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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 30 MARCH, 2010

AT 2.10PM

Any person without publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

MS RONALDS: Commissioner, if I can just indicate, the vast resources of the Commission determine that Good Friday was 21 March, 2008. So Easter was the Friday, the 21st, and with the vast resources of the Council's highly experienced senior counsel, he advises me that it was the union picnic day the Friday before. So that where both those days are recorded as public holidays, that would've been inaccurate to save endless hours and mucking around and wasting time about it and managed to reproduce it without, and we do have an original if Mr Blake would like to have a look at it.

10

MR BLAKE: I wouldn't mind, Yes.

MS RONALDS: I knew you'd say that. He would like to have a look at the (not transcribable) and we've recopied it. Unfortunately it's one of those receipts that fades so it's less clear than last time it was photocopied because it's faded with antiquity. Bunnings' receipts are meant to be a document that lasts forever.

20

MR BLAKE: If you wait long enough the records (not transcribable) could disappear.

MS RONALDS: That's right, and all you've written down the side.

ASSISTANT COMMISSIONER: Are you going to substitute - - -

MS RONALDS: Yes, if I could substitute 73, the one I've just provided to our friends, with this 73.

30

<JOHN VADALA, on former oath

[2.12pm]

MS RONALDS: And to save, I hope to save time, Mr Vadala, is it correct that the day you went shopping at Bunnings with those two receipts, was that the day that you did a day's work at the unit when being paid by the Council?---Yes, it was.

And so that's a Wednesday, 19 March?---No, it wasn't the day.

40

So it wasn't the day?---No.

So you went shopping at Bunnings?---Yes.

Can you explain how that happened?---Ah - - -

You seem to have gone twice, once in, sorry to just interrupt, once in the morning and once in the afternoon?---It appears to be that someone else had done some work to the unit and they installed some doors, installed some

doors and they've, they've made a mistake on one door and the lock of this actual door wasn't going on properly and Steve Child asked me to have a look at it. I had a look at it and whoever, whoever did the job drilled the hole too big for the lock and Steve Child asked me to go and buy a new door and, and see if I can fixed it up and hang it up.

And so the first time you went to Bunnings that day, was that for the purchase of the door?---The door, yes.

10 And that's, as I understand it, 9.39?---Yes, that's right.

And do you say that you'd been to the units early that day? Is that one of the days you did the 6.00am start?---I can't recall.

And did you then return to the unit and work there during the course of the day?---Yes, I did.

On the 19th, Wednesday, 19 March?---Yes, I, I picked up the door from Bunnings. I took it back to work to my workshop and I drilled the door. I
20 drilled for the barrel for the lock, make sure everything worked properly.

So when you say back to, that was at the depot?---Yes.

All right. And then - - -?---And then I went back, I went to the unit and, and fitted the door.

All right. And that was all during the time you were there for Council, you were on the Council payroll, if you understand what I mean?---Yes.

30 And then you went back to Bunnings in the afternoon?---Yes, I went back -
- -

The same day?---Yes, late in the afternoon I went back to Bunnings and bought the quad that Mr Child asked me to get.

All right?---I can't remember how many metres. I think a couple of hundred metres.

40 And did you take that back to the unit then?---I, I took it back to the unit, downstairs number 7, and I just left it there.

All right. So you didn't actually put it in?---No.

Or on, or whatever the word?---No, they were supposed to be painted before they were installed and I didn't do that.

And that, painting it was not your job?---No.

But for the whole day you worked there?---Not the whole day.

So how many hours do you estimate that you worked there?---Probably, probably one hour just to fiddle around with the door and that's it.

That was Wednesday, 19 March?---Yes.

So when you said that there was day that you worked there all day, was that a different day?---That was on a Friday.

10

That was a Friday?---That was a Friday, Yes.

But it wasn't Good Friday?---I don't think, I don't believe so, no.

Well, that was a public holiday so - - -?---Yeah, I don't believe so.

So it was another Friday?---Yes.

All right. I hope that's assisted.

20

ASSISTANT COMMISSIONER: Yes, thank you. Yes, Mr Blake.

MR BLAKE: Mr Vadala, who asked you to go to the Edwin Street units?--- Joe Giangrosso and Steve Child.

So the first time you learnt about this, was this a conversation with both of them together?---I think originally was briefly with Joe, Joe Giangrosso briefly and, and then both talked to me about it.

30

Well, the first one with Mr Giangrosso, can you tell the Commission the conversation please? What did he say to you?---He said that there was a couple of unit that Mr Romano asked him if he can help him with, some work that needed to be done and I said, "What sort of work is involved" and he said, "Some gyprocking and some doors to be hung and bits and pieces".

All right. So, in that conversation there was reference by Mr Giangrosso to a couple of units?---Yes.

40

Was anything said in that conversation about whose units they were?---No. None whatsoever.

And did you understand from that first conversation that Mr Romano might be involved in those units?---I didn't know at first, no.

And there was a second conversation you referred to with Mr Giangrosso and Mr Child together?---Yes.

Can you tell the Commissioner what was said in that conversation?---Well, I didn't, I didn't really want to do the job.

I, I said that before, but can you just tell the Commissioner what the conversation was?---Well, they asked me if I could help them out to do these, these bits and pieces for them. And that's about it. And they said it came from the top. We needed to do Pat Romano a favour, that if I wanted to do the job for him.

10 At the time of that conversation did you know where these couple of units were?---No.

No?---No.

And at the time of that conversation, well, following the conversation did you have any understanding as to who owned the units?---Not at first, no.

20 So not after the Mr Giangrasso conversation and not after the Mr Child and Mr Giangrasso conversation?---(not transcribable) I didn't know.

And your evidence here is that you then went to the units shortly after that was it?---Yes. Mr Giangrasso asked me and Steve Child asked me to meet Albert at the units to talk to me about what needed to be done.

Yes. And did you go there by yourself or with - - ?---Yes, I did.

Yes. And did you know why Mr Becerra was going to be there? Did you understand what his involvement was?---No, I didn't.

30 You didn't?---No.

So at the time met Mr Becerra you had no understanding as to - - ?---I didn't know who owned the units at the time.

All right. Now, you said that you received a payment in cash from Mr Becerra?---Ah hmm.

40 Was that just one payment or more than one payment?---One payment of \$900.

Yes?---We had, we had an agreement that I was to be paid \$300 a day for my work. And then I did a couple of more bits and pieces in my own time in the afternoon. And that came to another \$150.

So you were paid \$1,050?---Yes.

Yes. But then you say you had an agreement, who did you make that agreement with?---Myself and Albert.

Okay. And were you paid just one amount of \$900 and the other amounts later on or - - -?---Yes. Because the three days that I done were already completed. And I, I did a few more hours here and there. And that came to \$150.

And that payment, I take it, now how was the, what happens with the Bunnings payments?---What do you mean?

10 Well, were you repaid for the money you spent on Bunnings?---Yes, I was.

Yes. So it was the \$900, plus the cost of the materials was it?---No. Steve Child reimbursed me for that money.

Sorry?---Mr Child - - -

Mr Child reimbursed you for the materials did he?---The money that I spent on Bunnings.

20 And did you give Mr Child the receipts?---Yes.

You did. So those two receipts produced today you gave to Mr Child and then he gave you the amount - - -?---I'm pretty sure I did, yes.

All right. And you said you took some tools from Council. What tools from the Council did you use?---A drop saw, a drill, I think, not very many tools.

30 And the rest of the tools were your own. Is that correct?---Yes, that's right.

Yes. Now, the, can you just describe, I understand you worked there on Wednesday, 19 March and you describe the door being installed and you also mentioned the Council insisting you worked on a consecutive Friday, Saturday and Sunday?---Ah hmm.

What work did you do on the consecutive Friday, Saturday and Sunday?---I did some bulkheads, out of gyprocking, I dropped a ceiling.

40 So when you dropped it you removed it?---No, no.

No, sorry?---I, I don't know if you understand the furring channel that we use to drop a ceiling, it's metal that goes around the perimeter.

Yes?---And then cross bars as the furring channel and then the gyprocking goes on top of that.

Yes?---And it covers, it covers any, any concrete cracks that you've got on your original ceiling.

Yes. So you put in a ceiling?---Yes, in one of the, in one of the rooms I put in a, especially in the kitchen area, I put in a false ceiling, some bulkheads over the kitchen.

Yes?---A bulkhead over the linen closet and, and then I, I had to set the gyprock, plaster it.

10 Yes. And does that describe in general terms the work that you did over those three days?---Pretty much.

Yes. And was there any rubbish material from the work that you did?
---Very little on my part, just bits and pieces of gyprock.

Yes?---But there was a lot of rubbish when I originally went there and, and saw what I had to do.

20 Yes. And the rubbish that was there with your work, did you remove it any way? What did you do with it?---I just left it.

You just left it?---Yeah.

And did you see a, a skip for rubbish in the, around the units?---No, there was no skip.

Right. Are you quite sure about that?---Absolutely.

30 Right. Well, I suggest you're, you're mistaken about that, there was a skip there?---No, there wasn't.

Right. And Mr Issa helped you, you mentioned on a, on a morning before work, I think it was two mornings, was it?---Two mornings before work, yes, he gave me a hand.

Yes. And did he help you any other time?---No.

Right. And was Mr Issa paid for the work?---I'm not sure if he did get paid.

40 You don't know?---No.

You didn't pay him any money?---No, I didn't.

No. And you said you met Mr Romano on the site?---One morning he just came through.

Yes, that was on a, a weekend I think you said?---Yes, it was.

Yes. And you said you said hello?---Yes.

And Mr Romano asked you do I know you, what's your name?---No, he didn't.

He didn't remember your name, did he?---I'm not sure if he did.

Well, I suggest he asked you what your name was and you told him you were John Vadala?---Possibly.

And he asked you don't you work for the Council?---No, he didn't.

10

Yes. And I suggest you told him you, you worked for the Council?---We've never had that conversation.

Yes. And I suggest that he asked you do you do this sort of work on the weekends?---No, he didn't ask me that.

And you told him you do all sorts of trade works on weekends whenever you can get it?---No, I didn't say that.

