use it as a unit for whatever reason, I don't know. And they had stored a lot of rubbish in there. And that was just full of rubbish.

And that was building rubbish?---Building rubbish and outside the premises as well that was laying down around the units.

So you indicated you could do that part of the job?---I could help him out with that, but I couldn't help him out with the other.

40 And was it your understanding that the arrangement with him was that you would help him out out of Burwood Council working hours as part of your private work?---Yes. That's correct.

And you would be paid for that?---Yes.

And did you quote him a rate?---I did. But that wasn't on that occasion there.

So that's later?---That's on, that's the following day, that happened.

But at that stage you said you could help with the rubbish removal but not gyprocking and things like that?---That's right. Yes.

But did you say that you knew someone who perhaps could do that other work?---He asked me if I knew somebody and I said I think I might know somebody.

Right. And did you give him a name of anyone?---I did, John Vadala.

10 And who's Mr Vadala?---John works at the Council depot with us and he's in the carpentry section.

And before you went to the property you'd not had a discussion with Mr Vadala about whether you could offer him as a carpenter?---No, not at all. Oh, it was a spontaneous thing. I was in a meeting with Pat and then the next thing I know I was in the car with Albert Becerra and we were going to the units.

20 Okay. And so what happened after that? Did Mr Becerra drive you back to work?---He drove me back to work. Correct.

All right. And so how long do you say you were at the unit or how long including the trip were you away from - - -?---I really can't be sure, but it'd have to be at least 45 minutes.

And did you then have a conversation with Mr Vadala?---Yes. Later on that afternoon when I saw John in the depot, I had a discussion with him.

30 And what did he say?---Well, that, okay, we'll have a look at the units.

And so did you go back to the units?---We went back to the units the following day.

And how did you get in?---We phoned up Albert, the arrangement was that I would phone Albert if John was willing to do the job and we would tee up a time and meet him on the site.

40 And did, was it, sorry, I'll withdraw that. Before this day, had you had Mr Becerra's mobile phone number?---No.

So he gave it to you did he?---Yes.

When you were at the units or during the course of that first conversation?---Correct.

So you telephoned him did you and arranged to meet at the units?---Yes.

And was that during work time that you met him there?---Yes, it was.

And so you, Mr Vadala and Mr Becerra met at the units on the following day?---Correct. The following day.

And Mr Vadala had some discussions?---I, I also got permission from my direct supervisor before I did that as well.

And who do you say your direct supervisor was?---My director was Steve Child. I informed him of the situation that had occurred the day before.

10

Right. And why did you do that?---Well, because for me now to go to the units to meet Albert Becerra, I had to take a Council vehicle out of the area.

Out of the Burwood Council area?---Out of the Burwood Council area.

And you need specific consent for that do you?---Well, yes. Well, that's not allowed unless you're doing some specific task that's been approved. So, yeah, and I just wanted that confirmed by Steve.

20

And what did Mr Child say?---He gave me the go ahead to do that.

And you explained to him did you that you had done this because Mr Romano had been involved?---That's correct.

Or did you only say it was about Mr Becerra?---No. Because Mr Romano was involved.

So you, Mr Vadala and Mr Becerra met at the units?---That's correct.

30

You went through them?---We went through them, yes.

And Mr Vadala indicated that he could do the work?---Yeah. What they really discussed, I really didn't take much notice of and I really didn't care. So I was just hanging around in the background, just filling in time.

And Mr Vadala performed that work. Is that your understanding?---To my understanding they come to some sort of an arrangement and he started to perform that work in his own time.

40

So at weekends?---Yes. Or after hours.

And are you aware whether he used any Council equipment to do that work?---No, not, not at all.

And were you ever in his presence when he was paid any money by Mr Becerra?---No.

And did you ever pay him any money on behalf of Mr Becerra?---No, I did not.

Right. And did you ever work there when Mr Vadala was working there?  
---No.

So when, and did you do any work there cleaning out the units?---Yes, I did.

10 And when was that?---That was that same weekend that I'd been out to have a look at the units.

Right. And that was in your time?---That was in my time. It was actually a Sunday, a Sunday morning that I went there.

And you removed rubbish in your truck?---In my truck, yeah.

The truck we were talking about yesterday?---Yep.

20 And what did you do with that rubbish?---I took it to the tip.

To the commercial tip?---To the commercial tip.

Not to the Council depot?---No.

And were you paid for that work?---I was.

And who paid you?---Albert Becerra.

30 And he paid you in cash?---\$400.

And did that include the tipping fee?---That included everything.

And was that the only time you worked there?---No, it wasn't.

All right. When else did you work there?---I went back on a few occasions to pick up rubbish.

And was that during your time or work time?---Both.

40 So can you recall how many times you would've gone during work times?--  
-I really can not but it would've been two or three occasions.

So less than five?---I would say so, yeah.

And can you estimate how many hours you might have spent in Council time at the units or doing work connected with the units?---In total of everything?

No, just in Council time?---In, in Council time about 16 hours.

And you were paid, were you not, were you paid for that work?---No, no.

Were you paid for the other work that you did apart from the first occasion?---No, not at all.

So you were only ever paid the first time?---That's correct.

10 And you say there was some other work you did not in Council time?---  
That's right.

And did you ask Mr Becerra to pay you for that work?---No.

Why not?---Because by that time I was being directed by Pat Romano.

And tell me how that happened?---Okay. We got to go back.

20 Yes?---Once John started, once John Vadala started that work on the units  
he approached me one day and told me that he couldn't perform those duties  
any more because of family commitments.

All right?---So I said to him, well, you'd better phone Albert Becerra and  
tell him what you've told me.

30 All right?---Which I presume that he did that. A few days later I was in  
conversation with Pat Romano and he told me what's happened with John  
Vadala, why did he pull the plug on doing the works there, and I said to  
him, "I don't really know but I think it was because of family  
commitments". So he was a little bit upset about that.

Well, Mr Romano was upset about that?---Yes.

Well, that's a conclusion. What was the conversation that meant you can  
conclude that he was upset?---Well, he was telling me that they needed to  
get this going because they, they were losing money because they weren't  
rented out.

40 All right. So you understood from Mr Romano that there was a need for  
some speed to complete the renovations?---That's correct

And was it at that stage that you realised he had an interest in it?---I thought  
that to myself, yes, but I did not ask him directly.

Why not?---I just, out of respect I just did not.

And so is it correct then that you had some, played some role in Mr Vadala  
going to the units during work time?---Yes.

And who accompanied Mr Vadala on that trip?---He went by himself.

