

MAGNUSPUB00734DOC
31/03/2010

MAGNUS
pp 00734-00788

PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION MAGNUS

Reference: Operation E09/0560

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 31 MARCH, 2010

AT 10.10AM

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ASSISTANT COMMISSIONER: Mr Child, yes, could you come back please. Yes, Mr Child, you're still under oath and the Section 48 declaration applies to your evidence.

<STEVEN CHILD, on former oath

[10.11am]

10 MS McDONALD: Commissioner, might I apply for leave to ask just a few more questions? It was rather rushed yesterday afternoon. I just need to put a few more things to Mr Child.

ASSISTANT COMMISSIONER: Yes, Ms McDonald.

MS Mc DONALD: Now, Mr Child, I understood your evidence yesterday was that the physical work that you did in the units consisted of siliconing the bathroom, is that correct?---That was one of the jobs.

20 And laying down the quad?---Yes.

And the other work that you did was organising other people to do work? ---That's correct.

It's true to say, isn't it, that Mr Becerra was not there when you, was not at the units when you did the siliconing?---That's correct.

And he was not there when you laid the quad?---That's correct.

30 Did Mr Becerra ever pay you any money?---No.

It's true to say though, isn't it, that he asked you on at least one occasion how much you wanted for the work you were doing?---That's totally incorrect.

Isn't it the case that you said to him, "Don't worry, we'll work it out later"?--That's totally incorrect.

40 I want to take you back to the beginning of your involvement with the units and can you just remind me who it is that first spoke to you about the units?--It was Joe Grasso.

Mr Joe Grasso, Giangrasso?---Giangrasso.

So it was not Mr Romano or Mr Becerra?---Yeah.

Did Mr Becerra ever specifically ask you to do work on the units?---I (not transcribable) Mr Romano took me down.

No, can you just answer my question. Did he ever specifically ask you to do work on the units?---Yes, I done a list with Mr Becerra and Mr Romano.

All right. You did a list but - - -?---Yes.

- - - after you had got to the sit. You met, you met him at the site?---I met him at the site.

10 You met him at the site so before that time, Mr Becerra had not asked you to do work at the units?---No.

Isn't it correct to say that in about mid to late January, 2008, you contacted Mr Becerra and said to him, "Albert, I've got a mate that can do the plasterboard work, hang the doors and fix skirtings. Can he do the work after hours and can you meet him"?---Absolutely not.

No, you deny that conversation?---I deny that, yes.

20 And in late January, 2008, isn't it the case that you said to Mr Becerra, "Albert, before the plasterboard ceilings and bulkheads over the kitchen cupboards can be finished, we need to cut portholes to the external walls. I have a mate that can do it straightaway" and he said, "Okay"?---I was on a cruise late January, 2008.

That didn't stop you presumably at some point in January?---I was on a cruise.

How long was the cruise?---14 days.

30 14 days. So maybe it might've been mid-January '08 or early February '08. Did that conversation ever occur?---That conversation never happened.

Could I take you to about March 2008 and work was being done on the units 3 and 6, the first tranch of work. Isn't it the case that you arrived at the site and met Mr Becerra to discuss the work that needed to be done and you went in company with Ammer?---That's incorrect. Mr Romano gave me a lift.

40 Did you have a conversation at that time where you said to Mr Becerra, "The undersides of the steel door jambs need to be filled in, I've got a mate who can do the job."?---Totally incorrect.

In about June 2008 did you meet at the property again with Mr Becerra to discuss the work and this time it included - and this was the work on unit 2. So you met - I think your evidence yesterday was that there was a meeting in relation, at the site in relation to unit 2?---There's three units. Are you talking about the third unit?

I'm talking about the third unit you worked on, it's known as unit 2 in the block?---I had several conversations and meetings with Mr Becerra.

And did you discuss that the work on that third unit known as unit 2 that the work included removing the carpet, demolishing and rebuilding the kitchen, are those the things that happened on the third (not transcribable)?---That's correct.

10 Removing and replacing the floor and wall tiles in the bathroom?---That's correct.

Removing and replacing the toilet, bath and shower facilities and hand basin from the bathroom?---That's correct.