20

And you said you had a conversation with Mr Child when he approved you putting the tools, Council tools in your car. Can you tell the Commission what that conversation was?---I said that the drop saw that I had to use had a sharp, a sharper blade than the one that I had because it was a fairly new machine and if I could use it, he said yes.

And that was the conversation?---And that was it.

Yes. Yes, nothing further, Commissioner.

30

ASSISTANT COMMISSIONER: Yes, Mr Blake. Yes, Ms McDonald.

MS McDONALD: A few questions of Mr Vadala.

As I understand your evidence, Mr Vadala, the only time, and please correct me if I'm wrong, the only time that you did work on the units which was on the Council's time was one hour on the afternoon of the 19th, which is when you purchased the door?---Yes.

40

And you went and unscrewed, and drilled a hole in the door at the workshop and then fixed the door at the units that afternoon?---Yes.

And you also dropped off the quad at the units?---That's right.

And the only other time that you think might have been Council time was this Friday, Saturday and Sunday that you worked?---Saturday and Sunday was my own time.

Yes?---It was only one, one Friday that I worked there all day.

Right. And it's possible, is it, that that Friday could have either been Good Friday or the Council picnic day the previous Friday?---I, I can't remember.

You can't remember?---No, I'm sorry.

Is it possible it was one of those days?---I don't think, I don't think it would be possible.

So you, so you think more likely it was on a normal work day?---Yes.

10

If it was that normal work day, as I understand your evidence, you were asked to do, to work that work day by either Steve Child or Joe Giangrasso? ---Yeah, Steve Child wasn't present, he was I think on a couple of days' holiday.

Ah hmm?---And Joe Giangrasso was his replacement.

It was not Mr Romano who asked you to work on that day?---No.

20 And it was not Mr Becerra who asked you to work on that day?---No, no.

You gave some evidence that you had an initial conversation with Joe Giangrasso about working on the property in the first place?---Yes.

You said that he'd said that there was a couple of units Mr Romano had asked him to help with?---No, he didn't mention Mr Romano.

I'm sorry. I thought your evidence was that at that first meeting he'd asked you to do some work on some units?---He said that Mr Romano asked him to help him out.

30

Yes, sorry, Mr Romano - - -?---Yes.

- - - had asked him to help him out?---Yes.

Mr Becerra hadn't asked him to help him out?---I don't know about that.

So you don't recall any mention - - -?---No.

40 - - - of Mr Becerra at that time?---Not at that time, not at that time. It's only when they asked me to meet Mr Becerra that I met him at the unit.

Yes. And do you remember seeing Mr Becerra at the weekend that you did the gyprocking at the units?---Not on the weekend I don't think.

Did you, were you ever at the units doing work, well, I withdraw that. On the afternoon that you did the one hour work - - -?---Ah hmm.

- - - with the door, Mr Becerra wasn't there, was he?---No.

And just finally, in relation to the payments that Mr Becerra made - - -?
---Ah hmm.

- - - is it possible that he paid you in two instalments of \$800 and another of \$200?---No.

So your recollection is \$900?---\$900.

10

After that weekend of work?---Yes.

He paid you on what, the Sunday afternoon when you'd finished?---No, no, it wasn't a Sunday. It was a day during the week.

Okay. And then, and then you say later another 150, not, not \$200?---No, 150. He didn't actually pay me the 150, he gave, I think it was Joe or Steve gave me the money.

20 Oh, I see. So it wasn't Mr Becerra that gave you the 150?---Not the second lot, no.

No. So Mr Becerra himself only gave you \$900 is your evidence?---Yes, yes.

I have nothing further.

ASSISTANT COMMISSIONER: Thank you, Ms McDonald.

30 MS McGLINCHEY: Thank you, Commissioner.

Mr Vadala, before working on the units had you had some personal interaction with Mr Romano?---No, I didn't.

Was Mr Romano involved in your employment at the Council, personally involved?---No.

Was there an occasion where you gave Mr Romano a bottle of wine from your - - -?---When I started work for the Council, yes, I did.

40

Did you give it to him personally?---No, I gave to his secretary - - -

Okay?--- - - - because he wasn't in the office at the time.

Okay. Thank you. Mr Vadala, is it the case that at the time of doing the work on the units you had been employed at the Council for about eight months?---Yes.

And Mr Giangrasso and Mr Child were, had been employed at the Council for some time where you were employed?---Yeah. A lot before me, yes.

And they were in a senior position to you?---Yes, they were.

And is it the case that both Mr Giangrasso and Mr Child gave you directions as to what work was to be carried out at the unit?---Yes and no. They, they said there was work to be done, but they didn't know exactly what it was.

10 Well, who gave you the directions as to what work to be done?---Albert Becerra.

And what about when the work was to be carried out, who gave you those, those directions?---Well, as Joe Giangrasso said, as soon as you possibly can.

Was there anything more specific then that in terms of when you should do particular work?---Well, as I said before, I was going to do it in two weekends, but they wanted it done pretty quickly.

20

And when you say they wanted, can you assist the Commission with - - -? ---Well, Joe asked me, you know, Pat Romano wanted them done quickly. So that's why I had to work on that Friday, Saturday and Sunday and a couple of afternoons to get it done.

In giving directions to you or in taking directions from Mr Giangrasso and Mr Child, was it your belief at the time that they were acting with the authority of the General Manager?---I believe so, yes.

30 How did you feel at the time about your work at the Council? At the time when you were working on the units?---How do I feel?

Yes. How did you feel about your work at the Council?---Well, at first I was reluctant to do the job, because I didn't have much time to do it.

Okay. So you're, sorry, I asked you a slightly different question. But that's a good question to answer. How did you feel about doing the work on the units when you were asked to do it?---Well, I was, I prefer not to do any work like that, you know. I sort of, I wasn't actually forced to do the job, but they said that it was going to look good on my record for Burwood Council.

40

What do you think, or did you consider what the consequences might've been had said no, I'm just not going to do the work?---Well, I'm not too sure. I'm not too sure. I haven't working there that long so I wanted to do the right thing, you know, by my workmates.

Thank you very much. That's all, Commissioner.

ASSISTANT COMMISSIONER: Thank you. All right. If there's nobody else, Mr Vadala will be back, will not be back?

MS RONALDS: No.

ASSISTANT COMMISSIONER: Will not be back. Mr Vadala, thank you. You are now excused from further attendance?---Yep. Thank you.

10

THE WITNESS EXCUSED

[2.33pm]

MS RONALDS: I call Mr Saad. I think he might be outside.

ASSISTANT COMMISSIONER: Mr Saad. Is that you?

MR SAAD: That's me, yeah.

20 ASSISTANT COMMISSIONER: Okay. Are you legally represented, Mr Saad?

MR SAAD: Yes. I have a gentleman - - -

MR OATES: Commissioner, my name is Oates. I seek your authorisation to (not transcribable) Mr Saad.

ASSISTANT COMMISSIONER: Yes, Mr Oates, you're given leave.

30 MR OATES: I indicate to you section 39 declaration will be sought.

ASSISTANT COMMISSIONER: Thank you. Yes, Mr Saad, well I'll make a declaration the effect of which is that nothing you say here can be used against you in future 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 during the course of this hearing are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing
40 produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY THIS WITNESS AND ALL
DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE
COURSE OF THIS HEARING ARE TO BE REGARDED AS
HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND**

**THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION
IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR
DOCUMENT OR THING PRODUCED.**

ASSISTANT COMMISSIONER: Mr Saad, you are required to take an oath to tell the truth on the bible or through affirmation.

MR SAAD: Have you got the Koran, your Honour?

10 ASSISTANT COMMISSIONER: Yes, the Koran.

MS RONALDS: Mr Saad, my name is Ronalds. I'm counsel assisting the Commission. I'm just going to ask you a few questions?---How you doing?

I'm fine, thanks. The first person to care. Could you tell the Commission your full name?---Youssef Saad, known as Joe, your Honour.

10 And what's your occupation?---At the moment nothing.

So you're currently unemployed?---Unemployed.

And were you previously employed at Burwood Council?---Yes, unfortunately.

And when, well, Mr Saad, if you could just hold the editorial and just answer the question, please?---Okay.

20 Thank you. When did you work there?---2008, March.

And how long did you work there?---I was there until 2009, April.

So you worked from March, 2008 to April, 2009?---That's right.

And what work did you perform?---Everything. Construction, whatever was needed to be done.

30 And you worked out of the depot?---Yes.

And did you work in a team?---Yes, your Honour?

Any particular team?---Construction team.

And did you work with Mr Joe Giangrosso?---Yes, your Honour.

And did you work with Mr Steve Child?---Yes.

40 And did you understand Mr Child was your supervisor?---Yes.

And he was therefore able to tell you what work to undertake from day to day?---Yes.

And he did that?---Yes.

Now, you ceased working there in 2009. What do you say were the circumstances that caused you to cease working there?---I mean, there's, there was a lot of things were going on, so I didn't have a clue, your

Honour. You know, things were directed up the top we were down in the bottom.

Yes?---And I was, I was left swinging as a casual for that period of time and my understanding was, because I have worked with a bigger Council - - -

No, just, just if I could ask you to listen to the question and try and answer that?---Yes, sure.

10 I know you've got a lot to say, but this is only very limited questions?
---Okay. (Not transcribable)

What caused you to stop working at the Council?---Well, I was told there was, we don't need casuals any more.

Right. So you were employed as a casual?---Ah hmm.

And you were told you weren't wanted as a casual any more?---Yeah.

20 And then you ceased working there?---That's right.

Thank you. Now, during the course of your employment, during the course of the time you worked at Burwood Council, did you have occasion to work on some units in Edwin Street, Croydon?---Yes, your Honour.

And do you recall the circumstances that led you to do that work?---I was asked by Mr Child to do it.

30 So how many times did you go there?---Three times.

And taking them one at a time, do you recall when the first one was?---Not really. Not really the date and that, I don't recall it.

Was it closer to when you started work then when you left work? That is was it more likely to be - - -?---Half way.

Right. And so the first occasion Mr Child asked you to attend there did he?
---Yes.

40 And did you go with someone else?---No. Just with him.

Just with Mr Child?---Yes.

And was it during work time?---On one occasion.

Well, this first one we're just talking about now, when you went with Mr Child, was that during work time?---Yeah.