All right. And how would he or you get into, or how would you get into the units when you went to work there?---We'd have keys.

And who gave you a set of keys?---I think that was organised through Albert Becerra.

10 And did you hold the keys or did Mr Child hold the key?---Well, Mr Child eventually had the keys.

All right?---He had, he still hadn't come into this - - -

So he wasn't involved in - - -?---He, at this stage he still wasn't involved.

All right?---I don't recall how John got in, to tell you the truth, but I'd say that that would've been organised through Albert Becerra.

20 And did you attend with Mr Issa on one occasion?---Yes I did.

And that was an occasion in the evening, was it?---That's correct.

That you were on night shift is that correct?---We, we were on night shift.

And what did you do that night?---We levelled out, we used some self-levelling concrete to level out, there was a kitchen and a, an open dining area and to my understanding carpet was being laid the following day and because of the differences in levels they couldn't lay the, they couldn't lay  
30 the carpet and it had to be levelled out so they could come in and lay the carpet.

And is that sufficient time for it then to go off?---Yeah, the, the stuff goes off pretty, pretty much quick but I'm not even sure if the carpet was laid the next day.

So you didn't have anything to do with that?---No.

40 And who asked you to go and do that work?---Steve Child asked me to do that.

All right, and you did that during work time?---We done that during work time and we had started that night around about 6 o'clock and Steve approached me and Ammer and told - - -

That's Mr Issa?---Mr Issa and told me that Pat Romano had been in contact with him that day and because the carpet was being laid the following day, that needed to be rectified.

And are you able to recall what date that was?---All I can say it was late February some time.

So it's possible it was 29 February, 2008?---Possibility, yes.

And would it be correct that you worked there for about four hours?---No, I thought it was more about the two hour mark.

10 All right. And then you left?---Yes.

Did you, is that the last time you worked there?---No.

You returned later, didn't you, to removed rubbish on different occasions?  
---That's correct.

But there was a bit of a gap, was there, between that and the later rubbish removals?---Yeah, there was, yeah.

20 And do you recall when you returned alter to removed - - -?---Well, I know that I returned at the completion of the units to clean everything and in between the start and the finish I went there on a few occasions but I really don't know how many occasions that I went there.

And is it correct that each time you removed Rubbish you took it to the commercial depot?---To the works depot.

Sorry?---Council works depot.

30 So the first time you took it to a commercial tip?---Yeah, because I had got paid for that services through Albert Becerra. I give him a quote.

All right. But on other occasions you say you took rubbish from the units and deposited them in the Council depot?---That's correct.

And that's the rubbish process we were talking about yesterday?---That's right.

40 And why did you do that?---Because I was instructed to do that.

And who instructed you to do that?---Pat Romano.

And what did he say?---He directed me to - - -

No, what did he say, Mr Giangrasso? That's a conclusion, do you understand?---Okay.

Doing the best you can, I know it's hard after all these years?---It is.

But can you remember what he actually said to you?---For dm to dump the rubbish in the Council depot.

And this was rubbish you collected on some occasions during working hours and on other occasions not in working hours?---That's right.

And you - - -?---My own time.

10 In your own time. And you were in your own truck?---In my truck.

On each occasion. Was there any occasion where you used a Council truck?---There was.

And how many occasions was that?---Maybe two times.

20 And you went there and it, and does, did that truck, the Council truck, have any insignia on it that it's from Burwood Council?---Yes, it had logos and he was wary of that and he, he said to me and to Steve, because we were always, we had frequent meetings with him, Steve more so than what I did but on the occasions that we went to Marco's Café or in his office or boardroom for coffees we would talk about all this and he was wary that people would see a Burwood truck in an Ashfield Council area.

So he asked you not to use that truck but to use your own?---Well, no, just to be careful and cover the logo or whatever, yeah.

Is it possible to cover the logo?---Yeah, it is.

30 It's on the door, is it?---Yes.

So you can hang something over it?---Yeah.

So you say on two occasions you used the Council truck and on other occasions you used your own truck?---That's right.

40 Did you ever fill up your own truck from petrol or diesel or fuel of whatever sort from the Council depot after you used it to work on the units?---No, not at all. I wouldn't have any access to that.

Right. So are you saying that you've not taken Council fuel - - -?---No.

- - - to fill your own truck?---Not whatsoever.

And when do you recall was the last time you worked on the units?---Well, there was three units involved and we still hadn't, I hadn't got to the third unit yet - - -

Right?--- - - - so I don't know which, are you talking about the first two units or the last unit?

Well, okay, let's do it logically, in sequence at least?---Okay.

You work on two units?---Yeah.

You finish those, you clear the rubbish off?---Yeah.

10 And then there's a gap for a while?---Maybe a week, if that.

Oh, okay?---A week or two.

And then how is it - - -?---That was in about April.

Okay. And how is then you start doing some work on the third unit, which is not unit number 3 as I understand but the third unit?---The third unit, Pat had some discussions with us.

20 Well, us is who?---Me and Steve Child.

And you were present?---I was present.

So they were face to face conversations?---Face to face.

And what did Mr Romano say to you?---That there was a third unit coming on line, that the tenants were going to be leaving soon and he wanted this unit done properly and organised properly so there wouldn't be any hiccups like there was, there was with the first two units.

30

And did he express concern because that delayed tenants going in and that meant the income wasn't as high?---That's right so basically he was trying to coordinate as soon as they had left the work, we could move in, so the work could start.

Right. And did you agree to do some further work on the units?---No, not, not myself.

40 Right. And why was that?---Because he instructed Steve to project manage this unit from start to finish.

Right. But you weren't involved in that process?---No, they were, I was there at the meeting but, no. I wouldn't have been able to project manage that anyway because of the role that I play in Burwood Council so - - -

Right. But you didn't volunteer for further duties, to do further work on them at that stage?---Well, if I was instructed I, I would have, yes.

And did you later do any work on the third unit?---Yes, I did.

And what did you do?---Apart from picking up rubbish I actually done some work in my own time, I knocked down a wall.

And were you paid for that work?---Yes, I was.

Who paid you?---Steve Child paid me.

10 And did you understand that money came from someone else, that is, had he been given money on your behalf?---No, he hadn't been given money but he was going to be reimbursed by Pat Romano at a later date.

And you weren't present when that happened?---No, I wasn't.

So you knocked down a wall in your own time. Was that at a weekend?  
---That was on a Saturday.

20 And in relation to the third unit did you do any duties there during work hours, during time you were paid for the Council?---I, I possibly went there on one occasion to remove some rubbish.