Removing the linen cupboard?---We put a new linen cupboard in there but I don't know if there was a linen cupboard to be removed.

20 And removing and replacing the light fittings?---I didn't touch the light fittings.

Isn't it the case that at that time, at that meeting when you went through that list of things that you said, "I've got a mate that can do all the demolition and removal as well as take all the building materials to the tip, he can only do it on the weekends."?---I was asked to project, I was asked to project manage the job so - - -

30 Did you say, can you please answer my question. Did you say that you had a mate who could do the demolition and removal and could do it at the weekends?---There was no job to get people to do that.

So that's a yes is it?---That, that's what my job was there for.

Is it the case that you informed either Mr Romano or Mr Becerra of the quotes that your mates could do the work for, just verbally. You told them how much different bits of work was going to cost?---I'm not sure what job you're talking about.

40 When you were project manager, presumably the role of the project manager - - -?---I got several quotes from Mr Romano and Mr Becerra.

For them?---And Mr Fasanella.

You got those quotes for them?---Yes.

And passed them onto them?---Yes. There is an email saying sort of that too.

Yes. And isn't it also the case that in about, in fact I'll be quite specific, on or about 28 June, 2008 you met with Mr Becerra at the property to discuss the units and you said to him, "Can you get me a list of the tradesmen you used to do the work on the units 3 and 6?" And he said, "Why?" And you said, "Because I reckon I can get better quotes from my mate so send me a list so I can compare."---Absolutely not. They send me a list of tradesmen but that was never mentioned.

10 Can the witness be shown Exhibit 79 please. Actually, I might have that wrong. The bundle of emails.

ASSISTANT COMMISSIONER: 78.

MS McDONALD: 78. Sorry, 78. And page 19 is the page I'll be referring to.

20 On that page 19, Mr Child, is some emails that, it starts with an email from Mr Becerra to Mr Romano with a copy in to Mr Fasanella, which lists a number of trades people that did various work, apparently on the, on the units. Can you see that?---Yes.

And then there's a further email from Fasanella adding in that the floor polisher is Andrew Mate of Shiny Floor?---That's correct.

And then that email is forwarded on to you by Mr Romano. Is that correct? ---That's correct.

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

30 And isn't it the case that that email was sent to you in response to your request that a list of the tradesmen that had been used be sent to you so you could determine whether your mates could do it cheaper?---Absolutely not.

Isn't it the case that in, or do you agree that in, I think it was July, 2008, you rang Mr Becerra to check to see whether he was happy with the, with the waterproofing? Would that have been a conversation that you would've had?---I never had to ask him if he was happy with the waterproofing.

40 You don't remember asking him?---I never had to have a conversation with him about the waterproofing at all.

Is it the case that you did ring him at times at the end of July or August or in fact throughout the project to check whether he was happy with work being done?---I never rang him about whether or not he was happy with anything.

Did you ring him at all?---I spoke to him several times.

And what would be the contents of that, those conversations? If it wasn't to ask him if he was happy with things, what were they, what were they for?
---Just to let him know what was happening.

To let him know what was happening?---Yeah.

You considered it was your responsibility to do that?---For sure.

10 And why did you consider it was your responsibility to do that?---Because he was an owner.

He was an owner. You know that do you?---Well, I presumed that he was, him and Mr Romano were calling the shots and Mr Fasanella, so - - -

You're aware that Mr Becerra's an architect? Are you aware of that?
---Yeah.

20 You'd be familiar with architects also managing building projects?---Oh, I suppose so.

So why would you assume he was an owner?---He was giving me directions.

He was giving you directions. But architects managing projects would also give directions wouldn't they?---He was Mr Romano's mate. He was the person who owned it.

Right. And so you - - -?---Mr Romano told me he owned it.

30 Mr Romano told you he owned it. And you were doing this work because Mr Romano was asking you?---That's correct.

Because you wanted to have Mr Romano's good favour at Council?
---Possibly.

No further questions.

40 ASSISTANT COMMISSIONER: Yes, Ms McDonald. All right. Mr Blake, do you want to question now?

MR BLAKE: Mr Child, I want to ask you about the working hours at the depot. You agree that the normal shift was 7.00am to 3.00pm on Monday to Friday?---That's correct.