And what did you do?---I just had to knock a wall down and measure and just a bit of cleaning up in the place.

So you knocked a wall down, did a bit of measuring and cleaning up. And how long were you there?---For about two hours.

And that was during work time?---Yeah.

10 And then you went there on a second occasion?---Yeah.

And who did you go with on that occasion?---With Mr Child.

And who asked you to go on that occasion?---Mr Child.

MS RONALDS: All right. And do you remember when that was?
---Roughly about 2.30, quarter to 3.00, I don't know what date it was.

So close to knock off time, is that correct?---Yeah.

20 And how long were you there?---For about three hours.

And were you paid for that work?---I was paid once, \$150.

And who paid, who gave you that money?---Mr Child.

And did he tell you it was on behalf of someone else?---No.

And on the third occasion?---Ah hmm.

30 Who did you go with?---I went, I drove up on my own with the Council truck.

All right. And what did you do on that occasion?---I had to measure thing up and put all the garbage and whatever needed to be in the back of the truck and taken back and dump them at the depot.

And who asked you to do that?---Mr Child.

40 And did he tell you to take the Council truck?---Yes.

And were you concerned about that?---I was just doing what told. It was none of my business.

And did anyone tell you who owned the units?---No.

So during the three visits you were there, you didn't know who owned the units?---No. On my, on my second visit I just, I seen a guy there but I didn't know who he was, you know, and a few days later we were up, we

went up to the chambers for some conference going on and a bit of a yap anyway, so I see the same guy and then I asked one of my colleagues who's this guy and they said he's the architect for the Council.

All right, but you didn't speak to him when you were at the units?---No, no, no, no, no. I didn't even know him, I didn't, I've never seen him before.

So you then knew he was the Council for units, I mean, sorry, the architect for the units?---The Council, for the Council.

10

For the Council. Now I've managed to confused that completely. But you didn't ever meet him?---No.

You don't know his - - -?---I met him after all that.

All right. Do you know his name now?---Albert Becerra or Bashara or - - -

But when you saw him at the units when you were there working, you didn't actually have a conversation with him?---Nothing.

20

And was there other, were there any other occasions that you did work at the units, or just those three?---No, no, no, that's it.

And you were paid that sum of money just that once?---Yeah.

And you didn't ever return there?---No.

Did the elections for, the local government elections for the Burwood Council were on 13 September, 2008?---That's right.

30

What, if anything, did you do on that day in relation to the Burwood Council elections?---I gave out leaflets for the Mayor, for John Faker.

Now, how was it that you did that? How come you did that?---Mr Child asked me to go down and it was on a Saturday and, and I wasn't, nothing to do with the Council (not transcribable) but said you have to go because it's the election day and blah, blah and I went down from about 7.00 to 2 o'clock.

40

Well, just stopping you there. When did Mr Child ask you to do that? ---Was on a Friday.

All right. And did he telephone you or were you in the depot?---No, no, personally.

And were you in the depot when someone from the union came and asked for volunteers to go and hand out how to vote cards?---I recall, I can't remember so much, if it was there.

But you recall Mr Child asking you to do that?---Yes.

And did Mr Child tell you he was asking, did he tell, why he was asking you to do that?---No, I didn't, I didn't ask. See, I was new there. I was just following, you know, orders and whatever it is.

And did Mr Child tell you that you'd be paid to do this work?---Separate.

10 He told you that on a separate occasion?---Yeah. No, no, he told me that day I'd be paid separate for that day.

Because you weren't rostered to work that day, were you?---No.

It wasn't a work day for you?---No.

And did you speak to anyone from Mr Faker's campaign headquarters before you went to hand out how to votes?---I didn't, I didn't know, I didn't know. I didn't know anyone there.

20

So was the only person you spoke to on the Friday Mr Child?---That's it.

Did he tell you where to go?---Yes.

And where did you go?---The Christian Brothers School.

And so you arrived there at 7 o'clock?---Yeah.

And he told you to be there at that time?---Yeah.

30

And did you see Mr Faker during the course of the day?---No.

Did you know Mr Faker?---I know him to see but I've never talked to him.

All right. And you didn't see him during the course of that day - - -?---No.

- - - as far as you recall?---No.

40 And was there anyone else you knew who was present on that day?---Yeah, Ammer Issa.

And he was in the same polling booth as you?---He was just standing opposite me.

And have you ever handed out how to vote cards before?---No.

Or since?---No.

Are you a member of the ALP?---Please, I don't know who I'm with these days. You'd have to excuse me on that.

Is that meant to be a joke, Mr - - -?---No, it's not a joke.

So you don't know whether you're a member of a political party or not?
---No.

Is that correct?---No.

10

Is that your evidence to this Commission? You don't know whether you're a member of a political party or not?---Well, you have describe it? Translate it a bit more for me what it is. You're only giving me short letters.

Have you ever heard of the Australian Labor Party?---Yeah.

Are you a member of the Australian Labor Party?---Yes.

20

All right. Were you a member of the Australian Labor Party in September, 2008?---No.

And you were paid, were you not - - -?---Yes.

- - - to attend on 13 September, 2008?---Ah hmm.

And who paid you?---Mr Child.

And when did he pay you?---The Monday.

30

And how much did he pay you?---One fifty, three 50 notes.

And he paid you in cash?---Yes.

And did he ask for a receipt or anything?---No.

And why did you decide to go and give out how to vote cards on that day?
---Because I had to.

40

Why did you think you had to?---Because that's the instructions I was given.

And you say that, what, Mr Child gave you those instructions?---Yes.

Now, you lodged a complaint of discrimination against the Council, is that correct?---Yes.

And that was complaint of race discrimination?---Yeah.

And you lodged that with the Anti Discrimination Board?---Yes.

Now, is that complaint still ongoing?---No.

Or has it been settled?---No, no, they've, they've settled it last September, Yes.

10 All right. Well, there was a conciliation conference, wasn't there, on 15 September, 2009?---That's right, yeah.

Certain matters were discussed and there was an agreement, is that right? ---That's right.

And it was settled and then that was the end of the matter as far as you're concerned?---As far as I'm concerned.

I have nothing further.

20 ASSISTANT COMMISSIONER: Thank you, Ms Ronalds. Applications to cross-examine?

MR BLAKE: Just briefly.

ASSISTANT COMMISSIONER: Yes, Mr Blake.

MR BLAKE: Mr Saad, when did you become a member of the Australian Labor Party?---I can't, I can't remember what year.

30 Well, but it was after the Council election in September, 2008, was it, or before?---Probably before it.

Before it?---Yeah. Well, I vote when I'm in the country. Sometimes I'm not in the country, I don't vote.

All right. But your best recollection is you became a member before the Council election in September, 2008?---Yes.

40 And you just was asked a question about a race discrimination claim that you made?---Ah hmm.

Who did you allege in that complaint had discriminated against you on the ground of race?---I was, the, the depot's manager and HR knew about it and there was absolutely nothing done about it.

Yes, but in your complaint - - -?---Yep.

- - - who did you allege had discriminated against you on the grounds of race?---Mr Child.

Mr Child?---Ah hmm, yes.

And can you tell the Commission what complaint you actually made? How did he discriminate against you on the grounds of race?

ASSISTANT COMMISSIONER: Sorry, just a minute, Mr Blake. I'm sorry, I'm not even sure why this issue is being raised at all. What is the relevance of this?

10 MR BLAKE: Well, there's going to be an issue about Mr Child's veracity and his conduct in relation to this matter generally. It's been opened and - -
-

ASSISTANT COMMISSIONER: Yes, I know it was opened but I mean, we're not going to call evidence about it so at the end of the day we're not going to make any findings about it. Other witnesses haven't been asked about it. I just, I don't see how it's useful to go into the details of the complaint.

20 MS RONALDS: It will arise, if I can assist in relation to one matter, which is the current employment status of Mr Child and as I understand the position, the Council's position is that they have suspended Mr Child on pay because of the discrimination complaint and you will recall that when I opened I traversed what is a proposition that various people have been subjected to reprisal action by the Council because they made complaints or allegations about Mr Romano. And Mr Child falls into that category and what I would say at this stage is a contrivance to keep him out of the workplace. So all I was endeavouring to do was not to, not look at the
30 veracity or otherwise of the complaint but to determine the current status of it which was settled, according to the complainant, in September.

ASSISTANT COMMISSIONER: Well, what do you say about going into the details of the complaint?

MS RONALDS: It would be my view that the actual details of the complaint are not relevant. It's a matter of what's happened to it since.

ASSISTANT COMMISSIONER: Yes, I really think, Mr Blake, that we can't, we can't go into these side issues because - - -

40

MR BLAKE: Well, I would at least ask, Commissioner, that the actual written complaint be provided and I may seek to do something with it then but to have this sort of evidence opened up it's alleged that Mr Child is in some way involved in it and then just completely closed down without being able to find out the nature of the complaint and how it might affect Mr Child, in my submission, is not satisfactory. I don't think I'd probably need to ask him if I can see the complaint itself.

ASSISTANT COMMISSIONER: Well, I thought you wanted to put it as going to his credit and now you're saying - - -

MR BLAKE: No, not his credit.

ASSISTANT COMMISSIONER: - - - it's, you say it goes to Mr Child's credit.

10 MR BLAKE: Well, it may do in some way given its connection with, in some way with his standing down and actions of Council in taking that step in suspending him.

ASSISTANT COMMISSIONER: Well, I really think that it, it could be more of, of more relevance to the allegations of reprisal and that I probably would have no objection to it being dealt with at that time but I don't think it has anything to do with the evidence this witness has given at this stage about the, the units and, and his interaction with Mr Child so I, I don't intend to allow questioning about it at this time.

20 MR BLAKE: Yes. Is Mr Saad coming back?

ASSISTANT COMMISSIONER: I believe he will be part of the reprisal packet.

MR BLAKE: Right, okay. Well, I'm content to sit down.

ASSISTANT COMMISSIONER: Yes, good. All right, any other questions?

30 MR HANLEY: Yes, Commissioner, if I might ask some questions.

ASSISTANT COMMISSIONER: Yes.

MR HANLEY: Mr Saad, when you were working under Mr Child leading up to the elections in 2008 you, were you a member of the ALP then?
---Yeah.