And again, what would you have done with that rubbish?---All the rubbish that I picked up from, after I did the initial work that I had quoted them all went to the works depot.

Commissioner, I notice the time. I'm just about to go to a new topic so - - -

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

SHORT ADJOURNMENT [11.32am]

ASSISTANT COMMISSIONER: Thank you. Please be seated.

40 MS RONALDS: If I could tender the statement of Robert Zrilic, I think it is, Z-R-I-L-I-C who's an officer of the Canada Bay Council and annexed to it, I hope, are all the annexures referred to, plus a few others.

ASSISTANT COMMISSIONER: Yes. Well, that statement and annexures will be Exhibit 70.

**#EXHIBIT 70 - STATEMENT OF MR ROBERT ZRILIC DATED 7  
DECEMBER 2009 AND ANNEXURES**

MS RONALDS: In relation to Mr Vadala working at the units not on his own time but in Council time, do you recall how that came about, that is, were you present when he was told to do so, to work on the units during Council time?---No, I only sent him once and then all the other times that was organised through Steve Child.

So you sent him once?---I sent him once.

10 And why did you do that?---Because Pat asked me to get the units going and if he can't do it out of, in his own time well we're going to have to do it in Council time.

And you say, do you, that you told Mr Vadala that he should go during work time?---Yes.

And did you tell him what your authority for that was?---It had come from Pat Romano.

20 So you told him that?---Yes, and he was very suss on it and I don't think he wanted to be put in that situation but, yeah.

Now you say that before this happened, started in January 2008 you hadn't had occasion, you hadn't had Mr Becerra's mobile phone?---No.

And some records indicate that you called him several times in January 2008. Would that accord with your recollection?---That'd probably be right, yeah.

30 I'll show you this document now. This is an extract from your call records, just so you understand what it is, and it's a table. Sorry, it's called To you from Mr Becerra. Do you see that?---Yes, I do, yeah.

So that it, the only records of calls from him to you are those five calls in January 2008 but that would accord, would it not, with your recollection that that's - - -?---And then my involvement with Albert Becerra basically ceased from thereon because Pat took over.

40 And so that would reflect your recollection of the period during which he was calling you directly. Is that correct?---That's correct.

And do you say he would have had any Burwood Council related reason to call you directly?---None whatsoever.

If I could tender that document.

ASSISTANT COMMISSIONER: That will be Exhibit 71.

**#EXHIBIT 71 - CALL RECORDS TO MR GIANGRASSO FROM MR BECERRA – PERIOD 1/1/08 TO 31/12/08**

MS RONALDS: Now, you've indicated that you worked on the units in February 2008?---Yes.

10 When you completed your timesheets in relation to those dates you'd agree that you didn't make any deduction for the time that you spent at the units from your working day?---No, not at all.

And you knew when you submitted those timesheets that they were wrong, would you agree?---Yes.

And why did you submit timesheets that you knew that at the time were wrong?---All I can put it down was that I was captivated and manipulated by him to the extent that I wasn't sure what to do. He said it was okay to falsify the timesheets.

20 Well, stopping you there, did you have a conversation do you say with Mr Romano about the timesheets?---Yes.

And did you have more than one conversation?---Maybe we did.

But do you have, you had at least one?---At least one.

And is it your evidence you recall that conversation?---Yes.

30 And what happened, what was in the, what was the content of the conversation?---Well, the content was I had a problem with that, doing that and he basically okayed for that to be done. I knew it was wrong but I also knew that I was in a situation that I didn't know how to get out of.

Now, on other occasions you sought advice from your union. Do you agree?---In what regards?

In relation to your rights at work?---I think everybody does that.

40 No, well, I'm not concerned about everybody else, I'm just concerned about you. You'd agree on other occasions that you sought advice from your union about what you rights were at work?---Possibly, yes.

Did you ask anyone in the union about this issue, that is that you were concerned about filling out timesheets that you knew weren't right?---No, no.

I'll just show you this bundle of documents. Now they're documents for February, 2008 and - - -?---I'm looking at September.

Sorry?---This is 2007 I've got.

September, 2007.

ASSISTANT COMMISSIONER: February '08 is underneath in my bundle.

MS RONALDS: Oh, I'm sorry. If you go through to the third page you'll see, you see, there was a bundle of four that I handed to my friends. They weren't meant to be sharing them. They only had one, but they got  
10 enthusiastic. Did you see, if you go through, did you see where the dates are up the top?---Yes.

You see that one from 12 to 25 February, 2008?---Yes, I do. Yes.

Now I suggest to you that includes a day when you worked on the units. Would you agree? Or you're not able to recall the actual dates?---I'm not able to recall the actual date, but it probably would have been in that time, yes.

20 But you know that there was periods in February, 2008 that you worked on the unit and you didn't deduct that from your timesheet?---That's right.

Thank you. I have nothing further for this witness at this stage.

ASSISTANT COMMISSIONER: Yes. Thank you. Any questions for Mr Giangrasso?

MR BLAKE: I do have some questions, but are you tendering this particular page or is it, give it to you in a bundle and mark it?  
30

MS RONALDS: I'll tender the individual page from the dates, from the dates of 12 February, 2008 to 25 February, 2008. A timesheet for Mr Giangrasso. Mr Giangrasso, that's not signed by you is it?---I haven't got (not transcribable)

It's gone now.

ASSISTANT COMMISSIONER: Yes. That timesheet from 12 February will be Exhibit 72.  
40

**#EXHIBIT 72 - TIMESHEET OF MR GIANGRASSO FOR THE PERIOD 12/2/08 – 25/2/08**

ASSISTANT COMMISSIONER: Mr Blake - - -

MR BLAKE: Mr Giangrasso, can, can he be shown Exhibit 72, please. This is your timesheet, Mr Giangrasso from 12 February to 25 February?

---Yes.

And the signature on the bottom of the page and the middle, is that overseeing supervisor, is that Mr Child?---I would say so.

And the department head, can you, do you recognise that signature?---No, I don't. No.

10 No. And you, I think gave evidence that you checked the timesheets that were submitted so you could ensure the hours were correct and the allowances were correct. Is that right?---That's right.

And just looking at the, it appears to start on a Tuesday and goes to the following Monday, two weeks later?---Yes.

On the second or first Monday, there was a total hours worked of 24 hours? ---Oh, in the second week you mean?

20 Yes?---Yes.

And do you say that you worked 24 hours without a break?---No.

That's incorrect is it?---That's incorrect.

Yes?---No, the timesheet is correct, with the overtime allowance, because it's double time, it adds up to 24 ordinary hours.