40 Now you told I think counsel assisting that you're not sure whether some member from the union that you belong to came round and asked for volunteers to assist Labor candidates at the election. Is that right?---Yes.

You're not sure?---I wasn't sure.

Well, does that mean you don't remember or you're not sure that it occurred?---I don't remember.

In any event, you didn't volunteer to assist any candidates, did you?---No, I didn't.

Were you approached by Mr Moody, the secretary for the union that you belong to?---No.

Do you recall him coming to the depot?---Yes.

And do you recall what that was for?---That was a union meeting.

Was there, this is before the election?---Yeah.

10 And was that to ask for volunteers?---No.

And you say that Mr Child approached you and directed that you attend, did you?---Yes.

And was anyone else present when that occurred?---Does it matter who was present or not?

Please just answer my question, will you?---I've answered your question.

20 Was anyone else present?---There was two people in the office.

Who were they?---I wasn't watching who was there.

Who were they?---I said I wasn't watching who was there. He approached me in the office, in the lane, in the hallway, one on one, and that was it. I didn't look to see who was actually there.

30 The other person, who was the other person you saw at the school where you were handing out leaflets from the Council depot?---Ammer Issa.

Was he present when Mr Child spoke to you about handing out leaflets? ---He was in the office.

Did Mr Child speak to him?---I didn't see it.

Did Mr Child ask if anyone was interested in receiving money to hand out leaflets?---No.

40 Did Mr Child offer you money at the time that you were directed to attend? ---No. All he just told me was I get paid separate for it.

Did you ask how much?---No.

You weren't interested?---No.

You see, I want to suggest that you were told by Mr Child that Mr Romano wanted some people to hand out leaflets and you would be paid \$150 for the work?---Wrong.

What's wrong about it?---He didn't, he didn't mention Romano.

Did he mention money?---No.

So you were going to turn up were you for what, the day?---He asked me on the Friday I need you to do this on the Saturday for the elections.

10 Did you ask for how long you were going to be there for?---From 7.00 to 2.00.

How did you know that?---Because he told me.

Right. And did you ask how much you'd be paid an hour?---No.

Did you ask how much you'd be paid for your time that day?---No.

You didn't care?---No.

20 So I want to suggest that Mr Child told you that you'd be paid a specific amount of money before you accepted and went?---No, he didn't.

Was Mr Issa with you when that occurred?---He was in the office, not with me.

Did you recall whether Mr Issa offered to go as well?---I, I didn't hear it but I assume so because I, I met him there.

30 So you were surprised to see him there, were you?---Yeah.

And did you talk about it?---No.

You and Mr Issa?---No.

Not a word?---Not a word.

No talk about money?---No.

40 Or why you were there?---No.

In relation to the work you did on the units, do you say that some of that work was done during Council time?---Yes.

And how many times do you say that occurred?---Twice.

The first, second or third time?---The first and third.

First and third. On each occasion were you with Mr Child?---Mmm.

And for how long did you work on Council time?---Well, I just went before like, it was one particular time at 2 o'clock and the second one it was 2.30.

What time had you started on the day you went there at 2 o'clock?---No, I didn't, I wasn't looking at my watch, you know.

No, what time did you start work for Council that day?---What's that?

10 What time did you start work for Council?---7.00 in the morning.

You're quite sure of that?---Yes.

You see, I want to suggest that the times you worked at the unit either with Mr Child or at his direction you were working outside of Council hours?
---There was once I work outside Council and that was on a Saturday.

And did you raise that at all with, just let me finish?---Yeah, go ahead.

20 Did you raise the fact that you had worked outside, sorry, on Council hours when your timesheets were put in?---No.

Did you fill in your timesheets or present the hours for work - - -?---I don't fill in the timesheets.

Did you present the hours that you had worked?---I don't, well, I don't fill the timesheets so it's none of my, it's not my business to go up and tell the person that fill in the timesheet out.

30 Did you present any times of hours that you had worked to someone else to put into the timesheet?---No.

In relation to your timesheets, did you ever give any administrative officers, for example a secretary who worked at the depot - - -?---No.

- - - the hours that you had worked?---No.

Never?---Never.

40 Someone else just spelt it out and you accepted it?---I might.

Is that correct?---Yes.

Yes, thank you.

ASSISTANT COMMISSIONER: Thank you. All right, if there's no one else. Mr Saad, you're stood down now. You will have to come back at a later time but you're free to leave now?---I can go home now, can I?

Yes, you can go home?---Thank you.

THE WITNESS STOOD DOWN

[2.58pm]

MS RONALDS: I was intending to call Mr Issa but his legal representative is not here. I understood he was only going to be not here this morning so I'll put it over until he is here and I call Mr Child.

10

ASSISTANT COMMISSIONER: Yes, Mr Child, you're still on your former oath and the section 38 declaration still applies to your evidence today. You may sit down.

MS RONALDS: Now, Mr Child, in relation to the units at Edwin Street, you right?---Yeah.

You're aware there are some units at Edwin Street in Croydon?---Yes.

187?---Yes.

10

Do you recall the first time you had occasion to go there?---Yes.

And do you remember when that was?---It was I would say February, after I come back from Christmas holidays.

February what year? You just have to keep your voice up a bit - - -?---2008.

- - - or we can't hear you. And why was it you went there?---Mr Romano had called me into the office originally.

20

Into the office, into his office?---Into his office.

Up in headquarters?---Yes.

And what did he say to you there?---He told me that John Vadala and Joe couldn't complete some things there for him and he wanted me to look after the, the rest of the job.

30

And did he tell you why he had any interest in these units?---It was a for mate of his.

So did he tell you in that first conversation that he had an interest or a direct interest?---No.

So he told you it was for a friend of his?---For a friend of his.

And did he identify that friend?---It was Albert Becerra.

40

Did he identify Mr Becerra at that conversation?---No.

So he didn't tell you who the friend was?---No.

And what did he ask you to do in the first conversation?---He asked me to look after it for him.

And what did you understand he meant by that?---To project manage it.

And what did you do?---He, I met up with the next day.

With Mr Romano?---Mr Romano.

And where did you meet him?---At the Council Chambers.

Right. And what happened then?---He took, he took me down to the units.

So you physically drove there?---He drove me there.

10 In his car?---In his car.

And was this during your usual working day or was it the end of the day?
---It was during the working day.

Do you remember what time it was?---I would say it was in the morning.

Right. And what did you do when you got there?---I met Mr Becerra.

20 Right. And had you met him before?---Not really. I might've come across
him, but I've never really had anything to do with him before.

So you hadn't worked with him before?---No.

And so Mr Romano introduced you to Mr Becerra?---Yes. I, sorry, I
might've, I worked with him possibly on, when we fixed the interior of the
building, when they knocked down part of the building and we had to
restore the building inside, change offices, I might've had a few
conversations on a few things that they wanted down.

30 But he wasn't a friend of yours?---Oh, definitely not.

And he wasn't a close working colleague?---Definitely not.

And so while you were there, what did you do?---They, they showed me
what I, what they wanted me to do, was to look after it. I wrote a list.

All right. And where did you write that list?---In my work diary.

40 And I'll show you this document. Now this is a photocopy from your work
diary. So just look at the front cover and then if you look at the page
underneath, when you say you wrote a list, is that the list you wrote?
---That's correct.

And what does that set out?---That sets out the, the jobs that needed to be
done at the units.

And do you say that you wrote that out when Mr Romano and Mr Becerra
were present with you?---That's correct.

And you walked around with the two of them did you?---That's correct.

And they, you discussed with them the things that had to be done?---That's correct.

And you wrote out this list?---That's correct.

10 And what did you understand that Mr Romano was asking you to do in terms of project management?---He wanted me to organise somebody to, some people to finish off the units that John Vadala and that, couldn't do.

Right. And when did you understand he was asking you to perform those duties?---Can you repeat that?

Well, when did you understand he wanted you to do that, ie, was he asking you to do that during the course of your weekends?---No.

20 What did he say to you that, that told you when he wanted you to perform that work?---He wanted me to look after the units and organise some tradesmen to come in and finish it off, which was in Council time.

And did he use those words?---Yes.

So doing the best you can, if you tell the Commissioner what he said?---Pat said that can you organise this for me, as you have got trade contacts. And, yeah, Mr Romano knew quite, quite well that I didn't live in the area at the time.

30 Yes. But I'm just asking you what he said to you?---He asked me to organise the units.

And you understand that meant during work time?---Partly, yes.

Because part of the organisational role is it not, is by telephone?---Yes.

So it doesn't matter whether you live around the corner or a 100 k away - - - ?---That's correct.

40 - - - if you're using the telephone does it?---Yes. That's right.

And so did he specifically say to you that he wanted you to do it during working hours?---Yes. Because he wanted me to use some of his tradesmen that he eventually sent me some paperwork through. And - - -

So they were the tradesmen he'd used previously?---That's correct.

And you agreed to perform this job?---That's correct.

And why did you do that?---Because Mr Romano asked me to look after it. I was probably a bit flattered that he actually asked me and I was also probably fearful for my job.

And why would you be fearful for your job?---Mr Romano was a robust person and yeah, if you didn't be on the right side of Mr Romano, yeah, you might as well say goodbye.

10 Well, had you seen that happen to anyone else?---Yes.

And who had you seen that happen to?---I've seen that happen to several people been roasted, who had been roasted or been put to one side and, yeah.

So this was in February 2008 you say you'd seen other people roasted and put aside?---Before that, yes.

20 Right. And are you able to recall any of those people's names?---Not right at this moment, no.

Now, you did some work then on two units. Is that correct?---That's correct.

And what work did you do?---Myself?

Yes?---As in what physical work I'd done or - - -

30 Yes. What duties did you perform?---I (not transcribable) the bathrooms, I laid the quad down.

And you organised others to do work did you?---That's correct.

And who did you organise?---Originally I organised a contractor to come in and do some carpentry work who worked on the weekends.

And who was that?---His name's Bod Bago and - - -

40 So he wasn't a Council employee?---He wasn't a Council employee.

But you organised him and that organisation was it occurred during Council time when you did that?---I had a few phone calls to him, yes.

And did you buy some goods to be used at the units?---Yes.

And is it correct that at some stage you've provided somebody with receipts for the goods you purchased?---Not all the time.