30 I see. So the way to understand that is that you worked one shift at ordinary time of eight hours and then night work at double time also eight hours, so that's 24 hours. Is that the way to understand the timesheet?---Yes. That's correct. That's correct.

And - - -?---The timesheets were always complicated and to this day I still don't understand them a hundred per cent.

All right, thank you. And I take it you don't know when in February you did this work, do you?---Not, not exactly sure of the date, no.

40 Could it have been early in February or late February?---I'm pretty sure it was late February. I'm positive it was late February.

Now, you've given evidence about a number of conversations. I take it you made no record of any of those conversations?---I make no records of anything.

Yes. And you have been relying purely on memory, is that what you telling the Commission, in giving evidence about all these conversations? ---Yes.

And you'd agree with me that your memory is not very good about the events concerning Edwin Street in the first half of 2008, is it?---I don't agree with you, no.

Yes. The evidence you've given about the conversations with Mr Romano, they are false, aren't they?---No, they're not.

10 There was never any three-way meeting in early January, 2008, between yourself and Mr Becerra and Mr Romano, was there?---You're absolutely incorrect.

All right. And Mr Romano, I suggest, never directed you to do any work on Edwin Street?---That's not true.

And Mr Vadala was unable to continue doing work on Edwin Street because he was going on holidays, wasn't he?---As far as I was aware it was family issues. What they were I have no idea.

20 And there was no discussion between you and Mr Romano in which he indicated to you that Mr Becerra had an interest in the property, was there? ---That's incorrect.

That's in January, 2008? That's incorrect, is it?---Can you repeat the question?

30 There was no conversation between you and Mr Romano in about January of 2008 in which Mr Romano told you that Mr Becerra had an interest in the Edwin Street property, was there?---No, that's incorrect.

And it's also false that there were frequent meetings between you and Mr Child and Mr Romano in 2008 about the Edwin Street property? ---That's also false.

How often do you say these meeting were, Mr Giangrasso?---As far as it concerned me, it probably, at least once a week, once every 10 days.

40 And where did the meetings take place?---They could've taken place on my job site, they could've taken place in the, in Mr Romano's office or board room or on the telephone or we could've gone to Marco's Café like we did, we had on many occasions.

And when did these frequent meetings start?---Pretty much soon after the units started.

So is that about January of 2008?---Yep.

And for how long did those frequent meetings occur? Over what period of time?---Six months, five months.

So when was the last of the frequent meetings?---That's pretty hard for me to say but September, early September.

So from about early January to - - -?---I'd say, yeah, yes.

10 - - - September there were frequent meetings between yourself and Mr Child and Mr Romano at various locations?---That's correct.

And they all concerned the Edwin Street property?---That and other issues as well.

Yes. And you know, Mr Giangrasso, that's entirely false, isn't it?---No, that's not.

20 For many periods on your own evidence for some weeks you were not doing any work in connection with Edwin Street, were you?---At times, that's correct, yes.

And there were certainly no meetings. At time you were not doing any work on Edwin Street, were there?---We always caught up for some reason or other.

Yes. Do you keep any records of the use of your truck, Mr Giangrasso? ---Yes, I do.

30 All right. Do you have any records of the use of your truck on work involving Edwin Street?---No, I don't.

Can you explain, sorry, your normal practice was to keep a record of the use of your truck on business?---That's correct.

Yes. And that practice operated in 2008?---Yes.

40 And is your evidence that you didn't keep any particular record of the use of your truck for work connected with the Edwin Street property?---That's correct.

And why is that, Mr Giangrasso?---Because I had, I had no income from that, from that work so there was no need to, to keep any. That to me was a loss.

That evidence is false, Mr Giangrasso, isn't it?---No, it's not.

Yes. and were there any records made of the use of Council trucks at the Edwin Street property?---No.

You would've had to get permission to take the truck out of the depot to go outside of the municipality, wouldn't you?---Not necessarily.

Why is that, Mr Giangrasso?---Because I could just grab a vehicle and go out of the municipality without anyone knowing anyway.

10 I thought you told the Commission that you sought permission of Mr Child to take a vehicle outside of the municipality?---That's correct, only on that first occasion.

Why didn't you seek permission for subsequent occasions?---Because we have the approval of Pat Romano, the General Manager, and we just did what we had to do.

That evidence is false, Mr Giangrasso, isn't it?---No, it's not.

20 Where are Council logos on the truck that you were using? There was one on the doorway I think you said?---Yeah. Not all the Council trucks have logos. Some, they're only stickers. They can be taken, peeled off and (not transcribable) could be put back that afternoon.

And there are logos on both the driver's door and the - - -?---Passenger.

- - - passenger's door and are there any initials on the side of the truck, BMC or BCC?---There might be, I'm not a hundred per cent sure of that but people wouldn't know that anyway.

30 What, the letters BMC would not be familiar to - - -?---That's right.

- - - residents in or near Burwood, that that referred to Burwood Council?  
---I think people would look more at the logo than an initial. I really don't know if there is an initial or not.

There was no conversation with Mr Romano in which he told you to be wary of the use of the logo and to cover it up, was there, Mr Giangrasso?  
---Yes, there was.

40 You gave evidence about a conversation, a three-way conversation between yourself and Mr Child and Mr Romano I think in about the middle of 2008. In any event the conversation that commenced with Mr Romano saying a third unit had come online?---That's right.

Where did that conversation take place?---I don't know the actual timeframe but it would've, it would've been mid to early April. We were just towards the end of finishing off the first two units and that's when he approached us about the third unit that it was going to come online towards the end of April and when that happened for people to move in and start work.

And where did the conversation take place?---I think it might've been the board room.

You're not sure?---I'm not a hundred, it's either, it could've been his office, it could've been the board room.

10 All right. And there was no conversation in which, on that occasions, or indeed any other occasion, where Mr Romano asked Mr Child to project manage the Edwin Street property when you were present?---Can you repeat that question?

Okay, I, yes, I will repeat the question. There was no conversation on, I'll break it up so I withdraw that. In that conversation, Mr Romano did not ask Mr Child to project manage the Edwin Street units?---Yes, he did.

20 And there was no other conversation at which you were present in which there was a request by Mr Romano to Mr Child that Mr Child project manage the units?---Yes, there was.

When was the other conversation?---On any of our subsequent meetings, which there was many.

That evidence is false, Mr Giangrasso, isn't it?---No, it's not.

30 The fact is that at the site when you went there there was a large skip having a capacity of 10 cubic metres for rubbish, wasn't there?---No, that's not true and I don't think you would be able to get a skip that large in that property. 10 cubic metres is quite a large skip. I'm not sure if you're aware how big 10 cubic metres is.

Is your evidence to the Commission you never saw a skip on the Edwin Street site?---No, none whatsoever and you couldn't even put the skip on the road because it would block the whole road.

Yes. That evidence is false, Mr Giangrasso, isn't it?---No, it's absolutely correct.

40 You also gave some evidence since morning tea of a conversation in which you told Mr Valdano that he was to work in Council time. Do you recall that?---Mr who sorry?

Valdano.

ASSISTANT COMMISSIONER: Vadala.

MR BLAKE: Valdalo, sorry.

MS RONALDS: Vadala, V-A-D-A-L-A, Vadala.

ASSISTANT COMMISSIONER: Vadala.

MR BLAKE: Vadala, I'm indebted to you, Commissioner and my friend?  
---Can you repeat the question, please.

10 You gave some evidence about a conversation in which you say  
Mr Romano directed you to tell Mr Valdalo to carry out the gyprocking  
work in Council time. Do you recall that?---Yes.

That conversation never took place, did it, Mr Giangrosso?---It surely did.

And you also gave some evidence where Mr Romano told you it was okay  
to falsify timesheets?---That's correct.

That conversation never took place, did it, Mr Giangrosso?---It did.

20 Just pardon me. Nothing further at this stage.

ASSISTANT COMMISSIONER: Thank you, Mr Blake. Does anybody  
else seek to examine the witness?

MS McDONALD: Yes, I do.

ASSISTANT COMMISSIONER: Yes, Ms McDonald.

30 MS McDONALD: I understand that Mr Romano informed you that a mate  
had some units and subsequently it transpired that Mr Becerra was that  
mate. Is that correct?---That's right, that's correct.

So what, what's your understanding of Mr Becerra's interest in this unit?  
---That he had partners.

He had partners?---He had partners, he had told me that he had partners.

He told you that he had partners?---He had told me he had partners.

40 And so that those partners owned the unit or he owned the unit with the  
partners?---Him as well as the partners.

I see?---But he didn't disclose who the partners were.

I see. And as I understand your evidence before morning tea you basically  
did bits of or two types of work at the Edwin Street property, one was  
removal of rubbish?---Yes.

And one was one night at levelling, using some levelling concrete to level the floor so carpet could be paid?---That's correct.

That's the only type of work that you did?---No, and I also supported and knocked down a wall.

I'm sorry, you did say that as well. Now, do you remember seeing Mr Becerra on site one Saturday morning when you were removing rubbish?---No, it was a Sunday morning.

10

A Sunday morning?---Yes.

So it was a weekend and you recall seeing Mr Becerra on site, Becerra on site and did he say words to you along the lines of What are you doing here? ---No, not at all.

Tell me what was exchanged between you or didn't you speak to one another?---We did speak to one another because I had commenced work removing - - -

20

Yes?--- - - - and I think there might have been even a phone call involved that I was on site, I can't remember the phone call but he did show up.

Can you answer my question which was what did you say to Mr Becerra? ---G'day, how you going?

And what did he say to you?---How you going?

And then you went along with your work?---Correct.

30

Can I put it to you that that was the only time that Mr Becerra saw you working on the property?---Possibly that's correct.

And can I also put it to you that that's the only time that you've been with Mr Becerra at the Edwin Street property?---No, that's incorrect.

That's incorrect. Can I suggest to you that Mr Becerra never drove you to the Becerra Street property?---Your suggestion is wrong.

40

Can you tell me what car Mr Becerra took you in, what type of car?---To tell you the truth, no, but I think it was, by recollection, it was a shoddy old thing.

It was a shoddy old thing. So you have no recollection but you have a distinct recollection going by memory as you say with, and not keeping any notes you have a recollection he took you but you can't go with, the best you can recollect it was a shoddy old thing?---That's correct.

Would you describe a Honda CRV as a shoddy old thing?---Not really, it depends on what condition it was in.

Now could I also ask or put to you that Mr Becerra never gave you any money himself?---That's incorrect.

But, and I understand you said previously that he, he gave you \$400?---He, he paid me on that day, on the Sunday.

10 On the Sunday?---Yeah.

The same Sunday that you saw him he paid you \$400?---That's right.

Didn't you, wasn't your evidence a little while ago whilst my learned friend Mr Blake was cross-examining you was that you didn't receive any income for this and that's why you didn't keep records for your truck?---Not on this occasion.

20 Not on this occasion?---I got paid for this.

You got paid for this so there's records for the use of your truck on that Sunday, is there?---That's correct.

There is records for that. Can you produce those to the Commission?---Not right now I can't.

But you could find them?---If they ask for them, yes.

30 Is it possible that the \$400 was in fact given to you by Mr Child?  
---Incorrect.

Or Mr Romano?---Incorrect.

You also gave some evidence that you had keys for the property?---No, yes, I recall that conversation but I don't think I did.

No, it wasn't a conversation, it was your evidence earlier?---Yeah, but I wasn't sure.

40 You're not sure. It's possible, isn't it, that the units were in fact left unlocked?---They could have been.

They could have been. Can you just explain to me the night work at Council. Does, is there a rostered night shift?---There is but not on this occasion, not on the occasions that I was working. It was, it was my work and my team's work.

Your team's work on all occasions when you've done work on the Edwin Street property?---No, you lost me there with this - - -

My question is this, let's start afresh. My question was this, is there at Council scheduled night work, rostered night work so you know in advance I'm working on this particular night?---Yes, that's correct.

And that's an eight-hour shift?---It could be more.

10 It could be more?---Yeah.

It could be, could be less but in terms of the roster you wouldn't be surely rostered on for longer, you may end up doing some overtime but would you be rostered on for longer than eight hours?---A very high possibility.

Okay. And what time typically does the nightshift commence?---Any time between 6.00 in the evening till 10.00 in the evening.

20 I see. And to pick up on what you said a moment ago, the night, the times that you've worked on the Edwin Street property - - -?---I only worked once in night on the Edwin Street property.

And when was that?---That was late February.

That was late February and you were doing what?---We were self-levelling - - -

The concrete?---The concrete.

30 And that, you said, was on your own time?---No, that was on Council time.

So that was on Council time on a rostered shift?---On a rostered nightshift.

On a rostered nightshift and you commenced that work around 6.00pm?  
---Well, we started at the depot at 6.00 so by the time we got there it could have been 6.30.

40 I see. So it was a rostered nightshift. It wasn't a, it wasn't an arrangement whereby you would do overtime that particular night - - -?---No, oh - - -

As in a non-rostered arrangement?---No, I was working that night.