No. But on occasions did you provide Mr Romano with receipts?---Yes, I did.

And he was critical of you wasn't he because you didn't give him enough receipts?---Yes.

And you hadn't kept the receipts or as many as he wanted?---Probably, yeah.

10 And he was quite robust in his exchange with you that you hadn't done what he wanted you to do?---Yes.

And that was later though wasn't it?---Yes.

Right. So if we're going back to the first stage with the two units how long do you say that that ran for, how many months working on those two units? ---I'd say work two months, a bit more than two months.

20 And during the course of that two months would you estimate how much work you might've done during Council time?---I estimate it at in Council time probably hundred hours.

All right. And what did you do in those hundred hours?---Mainly opening and closing of the units. A bit of tidying up and a bit of silicon work on the (not transcribable) and also I done the quad.

And is it correct that you held a set of keys to the units?---That's correct.

30 Do you remember when you first acquired that set of keys?---I'm not sure exactly but yeah, I did hold a set of keys.

If I can show you this set of keys. Is that the set of keys you held?---That's correct.

And you gave them to you?---Mr Becerra.

So on some occasions, is it not correct, that you dealt with Mr Becerra about the units?---That's correct.

40 And on some occasions Mr Romano?---And also Mr Fasanella.

And also Mr Fasanella?---Yes.

Now, at some stage, sorry, I withdraw that. When you first started to work on the units, who did you think owned them?---I presumed Albert owned them.

All right. And did that information in your mind change at some stage?
---yes.

And when was that?---It was a short time after. Mr - - -

Go on?---Mr Romano was calling all the shots so I just presumed that he owned them.

10 So you presumed he had some sort of interest in them?---Yes, definitely.

And did you say that to him?---No, I didn't.

So did you, you didn't say to Mr Romano, "They're your units, aren't they?" or something?---No, I didn't.

But you just presumed that because of the level of activity that he was having, that he had some interest?---That's correct.

20 Now, I'll show you a bundle of receipts. Now you see that the top few related to March, 2008?---That's correct.

Now, is it correct that this bundle of receipts are receipts that you produced to this Commission?---That's correct.

And they are receipts that, or goods that you purchased for the unit, is that correct?---That's correct.

30 Units, sorry. Perhaps, Commissioner, so we don't get confused, I should firstly tender the diary entry with the list on it.

ASSISTANT COMMISSIONER: Yes, the diary entry will be Exhibit 75.

#EXHIBIT 75 - COPY OF 2008 DIARY COVER OF MR STEVEN CHILD WITH A LIST ATTACHED

MS RONALDS: And then I tender the keys.

40 ASSISTANT COMMISSIONER: Exhibit 76.

#EXHIBIT 76 - TWO SETS OF KEYS – PROPERTY NO. E09/0560/2/1

MS RONALDS: And I tender this bundle of receipts.

ASSISTANT COMMISSIONER: The receipts will be 77.

#EXHIBIT 77 - COPIES OF VARIOUS RECEIPTS AND INVOICES

MS RONALDS: And how did you determine when things needed to be purchased? Was that your decision?---No, not fully. Mr Romano would tell me what work was required and that's when I purchased it.

10

All right. And in terms of people working on the units, we're still in the first period where you were working on the two units, were there any people from the Council who you arranged to work on the units?---That's correct.

And doing the best you can, can you list them one by one?---The person who worked on the first two units was John Vadala and Ammer Issa.

Okay. And did Mr Vadala do it at your request or at the request of someone else?---At the request of Mr Romano's.

20

But Mr Romano didn't make that request directly to Mr Vadala, did he? ---No, he didn't.

And did you convey that request to Mr Vadala?---Yes, I did.

And so, I'm sorry, you also said Mr Ammer Issa?---Mr Issa, yes.

And he worked on these first two units?---That's correct.

30 And - - -?---Mr Grasso too.

Did you ask Mr Issa to do that?---Yes, I did.

And he did so?---Yes, he did.

And Mr Giangrasso?---Yes, he did.

Did he do that at your request?---When we done the self-levelling concrete that was at my request.

40

And on other occasions Mr Giangrasso went there, was that at your request?---Sometimes, sometimes Pat Romano's request.

So sometimes Mr Romano requested directed to Mr Giangrasso, did he? ---Yes.

Did he do that in your presence?---Yes.

Is it correct that the three of you met on occasions to discuss the units?
---Yes.

And do you say that that happened on a regular basis?---Yes.

How often do you say that happened in say, February, March, April, 2008?
---Quite often.

10 Well, you and I might have a different view of what's quite often. Monthly
- - -?---Maybe, maybe three times a week.

Three times a week?---Yes.

The three of you met three times a week?---Yes.

Are you sure that that's not a bit of an exaggeration about how often you
met?---I don't think so.

20 Well, that's quite frequently, isn't it?---That's, that's very frequently.

Well, the pace of work in the units wasn't that fast, was it?---No.

Wasn't Mr Romano expressing frustration to you because the work was
slow and therefore he couldn't put tenants in?---That's correct.

And he was worried about the loss of income to the property?---Definitely.

30 And he raised that with you on a number of occasions, didn't he?---Yes, he
did.

And he was pushing you, wasn't he, to complete the work as quickly as
possible?---Yes, he was.

And to do that you asked some of your co-workers in the depot to work
during the course of the working week?---That's correct.

And you did that knowing that they were being paid by the Council?
---That's correct.

40 And they were working on the units?---That's correct.

And why do you say you did that?---I, I done that at the request of, the
direction of Mr Romano. He, he wanted the units completed. They wanted
to finish off the painting and the polishing of the floor boards and they
wanted to get tenants in them.

And who was doing the painting?---I would, I think it was a relative of
Mr Becerra's.

All right. So no one from Council?---No one from Council.

And you didn't organise that?---No.

And who was polishing the floor boards?---I think they're called Shiny Floors.

And that wasn't someone from Council?---No.

10

But did you organise it?---No.

All right. So Mr Becerra did that or Mr Romano or you don't know?---I'm not sure.

All right. So you say that Mr Vadala, Mr Issa and Mr Giangrasso worked on the first two?---That's correct.

And yourself - - -?---That's correct.

20

- - - on some occasions. And would it be correct that most of the work that you did was done during, most of the work you did, the organisational part, in the early part of 2008, was done during your working hours?---That's correct.

Now, is it correct that you organised for Ms Helen Cet, I'm not sure how you say it, to attend at the property on one occasion?---I think it was on two occasions.

30

All right. And what did she do?---Helen, Helen just, it was in the final clean up for the two units. The units were reasonably clean. They'd been cleaned before but Mr Romano, as far as I was aware and his family had clean up before but because we had to go in there and finish off a couple of things, it was a bit untidy and she just went there and tidied them.

And she went after work?---Yes.

And is it correct that she took some equipment from the depot to perform her work?---That's correct.

40

And you knew that?---Yeah, that's correct.

And you authorised her to do that?---That's correct.

And why did you do that?---At the request of Mr Romano.

Well, he didn't specifically say let Helen take the vacuum cleaner, did he?--
-No. He, he, he wanted them finished, okay, and I said I can get the Council

cleaner who cleans at work and she'd have to take a, she'd have to borrow the vacuum cleaner from work.

So you told him ?---Yeah, that's it.

And did you give her any money for what she did?---She was paid \$50 each time.

And who gave her that money?---Myself.

10

And were you repaid by anyone for that?---Yes, I was.

And who repaid you?---Mr Romano.

And so did you keep a sort of running account and on occasion he'd give you some money, is that what happened?---That's correct.

So you'd use your money and he would reimburse you later?---That's correct.

20

And that's when you had some of the discussion, robust discussions about the lack of receipts and you hadn't kept them all?---That's correct.

And so is it correct that you bought some things for the unit that you eventually were not reimbursed for?---No, I wouldn't say that.

You think that it ended up square?---It would've been close.

Now, a Mr Barry Webb, do you know him?---Yes, I do.

30

He worked for the depot. He works for Burwood Council?---Yes, I - - -

And he works out of the depot?---Yes, he does.

Now, did you arrange for him to go to the units at any time?---Yes, he was asked to - - -

Well, he was asked. Did you ask him?---Well, I think it was arranged through Joe Grasso.

40

Right. So you didn't speak directly to Mr Webb?---Not, not to go there, no.

But you're aware he went there?---I was aware he went there.

Did he go there during Council time?---Yes, he did.

And did he take Council equipment?---Yes, he did.

And what equipment did he take?---His backhoe.

And you knew that that was happening at the time?---I'd say so, yes.

And you authorised it, didn't you?---Yes, I did.

10 You told him it was okay, you'd cover for him?---Well, I got the instruction from Mr Romano, he told me he wanted a part dug out of the, some grass dug out of the, the garden was there, he wanted to make it a garden and, yeah, he instructed me to use Mr Webb.

Right. And Mr Webb is a backhoe operator?---That's correct.

So he went and dug out a grass strip with the Council backhoe. Is that correct?---That's correct.

And were you, did you go there when he was there?---No, I didn't.

20 So you only know he was there by reports?---That's correct.

And was he paid for that work?---No, he wasn't.

Not extra money, he was paid his normal Council wages. Is that right?
---That's correct.

Because he performed all those duties during Council time?---That's correct.

30 And was Mr Giangrasso with him when he was performing that duty?
---Yes.

And are you aware whether Mr Webb saw or spoke to Mr Becerra while he was there?---I'm not, I'm not aware because I wasn't there.

Or Mr Romano?---I wasn't there.

You weren't there?---No.

40 But you know that Mr Webb attended and did that work?---Yes.

Do you recall when Mr Webb attended?---No, I can't recall that. Sorry, it would have been before these receipts.

Right. So it was earlier because, that's what I was going to say, these receipts are buying flowers, aren't they?---Buying plants, yeah.

Yeah. And that would only, assumedly it happened after the garden was dug?---That, that's, well, that's correct. There was two parts of the garden to be done, there was also out the back.

So this receipt, the first one on the left-hand side of the page, you'll see is the first one and it's 16 March, 2008?---That's correct.

For four plants?---Yes.