You were scheduled to work that night, yes?---I was working that night, yes.

Were you scheduled to work that night?---Yes, I was, yeah.

There's some, can, I don't know whether the witness still has Exhibit 71 and the records of phone calls from Mr Becerra.

It appears from these records that Mr Becerra phoned you approximately five times, once leaving a message in early January '08, it may have been that I stopped listening for a moment but what was the substance of those conversations as you recall?---Well, I don't recall but I would say that they would only have been for the units.

That, sorry, they would only be - - -?---For, associated for the units.

10 I see. Were these before or after the supposed driving of you to the units? Your evidence is that Mr Becerra drove you to the units?---That's correct.

Were these phone calls before or after?---I would, I would have to say they were after. And yes, they were because it's the 22<sup>nd</sup>.

And you're recollection and your evidence is that there was a meeting between Mr Romano, yourself and Mr Becerra?---That's correct.

And that's what prompted the trip to the units?---The correct.

20 I have no further questions.

ASSISTANT COMMISSIONER: Thank you, Ms McDonald. Yes.

MS McGLINCHEY: Commissioner, can I seek leave at this time to appear for Mr Vadala?

ASSISTANT COMMISSIONER: Yes, yes.

30 MS McGLINCHEY: McGlinchey is my name.

ASSISTANT COMMISSIONER: Yes, Ms McGlinchey.

MS McGLINCHEY: Mr Giangrosso, before telling Mr Vadala that you request for him to work on the units came from the top?---Yes.

And what did you mean by that?---It come from Pat Romano.

40 Do you recall telling Mr Vadala that by working on the units, it would be good from him at the Council?---Possibly, yeah.

Do you, would you have meant by that, that he would have favour from Mr Romano if he did work on them?---That's right.

Would you have had a conversation like that?---Yeah, I, I probably would've said that it would make him look good, yes.

Thank you. Do you agree that Mr Vadala was less then keen to do the work?---Yes. He was, he was not real keen to do the work. That's correct.

In fact he was actually quite reluctant?---Yeah, he wasn't keen to do the work. Correct.

And would you agree that he came up with various reasons from time to time why he would prefer not to do the work? Such as say, for instance that he didn't have time to do the work?---Are we talking about in his own time or in Council time now?

10 Well, just, just generally as his reasons put forward or supporting his view that he would prefer not to do the work?---As I recall, he gave me family reasons for the, for not continuing on with the work in his own time. That's all I can recall.

Thanks (not transcribable). Nothing further, Commissioner.

ASSISTANT COMMISSIONER: Thank you, Ms McGlinchey.

MS RONALDS: Were you and Mr Romano ever at the units at the same  
20 time?---Possibly on one occasion.

And do you recall when that was?---No, I don't.

I have nothing further.

ASSISTANT COMMISSIONER: Thank you.

MR BLAKE: I would like to ask a question.

30 ASSISTANT COMMISSIONER: Will Mr Giangrosso be coming back, Ms Ronalds?

MS RONALDS: Yes, he is.

MR BLAKE: Just pardon me, Commissioner, I would like, in the light of counsel assisting's question, I'd like to ask another question.

ASSISTANT COMMISSIONER: Yes, Mr Blake. You were nearly out Mr Giangrosso, but now you have to stay. Now there's just one more question.

40 MR BLAKE: Well, it might lead to another, but we'll wait and see. You said possibly you were on one occasion with Mr Romano. Can you recall one occasion or you're not sure?---I'm not sure.

Okay.

ASSISTANT COMMISSIONER: Thank you, Mr Blake. Mr Giangrosso, you are stood down for the time being. You will have to come back at another time. But you're free to go now?---Thank you.

ASSISTANT COMMISSIONER: Thank you.

<WITNESS STOOD DOWN

[12.33pm]

MS RONALDS: I call John Vadala.

- 10 ASSISTANT COMMISSIONER: Mr Vadala, take a seat. Mr Vadala, you have been called here to give evidence and you are required to answer all of the questions that are put to you truthfully. If you wish to object on any basis, you can be given a direction under section 38. I'll just, Ms McGlinchey, does your client seek a direction?

MS McGLINCHEY: He does, Commissioner. Thank you.

- 20 ASSISTANT COMMISSIONER: Thank you. The effect of this direction is that nothing you say here can be used against you in any further criminal, civil or disciplinary proceedings. Pursuant to section 38 of the independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him 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 give or document or thing produced.

Mr Vadala, you're required to take an oath on the bible or make an affirmation.

- 30 MR VADALA: On the bible, please.

ASSISTANT COMMISSIONER: Thank you.

ASSISTANT COMMISSIONER: Yes, Ms Ronalds.

MS RONALDS: Tell the Commission your full name?---John Vadala.

And your occupation?---Carpenter.

10 And are you employed by Burwood Council?---Yes, I am.

And how long have you worked for Burwood Council?---Approximately three years.

And do you work out of the Council depot?---Yes.

And you know Mr Giangrosso?---I do.

20 Do you work in a team with him?---No.

But you know him from within the depot?---Yes, I do.

And do you know Mr Child, Steve Child?---Yes, I do.

And is he or has he been your supervisor at any time?---He has.

And have you ever met Pat Romano?---A couple of occasions, yes.

30 And did you have any form of social arrangement with, any relationship with Mr Romano?---No.

Did you have any work relationship with him?---No.

And I think you've been sitting in a bit for the last few days?---Yes, I have.

So you understand the process?---Yeah.

40 Now, you're of some units in 187 Edwin Street, Croydon. Is that correct?  
---Yes. Yes, yes, I do.

Can you tell the Commissioner how it was, and you've been there before?  
---Before when, sorry?

Well, before today?---Yes.

And can you tell the Commissioner when you first went there?---I can't remember the exact date. Some time in January.

What year?---2007.

2007?---I think so, yeah.

Is it possible it was 208?---It could be, yeah.

10 And how was it you first went there?---Mr Giangrasso and Steve Child approached me and asked me if I wanted to do some work in the units. I asked what sort of work it involved, a bit of gyprocking, just a bit of this and a bit of that.

And was the first occasion you went there for an inspection of the property?---Yes, it was.

And who was there?---I actually met Albert, the architect.

And had you met him before?---I've seen him a couple occasions at the Chambers.

20 But this was a time when you actually saw him at the unit?---Yes.

And who did you, did you go with someone?---No, I met him there.

Right. And was anyone else there, just you and Mr Becerra?---I, I think Joe was there.