10 And you say that occurred after Mr Webb dug up the garden?---(NO AUDIBLE REPLY)

To the best of your recollection?---Well, there was two parts. There was two parts to the, the, there were some gardens out the back that didn't need to be touched by the, the backhoe.

Right?---And there was a garden down, well, there was a grass verge on the side.

20 Right?---Yes.

And what Mr Giangrasso doing when this was happening? Was he assisting Mr Webb?---I would say so because he had to take the grass away and there was a bit of rubbish there.

And are you aware of what he did when he took the grass away?---Yeah. He, he took it to the depot.

30 And you were aware of him doing that?---That's correct.

Did you tell him not to do it, that it wasn't the right thing to do?---No, I didn't.

Why not?---Because Mr Romano had directed him to put any of the rubbish from the units to the Council chambers, to the Council depot.

And do you say that Mr Romano did that in your presence?---Yes.

40 You heard him say so?---Yes, I heard him.

And what did he say?---He said, Joe, drop all the rubbish at the Council works depot.

Now, are you sure that's a conversation you recall and you're not just making it up now?---No, I'm not making it up.

And so you were aware, weren't you, that putting the rubbish in was not the proper thing to do?---Yes.

And that concern you?---Yes.

And did you discuss that with anyone?---No.

Why not?---Well, I didn't, it was a direction from the General Manager.

10 So you didn't go to your boss and say we're being given these directions to go and work on the unit during our working time for Burwood Council?
---No.

And you were also using the resources of Council other ways, equipment - -
-?---No, I didn't.

- - - rubbish dumping. You didn't say that to anyone?---No, I didn't.

Did you go to your union and get some advice about it?---(NO AUDIBLE
REPLY)

20 At that stage, not later?---Well, I never went to our union delegate, he was
good friends with the HR person.

Right. So you - - -?---So I wouldn't, no, I wouldn't have went there and
told him.

So you didn't take any advice about anyone, from anyone?---No.

30 And after the first lot of units were completed what happened then?---I was
asked to project manage the third unit.

Well, who asked you?---Mr Romano.

And what did you understand that meant?---Mr Romano wanted me to look
after the units because he wasn't happy with the way Albert Becerra and
Fasanella had previously looked after the, the two units before.

Right?---And he wanted me to project manage it.

40 And did you agree?---Yes, I did.

Why?---Because Mr Romano was the boss.

And did you understand that he was expecting you to do that during your
working hours?---Yes.

And it's correct, is it not, that you and Mr Romano and on occasion
Mr Becerra and Mr Fasanella exchanged a series of emails about the units?
---That's correct.

And you did that during your working day?---That's correct.

10 If I could show you this bundle. If I could just indicate that this is just a bundle, it's certainly not (not transcribable) to be all of them by any stretch of the imagination but it is a bundle of emails. And if I could ask you to turn in, you'll see the pages are numbered, well every alternate page is numbered and to save trees it's also printed on the back, sorry, every page is numbered. You see page number 3? You see that one? You see number 3?
---Yes.

Now that's an email from Mr Romano to you on 10 June, Tuesday, 10 June, 2008 11.37 and it says, Steve, below it details the supplier for windows, please make contact et cetera. Do you see that?---Yes, I can.

And then there's details set out. Now, to save us going through them one by one, you'd agree that that's during the working day?---Yes.

20 And you would have received it on your, during your working day?---That's correct.

And would you have actioned it during the working day?---(NO AUDIBLE REPLY)

You would have done something about that, that is getting the windows organised for the units during your working day?---I, I would say so, yes.

30 And is it correct, I'm sorry, do you have a personal email address?---I do now.

But did you when you were employed at the Council?---No, I didn't.

So, but if this an email to you it's an email to you at your Council address, isn't it?---That's correct.

And you had, I think you told us the other day, a computer on the desk at work?---That's correct.

40 And you used that?---Yes, I did.

And that's where you communicated by email with Mr Romano. Is that correct?---That's correct.

So if you turn over to the next page you'll see at page 5 there's an email to you on Monday, 16 June at 2.02 and you'd agree that's, 2.02pm, that's during the normal course of your working day?---That's correct.

And it's saying this quote seems a bit high and it's responding to an email from you below?---That's correct.

And that's reflective of the exchanges you had with Mr Romano, isn't it?
---Yeah.

You would send him some information and he'd respond to it?---Yes, he would.

10 And a review of the emails shows that that happened consistently during the course of the working day?---That's correct.

And that's your recollection of what happened. Is that right?---That's correct.

If I could tender this bundle.

ASSISTANT COMMISSIONER: Yes, those emails will be Exhibit 78.

20

#EXHIBIT 78 - NUMEROUS EMAILS OF MR ROMANO AND OTHERS

MS RONALDS: Now, it's also correct, is it not, that Mr Romano on occasion sent you text, more coherently than I can say it, text messages?
---That's correct.

30 And would he do that when it was more out of working hours because, so that you weren't on the email?---Not necessarily.

Or would he send it to you when you were away from the depot and working on Railway Parade or wherever?---I'd say so.

And it's correct, isn't it, that you didn't have the technology of having an email phone?---That's correct.

At least at that stage?---Still haven't.

40 And so that if someone wanted to send you a message when you were off working in the field to send you a text would be the convenient way to do it?---That's correct.

And Mr Romano sent you texts on a number of occasions about the unit. Would you agree?---I agree.

If I show you this bundle. Now, is this a photo of your Nokia phone?
---That's correct. It's not my Nokia phone, it's a Council supplied phone.

Sorry, it's a Council supplied Nokia phone?---It's a Council supplied, Council supplied.

And you'll see that Mr Romano's name's spelt incorrectly. Would you have put that spelling in? I'm not trying to be critical but - - -?---Yes.

You accept these are emails, just look through the bundle. These are emails from Mr Romano to you?---That's correct.

10

And they are about the work to be done on the unit. Is that correct?---That's correct.

And these are photographs taken by officers of this Commission. Is that right?---That's correct.

As a way of being able to record what was on the email?---That's correct.

20

But you kept those emails on your phone, sorry text messages on your phone?---I don't know why but I did.

Right. But that's what it is, they're text messages on your work telephone? ---That's correct.

And you would reply to those on occasions?---Yes.

And if I could tender that.

30

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 79.

#EXHIBIT 79 - NUMEROUS PHOTOGRAPHS OF COUNCIL SUPPLIED NOKIA TELEPHONE OF MR CHILD'S SHOWING TEXT MESSAGES

40

MS RONALDS: Now, you then undertook some work and we've looked at some of the emails about when you were the project manager. When do you say that started?---May, June.

And how long did that take?---To the end of October.

So you've given some evidence yesterday about a disintegration of the relationship with Mr Romano. Do you recall that?---Yes, I do.

So that was happening at the same time that you were still working on the units. Is that right?---Towards the end the, the problem started I'd say, I couldn't tell you exactly the time but, yeah, the problem started.

And is it correct that he asked you to undertake some further work on the units after the second lot was finished?---That's correct.

And what did you say to him? The extricated version?---We said that we didn't want to do anymore.

So when you say we you mean you?---Joe Grasso and myself, we didn't want to be involved in any more.

10

So you declined to do any further work?---On the fourth unit, yes.

And was Mr Romano, how did he react to that?---He, he was very upset.

What did he say to you?---He, he asked me if we'd take on the next unit and I just said, no, we're not interested and yeah, he wasn't too happy.

And you've identified some Council employees who worked on the first set, were there others who worked on the second set of units?---There was.

20

And who else did that?---Joe Grasso.

Right. And what did he do?---Well, the main part that he done he opened up a doorway in the kitchen area and made it larger.

And did he do that in his own time or in Council time?---In his own time.

Right. And what about Mr Saad?---Yes, Mr Saad worked there on a Saturday and he, and also his mate was with him, one of his mates that I didn't actually know, he brought along a mate.

30

And did you - - ?---And that was in their own time.

All right. And were they paid for that work?---Yes, they were.

And did they, did he attend - you were here when he was just giving some evidence, isn't that correct?---That's correct.

And did you attend with him or you were going there and you took him with you on a couple of occasions. Is that what happened?---To do work?

40

Mmm?---No.

So may he be confused about that?---Definitely.

So you say that didn't happen?---Joe Saad never worked on the, on the third unit, okay, in Council time at all.

At all?---At all.

You say he worked on one Saturday in his own time?---He worked a couple of weekends in his own time.

And was paid for that?---And was paid for that.

And did you give him the money?---Yes, I did.

10 And was that part of the same process that you've explained so that you were reimbursed for that were you?---Yes, I was.

By Mr Romano?---Mr Romano.

In cash?---In cash.

Right. And Mr Issa did he ever work on the units?---On the third unit, no.

And Mr Vadala didn't come back and work in the third unit?---No.

20

He'd retired by that point. And - - ?---Mr, sorry, Mr Issa might've come a couple of times with me to open up but that was it.

Right. And once the work was completed you told Mr Romano that you didn't want to do anymore?---That's correct.

And I think you've indicated that he wasn't happy about that?---He wasn't, wasn't happy at all.

30 And but you didn't do it, you didn't do any further work about it?---No further, no further work.

And part of the allegations you made to the Sydney Morning Herald involved, you'd agree, work on the units?---That's correct.

And what was it about the work that you did on the units that you thought was unfair or wrong?---That we were being used and abused is one thing and that possibly we could've been doing it in Council time.

40 Well, no one abused you did they?---Not actually abuse but - - -

No, it's a bit of an exaggeration isn't it?---Being, being used.

Well, why do you feel you were used?---Well, I was never paid for doing it by Mr Romano or Mr Becerra or Mr Fasanella or myself, I was never paid.

But you did, most of what you did isn't it correct during your working day? ---I've been working 18 hours a day at the time.

And you were paid overtime?---Sorry?

10 And you were being paid overtime?---That's correct. And, but I was only being able to claim for 14 hours a day. So because it was intermediate we were going there just to open up for a tradesman and things like that for unit 3. Yeah, I didn't see it as working completely in Council time. Even though I done things in Council time because people can't work at midnight, you know, when I'm still working, you know, 'cause they were a block of units and they could only, I could only open up during the day for these people.

Well, I'm now a bit confused. You did do things during working time?---I done it during working, Council working time.

20 And you've given evidence that that made you feel used. I'm trying to explore with you why you felt you were being used because you were on the Council payroll so you were being paid for the work, for the time you spent? ---That's right.

But you weren't being paid by the person who was actually benefiting from the work?---(NO AUDIBLE REPLY)

Burwood Council wasn't getting any benefit were they from the work you were doing when you were working on the units?---No, they weren't, no.

Just so I'm clear. There was no benefit to Burwood Council as far as you knew?---Definitely.

30 And so it was to Burwood Council's detriment was it not that you were sidetracked from your proper duties?---That's correct.

And you thought that wasn't proper?---Definitely.

But you did it anyway?---Under instruction.

And you say that was because you were under instruction?---From Mr Romano, yes.

40 And did you think if you said to Mr Romano no, I'm not going to do it that he'd sack you?---Definitely.

Well, you were able in October 2008 to say no, I'm not going to do the third round. Why was it that you were able in 2008 to say, in October 2008 you were able to say it but you couldn't say it in March 2008?---Not real sure about that but there'd been a problem with, a series of problems with Mr Risteski which was Pat Romano's mate. I thought Pat would've backed me

up. There was also a problem with the elections which, yeah, we copped a, copped a fair bit off him and I wasn't a, I wasn't happy at the time.

So is it correct then the thing that's changed is that you've now, the relationship's deteriorated and you're not happy with him?---Definitely.

But if you seriously thought your job was in jeopardy wouldn't that put more in jeopardy?---Possibility.

10 But you were able to say no to him in October 2008?---That's correct.

But you couldn't say no in February, March 2008?---I didn't think at that time I could.

But you think that by the time that the relationship had disintegrated somewhat that you were able to say no, is that correct?---That's correct.

20 But what I want to suggest to you is that if that had happened your job would've been more threatened, wouldn't it?---Well, at the time I'd been working long hours. I, I, I was, I was exhausted.

All right?---You know, and I just didn't feel that I could keep going on doing that, you know, that amount of hours and you know, it was also affecting my lifestyle, my marriage.

30 I think there were lots of reasons but I'm trying to explore with you why you say that you did the work initially because you thought you might lose your job if you didn't but later on that wasn't a concern. You were concerned about being tired and wanting some family life?---We'd had, I'd had enough.

You'd had enough?---Yeah.

And you told that to Mr Romano?---Yes.

And did you explain to him that he needed to find someone else to do the work?---That's correct.

40 And did he do so, did he ever report to you that he had done so?---Never, no.

Now, how is it that you still hold a set of keys? Well, they're not exhibit but you still held a set of key?---They were, just would've been a spare set I'd say.

Did - - -?---I just never handed them back.

Mr Romano or Mr Becerra didn't ask you to return them?---No. It would've, sorry - - -

Go on?---It would've been a builder's key.

All right?---And then, and then they insert another key. Once you insert the proper key it changes the lock and, yeah.

10 Now, were there occasions when you were at the property where you saw Mr Romano there?---Many occasions.

And would that be during the working day?---Yes.

So would you agree that he knew what you were doing and when you were doing it?---Definitely.

So that he knew you were working on the units during your working hours? ---Yes, I was in Council uniform.

20 And part of the reason he knew that was because he would send you emails during the working day and you'd reply during the working day?---That's correct.

And part of the reason he knew that was because on occasions he saw you at the units during the working day?---Yes.

And you were in uniform you say?---Yes.

30 And do you drive a Council vehicle?---Yes, I do.

And has that got the logos on the sides?---No.

So it's provided by the Council?---Yes.

But there's nothing, if I saw it in the street I wouldn't know it was a Council vehicle?---(NO AUDIBLE REPLY)

40 So you could park it outside the unit without it being identified as a Council vehicle?---That's correct.

But once you leapt out you could see that you were in, it's fluoro uniform, isn't it, it's a - - -?---High visibility.

High visibility. And an outside work, in effect, an outdoor worker's outfit, is that correct?---That's correct.

And it's a safety outfit?---Yes.

And you'd put that on at the start of the working day and you'd wear it all the time when you were working?---That's correct.

So when you attended the units during the course of the working day you'd have that outfit on?---That's correct.

So you didn't go and get changed and go and then come back and get changed and - - -?---No.

10 So if Mr Romano saw you there he would've seen you in your working clothes?---Definitely.

And are you able to assist the Commission with how often you saw him there during the course of the working day in that outfit?---It was on a regular basis.

All right. So is that fortnightly, monthly - - -?---I'd say one, twice a week.

20 All right. But that means that you were there - - -?---(Not transcribable)
- quite often, sorry?---I wouldn't say it was just Mr Romano.

Well, just bear with me. I'm just exploring Mr Romano. And that means that you were there quite often, is that correct?---He'd call me up and we'd have to, I'd have to go down and open up for him so he could inspect what was going, what had been done.

But he wasn't doing that once or twice a week, was he?---Yeah, yes.

30 And he didn't have his own set of keys?---Not as I was aware, not as far as I was aware.

And was that from when you started project managing the second block, the second tranche of work?---I'm not sure if they had, I'm not sure if they had a set of keys for the other two units. Possibly they did because some of the work was already done. I'd say the majority of work was already done when, when I was given the key for them units.

40 And how often did you see, if at all, Mr Becerra on the premises?---Well, probably about the same as Mr Romano.

And were there occasions when both of them were there when you were there?---Yeah, on many occasions.

And you'd have conversations about how it was going?---Definitely.

And Mr Romano was very hands on in relation to the development, wasn't he, and the renovations?---Yes.

He played a very active role?---Yes.

And you're aware he spent some significant time himself on deciding what was going to happen and what direction it was going to go and what was going to be done?---That's correct.

And he would convey that to you?---Yes.

10 Sometimes by emails as we've seen and sometimes orally and occasionally by text message?---Yes.

Was there any other mode of communication? Email - - -?---Verbally.

All right. Orally on the phone?---Well, and in meetings.

All right. And also in meetings, face to face?---Yes, yes.

20 And was Mr Giangrosso at those meetings?---In the first units he, he was there.

But not in the second lot?---Not really, no.

You were really the - - -?---I was, yeah, but - - -

You had the carriage of the second lot as the project - - -?---That's right.

And was there anyone else there? Mr Fasanella was there on occasions?---Yes, Mr Fasanella.

30 And did you understand he had some interest in the units?---Yes, I did.

And did you understand that after you'd started the work?---Yes, I went to Mr Fasanella's house and picked up a lot of whitegoods and PC items.

And they, you then took those from his house to the units?---Yes, I did.

40 And was that during the working day or was that at a weekend?---No, that was on a weekend.

That was a weekend?---That was a weekend.

A week day, sorry?---A weekend, sorry, yeah.

A weekend. But is it not correct that you lived some distance away and so you didn't often do weekend work on the units?---No, sometimes I'd come up on a Sunday afternoon or Sunday because I was on night shift and night shift always started normally on Sunday at 6 o'clock.

All right, so you'd come up a bit earlier and - - -?---So I'd come up a bit earlier and do a bit of work in my own time.

All right. So you'd do a bit of work on the units and then go to - - -?---Then go to, yep.

And do you say that you weren't paid for any of that work?---Definitely.

10 And why were you prepared to do work unpaid?---I don't really know why but I, I was, I was (not transcribable) a good relationship with Mr Romano. It was, made it a lot easier for me to, to obtain the equipment that we needed for work where normally you'd have to go through the right protocol and it could take quite some time but I'd make a phone call to Mr Romano. He'd ask me put in the BN or the whatever I needed and yeah, that, that, that was basically what I got out of it, yeah.

So there was a benefit to you in that you obtained equipment for the depot, not for you personally, but for the depot - - -?---Yes.

20 - - - faster than that would have been otherwise arranged?---Yeah, our depot, when I took over, was very, was lacking in a lot of equipment. I, I used to use my own person equipment.

And Mr Romano helped you update and remodel that equipment?---That's correct.

30 And in doing so you'd by-pass the normal approval channels, did you?---I don't say I'd by-pass it. It just got approved quicker and without too much drama.

And you saw that as the trade off for doing the work on the units?---Definitely.

And did you discuss that with anyone, like your supervisor?---My supervisor knew that, well, he knew that I could put things through Mr Romano and, because I had a good relationship with Mr Romano and, yeah, we, we - - -

40 Okay. And when you say your supervisor, who are you speaking of?---Mr Macpherson.

And did Mr Azer or Mr Macpherson ever say to you that there were proper ways to doing the things and you weren't doing them properly?---No.

And that that was causing any problems within the Council?---It caused problems that, with my senior managers, definitely, it caused problem. They didn't like the contact that I was having with Mr Romano.

Did they tell you to stop it?---No, they didn't.

And did you tell them that you were doing work for him during the course of your Burwood working week?---No, I didn't.

You tell them about the units. -No, I didn't.

10 Why not?---I'm not sure why I didn't but I, I, I just, yeah, they were not, because we were told to keep it quiet from Mr Romano. He wanted to, he wanted this to be kept quiet.

What to be kept quiet?---The units and any work we done for him.

All right, and you recall him saying that to you?---Yes.

And when do you recall him saying that?---I recall him saying it many times.

20 All right. So that he, he didn't want you to tell Mr Azer for example that the reason you were able to go to him was because you were doing some work for him in helping him out?---That's correct.

And you didn't want that known within Council?---Definitely no.

Now, he took you to lunch, apart from the lunch we were talking about yesterday, he took you to lunch on other occasions?---Many occasions.

30 And he took you out to coffee on other occasions?---Many times.

And that was to talk mainly about the units, wasn't it?---Yes.

There wasn't much other common work you had that was Burwood Council work that you would discuss?---No, we'd talk now and again about a couple of works projects and what was happening and what he wanted, what he wanted done.

40 But during the course of 2008, between February and October, 2008 is it correct that the most frequent topic of conversation between the two of you would have been the units and the progress on the units?---That's correct, oh, that's correct.

And did you and Mr Becerra have coffee or lunch on any regular occasions? ---No.

At all?---No.

So that that sort of social discussion, if I could call it that, was, was only with Mr Romano and not with Mr Becerra?---That's correct. Mr Romano would also sometimes direct the director to take, take us out for lunch.

And that was a reward for work?---I would think so, yes.