Mr Giangrasso was there. And was this during working time?---Yes, it was.

30 And did anyone tell you you could go there during working time?---Yes.

Who told you?---I think Steve Child asked me.

And do you remember what he said to you?---He said, just meet with Albert and see what he wants done.

40 And what did you determine when you had a look at it, you decided, you worked out what needed to be done?---Well, at first I didn't even want to do the job, 'cause I didn't have any time. And they kept asking me, you know, it'll look good on your, on your work.

And who said that to you?---Joe, Joe Giangrasso.

And did he tell you that anyone in particular had asked you to do the work? ---Well, he said that Pat Romano asked him to do a favour, if we can have a look at this unit. And see if we can do something with them.

And you understood at first did you that the work had to be done at weekends or at nights?---Well, at first I said I couldn't do the job on the weekends, but they, they wanted to do them quickly.

So you did some work on a weekend didn't you?---I did, I did one Saturday and one Sunday.

Were they the same weekend or were they - - -?---Yes, yes, the same weekend.

10

And were you paid for that work?---Yes, I was.

And who paid you?---Albert.

Albert gave you some cash did he?---Yes.

And did anyone else give you any cash?---No.

20

And did, were you ever there when Mr Romano was at the units?---I was working there one weekend, I could be Saturday or Sunday and Mr Pat Romano just walked through.

And did you talk to him?---I just said hello.

And you knew him from before?---Yes.

And did you understand he knew who you were?---Yes.

30

And did he call you by your name?---I think so. I can't remember.

And how did you get into the property on the Saturday or the Sunday when you went to work?---I had the keys.

Who gave you those?---Steve Child.

So he gave you those just for that weekend, did he?---yes.

And what did you do after that? Did you return them?---Gave them back.

40

And did you, what, did you need to take some, any tools or equipment to the premises to work on the weekend that you worked there?---Yes, I did.

And did you use your tools and equipment?---A few of my tools and a few of the Council's tools.

So you took some tools from Council?---Yes.

And there was a policy, was there not, where you'd fill out a form to say you were borrowing things over the weekend?---I've got 'em on the truck all the time.

So you, you carry those permanently?---Actually, on the weekend I took my own car.

All right?---And there was one Friday that, a couple, a couple of hours I had to take the truck.

10

All right. Well, let's just untangle that, shall we? So when you're there at the weekend, you're in your own vehicle?---Yes.

Not a Council vehicle?---No.

And then you don't have any Council tools with you?---No, I put them in my car, just a few tools, and I took them with me.

All right. And did you tell anyone before that that you were going to take some tools for the weekend to work on the property?---Yes.

20

And who did you tell?---Yeah, I, I let Steve Child know.

All right?---Yeah, and he approved it.

And he said that was okay?---Yes.

Now, there was another occasion, was there not, or more than one, where you worked on the property during working hours. Do you recall that?

30

---Yes.

And how did that come about?---They wanted the job done quickly and I, I said I could do it in a couple of weekends but they, they wanted to do it quickly so I, I said I need a Friday. Saturday and Sunday to finish the job.

To get a run at it so you could finish it?---Yep.

And so is it correct that you worked one Friday there?---Yes.

40 Do you recall the date of that Friday?---Not really, not really.

Would it be correct that it, to the best of your recollection, was during March, 2008?---Possibly.

And it was possibly 19 March, 2008?---Could have been.

And so you worked there on the Friday?---Yes.

And did you understand that you were being paid by the Council on that day?---Yes, I did.

So that was your normal rostered day on?---Yes.

And for the Saturday and Sunday you - - -?---I was, it was on my own time.

That was your own time and were you paid separately for that?---No, he paid me altogether.

10

So when Mr Becerra paid you some cash that was for one, two weekends, was it?---Yeah. Sorry? No, one weekend.

One weekend?---Yeah, plus the Friday.

And the Friday that Council was in effect paying for?---Yes.

Now, you purchased some goods from Bunnings - - -?---Yes, I did.

20

- - - to perform the work. Do you recall that?---Actually, there was, there was a lot of material already on site. All I bought from Bunnings was a door.

A door, all right?---And a, a bundle of quad.

An for the uninitiated, what's quad?---It's a, it's a moulding that you, you finish, like, carpet goes against the wall then there's a moulding that goes over it to cover.

30

Okay?---Yeah.

I've been wondering that for months. And so you purchased that for the property?---I was asked to go and purchase that by Steve Child.

And that was at the local Bunnings?---Yes.

And you then took it to the property and used it on the property?---No. I took it to the property and left it downstairs in number 7.

40

All right?---I just left it and, and that's it.

So you didn't use it yourself?---I didn't use it, no.

If I can show you these receipts. You see the first one is for 19 March, 2008. Do they accord with your recollection of the receipts that you had for the property you bought for the unit? Got too many nouns in that. Is that the shopping you did for the unit?---Yes, that's correct.

And did someone then pay you back for the amounts on those - - -?---Yes, yes, they did.

So that was part of the money that Mr Becerra paid you, was it?---No, no, no. I, I bought this out of my account and then Steve Child reimbursed me.

If I could tender those two documents just as one tender.

10 ASSISTANT COMMISSIONER: Yes, that will be Exhibit 73.

**#EXHIBIT 73 - COPIES OF MR VADALA'S RECEIPTS FROM BUNNINGS DATED 19/3/2008**

MS RONALDS: And that's got 19 March on it so would you accept, if that's a Friday, that's the Friday that you worked?---Yes, that's right.

20 If I could show you this document. This is your timesheet which covers the period including 19 March, 2008. Do you see that?---Yes.

You see the dates up on the top right-hand corner?---Yes.

And it's got, and it sets out the work that you've done and is that your signature down the bottom?---Yes it is.

And what's your process for compiling your timesheets?---Well, we - - -

30 You don't have a computer at the depot?---No, very much like Mr Giangrasso. I just fill out my timesheet at the end of the day and hand it in.

So you fill out a daily running sheet?---Yes.

And then, so the woman in the office compiles this for you?---Yes.

And you check it?---Yes.

40 And then you sign it off as accurate?---Yes.

Did you have any discussion with anyone about signing a timesheet for a day when you were working on the unit?---Yes.

And who did you have a discussion with?---With Joe Giangrasso.

And what did he say to you?---I was reluctant to work that Friday. He said, "We'll cover for you" because Mr, Steve Child wasn't in at the time. I think he was on holidays and Joe Giangrasso said that we'll cover for you.

But you didn't ever have a conversation directly with Mr Romano about that?---No, I didn't.