But that was a reward for working on, doing Council work not doing Mr Romano's work?---Yes, yes.

10 I have nothing further at this stage. I have been asked by the technical people that we finish by at least 4.15 and adjourn until 5.00 to give them time to set up.

ASSISTANT COMMISSIONER: Yes.

MS RONALDS: I'm sorry, we're just trying to sort out some transcripts. Mr Blake's indicated that he needs the transcript which he'll get overnight before he cross-examines this witness.

20 ASSISTANT COMMISSIONER: Yes. Well, is there anybody else who wants to examine or cross-examine Mr Child?

MR LEGGAT: Yes, I'd like to and I can finish before 4.00.

ASSISTANT COMMISSIONER: Yes, Mr Leggat.

MR LEGGAT: Thank you.

30 Mr Child, I just want to explore something with you. Is it possible that Mr Romano could have believed that you were working on the units mostly on your own time?---No.

Why do you say that?---Because Mr Romano knew that I was working for Council, okay, from 7 o'clock in the morning till very early hours of the morning.

Yeah?---I was in Council time as far as I was aware.

40 It's your understanding, isn't it, that as a Council employee you're entitled to have breaks to go to the bathroom, breaks to - - -?---For sure.

- - - phone your wife if need be et cetera, those sorts of things?---That's right.

I'm just trying to understand whether it's possible that the work that you were doing with Mr Romano was something that could have been done in the odd phone call or the odd text message without disrupting in any major way the Council work?---No.

Now, is it possible that Mr Romano thought that the Council workers who were working on the units were doing that work mostly on their own time? ---No because Mr Romano, they only worked there for about, as far as I was, I was aware about 16 hours in total in Council time so, and that was under the directions of Mr Romano. He wanted these units, the first two units to be completed quickly and, yeah, and at the time we couldn't get anybody to finish them off and couldn't get hold of a carpenter or anything like that so, yeah, it come under the direction of Mr Romano to be done in Council time. It, it wasn't a great deal of hours, it was 16 hours in total each
10 I would say.

Is it possible that he thought the carpenter might take a day off and do the work on his own time?---No.

Why do you say that?---Because he directed us to do it in Council time.

That's not something you inferred, those words were used?---No, he directed us to do that and he wanted the units finished and he directed it in Council time.
20

I just want to understand this. Did he direct that the units be finished as quickly as possible and you inferred from that that they're doing it in, in Council worker's time or - - -?---No way, no.

What do you say he said?---No. The, John Vadala and Joe Grasso at the time had already done it in their own time. They'd already done part, part of the work in their own time - - -

I said - - -?--- - - - and they were paid for that.
30

I'm trying to explore whether there's a possibility that Mr Romano thought that was done in those workers' free time or not?---I'm not understanding the question.

We know that the workers who you nominated, for example, Mr Vadala and Mr Giangrasso, did work on the units. What I'm trying to explore is whether Mr Romano could have thought that that work was done in the spare time that those workers had?---No. He, he directed that this, this work to be done in Council time. It was under his direction. He needed the units finished quickly as possible. The units were near completion when, when the boys went there to do the work in Council time. The units were near completion and he needed to get the painting done, the floors polished, yeah, so he directed in Council time.
40

I just - - -?---That was (not transcribable).

Before leaving this I just want to be absolutely clear on this?---That's clear.

It seems clear that Mr Romano wanted the work done as quickly as possible?---Yes.

Are you saying that in addition to what he had done quickly, as quickly as possible, he said to you words to the effect get these workers to do it during Council time?---Yes, he did.

You're certain about that?---I'm certain, I'm a hundred per cent certain.

10 Thank you?---Otherwise they wouldn't have done it.

ASSISTANT COMMISSIONER: Yes, Ms McDonald.

MS McDONALD: I have some questions and I'll attempt to finish by 4.00.

Mr Child, as I understand as part of your job you obviously know a lot of trades people?---I know a few trades people, yeah.

20 And isn't it the case that in early January 2008 Mr Romano told you about the unit block and the fact that he was having difficulty having it completed?---He said that his, he, it was for his mate.

Yes?---Now, that was the first contact that I'd, I knew - - -

I understand?--- - - - and it was said to me that the work that was required would only, would be done in their own time.

30 No, my question is he said to you, I've got a block of units I'm renovating and I'm having difficulty with that, sorry, I'm having difficulty?---No, that's not correct.

A mate of mine has some units?---A mate of his, yes.

Has some units and is having some difficulty getting them finished?
---That's correct.

That's correct. And isn't it the case that you said maybe I can help with that?---No.

40 No. Didn't you say I've got lots of mates who are looking for work and what do you, what do you need, I might be able to help?---No.

No. Isn't the case that you thought that you could organise some people to help Mr Romano and in doing that you would gather some favour from Mr Romano?---Definitely not.

You said that one of the reasons that you did what you understood Mr Romano to be asking you was because you were flattered?---That's correct.

And you thought that if you could help Mr Romano out that would be good for your relationship at Council?---My relationship with Mr Romano if I could help him out.

10 You've given some evidence that by virtue of your relationship being a good one with Mr Romano you were able to get equipment more easily from the depot?---Definitely.

Definitely. So in helping out Mr Romano you'd helped the depot?---Yes.

And it potentially helped you with your job at the Council?---Definitely?

20 Definitely. In answer to Counsel Assisting's question as to whether you were specifically told to do work on the units during Council hours, in fact her question was did he specifically say do the work during Council hours, your answer was, "Yes, because he wanted me to use some of his tradesmen." Now, that's not really a response?---That wasn't, that wasn't what was said.

It was actually your response?---My understanding of it anyway.

Can you tell me when he specifically said, "I want you to do this work during Council hours."?---Some time in February.

30 Some time in February. And that was quite specific was it?---Yes.

It wasn't - I'll withdraw that. Isn't it the case that you could, you could organise some people both inside and outside the Council to do the work on the units for Mr Romano?---I'm getting a bit confused because we're talking about three units.

Yes?---Okay. Are you talking about the first two units or are you talking about the third unit? I need to understand.

40 Okay. Let's talk about the first two. The first two units you thought you could find some people to help to (not transcribable) the units off?---That's correct.

Yes. And you didn't really care at that point whether they were from Council or whether they were other people that you knew?---That's not correct.

That's not correct?---No.

But you've given evidence you also used people who weren't employed by Council. You asked them to help out?---Under direction of Pat Romano.

So none of those people that were engaged in the Council were people that you knew otherwise, they were either organised by Pat Romano or they were people from the Council organised by you?---I'm not understanding the question, sorry.

10 The people who were engaged through you were either directed from Mr Romano to you to use, so he told you use this fellow and you didn't know him from Adam. Is that true?---Not every one of them, no.

Or they were people from Council that you organised?---I organised people from Council.

Tell me, do you know whether Helen Cet owns a mop?---I don't personally know.

20 Do you know whether she owns a vacuum cleaner?---I presume she would.

You presume she would. So why would she say to Mr Romano she'll need to use the Council vacuum cleaner?---Why?

Yeah. That was your evidence. You said specifically that you asked Mr Romano and said, She will need to use the Council vacuum cleaner to clean the units?---That's right because she didn't have one, I presume she didn't have it in her car.

30 Did you presume she had a mop?---At home I presume.

ASSISTANT COMMISSIONER: Sorry, the question's not very clear to me.

THE WITNESS: I'm trying to say that - - -

ASSISTANT COMMISSIONER: I think it's the difference between what she might've had at home and what she might've had in at work?---Well, when I asked her she was at work.

40 Yes. And you took her from work didn't you?---I didn't take her, she took it, she borrowed it from work, yes.

Yes. But who, I thought you took her to the units to do the cleaning or did she just go on her own?---She followed, yeah. She'd finished work and she followed, yeah.

MS McDONALD: But she did it on her own time?---She done it on her own time.

She did it on her own time but nevertheless you specifically went out of your way to ask about using the vacuum cleaner to Mr Romano?---Mr Romano wanted the units cleaned up and well, I wouldn't have thought Mrs, Ms Cet would carry around a vacuum cleaner in her personal car at the time.

Your evidence was that you weren't there when Mr Webb worked at the property?---No.

10 So how is it that you can say that he was working on Council time?---To operate the backhoe you would've been on Council time.

You know that do you?---Definitely.

And just finally because I'm aware of the time the third unit, your evidence is that Mr Giangrasso was the only person who in fact worked on the, on that third unit during Council time. Is that correct?---(NO AUDIBLE REPLY)

20 ASSISTANT COMMISSIONER: Apart from Mr Child you mean?

MS McDONALD: Apart from Mr - - -?---Joe, Joe worked on the units, okay, in his own time, okay, but sometimes he would go past and pick up a bit of rubbish.

I see. Because your evidence was that Mr Saad worked on the third unit but that was in his own time, Mr Issa didn't work on the units, Mr Vadala didn't work on the units - - -?---On unit 3. No, on the third, on the third unit, sorry, not unit 3.

30 On the third unit. So on the third unit in fact there was no one other than yourself from the Council who worked on Council time on the third unit? ---That's correct.

That's correct. Isn't it the case that in fact by October 2008 when the relationship broke down what had actually happened was that you'd been working long hours?---That's correct.

40 Yes. You'd expected some kind of payback for this favour to Mr Romano? ---Definitely not.

Definitely not?---Definitely not.

So there was only the fear of your job that made you do it?---Yes.

And yet as Counsel Assisting put it by October '08 you'd had enough? ---That's correct.

And you felt able to put your foot down?---Yes.

Isn't it the fact that that was because you had not received the favours that you had wanted from Mr Romano?---I don't know what favours you're talking about.

Whatever - - -?---I don't know what favours you're talking about.

I have nothing further.

10

ASSISTANT COMMISSIONER: Thank you, Ms McDonald. Yes. I think at this stage we'll adjourn. Mr Blake, you want to reserve your position till you see the transcript?

MR BLAKE: Yes, please.

ASSISTANT COMMISSIONER: I understand. So yes, you will have to come back tomorrow, Mr Child, but we'll adjourn till 5.00pm for those who are interested.

20

THE WITNESS STOOD DOWN

[4.07PM]

AT 4.07 THE MATTER WAS ADJOURNED TO RECONVENE AT
5.00PM

[5.00PM]