And you didn't have a conversation directly with Mr Becerra about working during Council times?---No, I didn't.

And did anyone help you the day you were working there or the times you were working there?---Yes.

10

And who was that?---Ammer.

And did he help you on that Friday?---No.

He helped you at the weekend?---He helped me a couple of times to put the skirting boards on the wall. A couple of mornings we started early and then we went back to work as usual time.

20

So you started, well, you normally start at 7.00 so - - -?---Yes, we started, he came to my place, left his car at my place and we took my car to the unit. We did an hour's work.

So what, you arrived there at 6 o'clock or something?---Yeah, yeah.

So that was in your time, not in Burwood's time?---That's right.

Burwood Council time, if I make the distinction?---In our time.

30

And how many times did you do that?---Twice.

And Mr Issa was with you on both occasions?---Yes.

And that was, was that because it was a job that required two of you to do it?---Yes. There were long pieces of timber that we need two people and we didn't make any noise because we used glue.

All right?---Liquid Nails so we could start in the morning.

40

So you did that before you went and signed on onto your job?---That's right.

And do you recall when you completed the work?---I did a couple of afternoons after that Sunday.

Were they afternoons after you'd finished your rostered day at 3 o'clock at the depot?---Yeah, after the Council. I went there with my own car, did a couple of afternoons and finished what I had started and I didn't want to do any more.

So you then said, "I don't want to do any more"?---No, because I didn't have any time.

And you said that you didn't want to do it because you had family - - -?  
---That's right.

- - - that you wanted to spend your time with?---Exactly.

10 And did anyone say to you that you had to do it?---No. I made it quite clear that I didn't want to do any more.

So no one tried to force you to do it?---No.

And that was accepted from, who did you tell that you couldn't do it any more?---I told Steve Child and Joe.

You told both of them?---Yeah.

20 And they just accepted that, there wasn't a big fuss about it?---That's right, yeah, they had no choice.

Who do you say first approached you in relation to working on the unit?---Joe did.

And Mr Child wasn't involved in that first approach?---Couldn't remember.

So it could've been - - -?---Could've been, yeah.

30 Could not have been? You're not sure now?---Not sure. But definitely Joe.

You definitely remember Mr Giangrasso?---Yeah.

But you don't really recall whether Mr Child was there or not?---Maybe on the second occasion they were both there asking me.

Right. So it's possible the first time it was just Mr Giangrasso?---Yep.

40 And he appeared to be organising it. And did he tell you who owned the units in that first conversation?---Not really, no.

But did he tell you who the request came from?---Yes.

And did he name anyone?---Yeah, he said Pat Romano.

Right. And you understood that he was then operating on, on a request from Mr Romano?---Yes.

I have nothing further.

ASSISTANT COMMISSIONER: Do you want to tender the timesheet?

MS RONALDS: Sorry, yes, could I tender the timesheets.

ASSISTANT COMMISSIONER: That will be Exhibit 74.

**#EXHIBIT 74 - BURWOOD COUNCIL TIMESHEET OF MR JOHN VADALA FOR THE PERIOD 11/3/08-25/3/08**

10

ASSISTANT COMMISSIONER: Yes. Is there any application to examine Mr Vadala?

MR BLAKE: Well, there is but I'd like first to have an application to see Exhibit 73 and 74 if I may. Could Mr Vadala be shown Exhibit 73 please. Just before you look at that, Mr Vadala, if you just put that down for the moment. You went to Bunnings at Ashfield. Is that correct?---That's right.

20 And was that, did you go to Bunnings in the morning or in the afternoon?  
---I went once in the morning and once in the afternoon.

Right. So you went twice to Bunnings was it?---Yes.

Right. And what purchase did you make in the morning. Do you recall?  
---Yes. I bought a door.

You bought a door?---One door.

30 Right. And do you recall how much that cost?---Probably \$48 or something.

Right. And you paid cash for that did you?---Not quite sure if I paid cash or used my card. I might've used my card.

Right. So your recollection is that you could've paid cash or you could've used - - -?---My card.

Your card?---Yes.

40

Right?---Which I normally do.

Yes. And when you went back in the afternoon is that when you bought the quad?---Yes.

And did you pay cash for that?---No, I used my card.

You used your card?---Yes.

Right. Can you look at Exhibit 73 please. You'll see on the second page down the bottom there appears to be, it says Authorised Signature and then there's a signature and there's a print name Steven Child?---Ah hmm.

Are you able to - and you agree with me that the second invoice relates to the moulding quad \$236.50?---Yes, I can see that, yes. Look, I might return to that if necessary, Commissioner, my friend tells me that the signature is not part of the actual - - -

10

MS RONALDS: They're just a bundle of documents and they've been copied together and it looks like (not transcribable).

ASSISTANT COMMISSIONER: Yes. All right.

MR BLAKE: I'll just leave that for the time being. And can the witness be shown Exhibit 74. And just so I understand this, Mr Vadala, there are two Fridays that recorded there in this timesheet. Which Friday do you say that you worked on the Edwin Street property?---I can't remember if it was the first Friday or the second Friday.

20

Now, in respect of both Fridays you'll see that there are, there is 8.0 recorded against public holiday. Can you see that?---Yes, I can see that.

Right. Was it a public holiday on which you carried out the work at the Edwin Street property?---I don't think so.

Are you able to explain why for each of the Fridays there is an entry 8.0 adjacent or on the row that has the heading Public Holiday?---I can't explain that, I don't do these timesheets.

30

Right. But I think you told counsel assisting it is your signature down the bottom?---Yes, it is.

Yes. And did you check timesheets, you provided some material, a daily running sheet. Is that correct?---Yes.

And did you, and these documents were produced by some other officer at Council?---Might've been, yes.

40

And they came back for you to sign?---Sign.

And when they came back to you to sign was your practice to check the accuracy of the information on the timesheet?---Sometimes I don't check, sometimes I just sign it.

Right. So you can't explain why the - - -?---I'm sorry, I cannot explain.

Right. Thank you. Exhibit 73 and Exhibit 74 can be returned. Commissioner, I've probably got five minutes or a little bit longer to finish with Mr Vadala.

ASSISTANT COMMISSIONER: Will anybody else be seeking to examine Mr Vadala?

MS McGLINCHEY: Briefly.

10 MS McDONALD: Briefly.

MR RODGERS: I have two questions as well.

ASSISTANT COMMISSIONER: All right. I am very wary of these estimates so I think we'd better adjourn for lunch. We'll resume at 2 o'clock.

20 LUNCH ADJOURNMENT

[1.59pm]