And in fact, a staff at the depot worked a 37 ½ hour week with a rostered day off once a month. Is that correct?---I think it's 38 hours.

All right. (not transcribable) it's 37 ½ hours a week with a rostered day off. Is that correct? You know that don't you?---I think it's 38 hours.

And within the eight hours, 7.00am to 3.00pm, the staff have a half hour break for lunch didn't they?---No. That's not correct.

10 So do you tell the Commission that staff were working eight hours Monday to Friday, five days a week, that's 40 hours and being paid less than 40 hours. Is that what you're telling the Commission?---There was an agreement, as far as I know, it was the union agreement that there was, we'd never have lunch, we only had morning tea and that was part of the union agreement from the day I was there. There was no lunch at all for Council staff.

Oh, you know that that evidence is false don't you? You disagree with me do you?---Absolutely.

20 There was no lunch hour provided in a shift from 7.00am to 3.00pm for depot staff. Is that what you tell the Commission?---I'm telling the Commission that, yes.

Well, I suggest to you, you know that's false evidence?---That's not, it's total lies. That's the, it's a union agreement with Council and the depot staff.

And how long was the break that you referred to on those days?---15 minutes.

30 15 minutes. In an eight hour day there was a 15 minute break?---That's correct.

And in 2008, the Council policy was that private emails could be sent on a work email wasn't it?---I'm not sure about that.

You certainly sent private emails on work email didn't you?---I'm not sure about that.

40 You can't remember Mr Child ever sending a private - - ?---If you call an email, if you calling emails to Mr Romano, okay, as private, I don't class that as private.

And leaving aside those emails, you sent other emails of a private nature didn't you, from your work email on 2008?---Not that I'm aware of.

And you, to your knowledge Council policy at that time or Council practice at that time allowed employees to use the Council email for private purposes. You knew that didn't you?---No, I didn't.

That was the same with, you had a mobile phone?---That's correct.

And part of the conditions of the mobile phone is that you were able to use it for private calls weren't you?---That's correct.

Yes. And the same policy with the mobile phones applied to emails didn't they?---I don't think so.

10 Now, Mr Child, you gave some evidence yesterday, and please correct me if I'm wrong, that for, sorry, I'll withdraw that. I'd just like to show you a rough sketch diagram if I may. Commissioner, can I hand that up to you and I'll get some copies.

ASSISTANT COMMISSIONER: Thanks.

MR BLAKE: Mr Child, this was a rough diagram produced today, it's not an original document, but do you agree that this roughly depicts the units at 187 Edwin Street, Croydon?---Yes. That's right.

20 Yes. And units 1 and 4 were at the front of the property?---I'm not sure of the exact configuration of the numbers, but, yeah, there was, there was two units at the front of the property.

And there was a store room at the back and underneath?---That's correct.

And the work that you described yesterday of the two units being done at the same time was units 6 and unit 3. That's correct isn't it?---That's correct.

30 And then the third unit you referred to where the work was done later was unit number 2, wasn't it?---That's correct.

Yes, I tender the diagram, Commissioner.

ASSISTANT COMMISSIONER: Yes, that will be Exhibit 80.

#EXHIBIT 80 - DIAGRAM OF UNITS AT CROYDON

40

MR BLAKE: It's correct to say, apart from yourself, Mr Child, no council staff were involved in the work that was done on unit 2, that's the middle lower unit?---That's not correct.

Isn't it? Well, you tell me, you did work yourself and who else did some work?---Mr Giangrasso, Mr Saad.

Mr Saad didn't work in Council time, did he?---No, he didn't.

Sorry?---No, he didn't.

So are you agreeing with me or are you disagreeing with me?

MR HANLEY: Well, I object to, there's (not transcribable) to be no Council staff working on (not transcribable)

MR BLAKE: Okay, all right. I apologise.

10

Apart from yourself, no Council staff worked on unit 2 in Council time, did they?---That's not correct.

Who did, Mr Child?---Myself.

Yes?---Mr Grasso a couple of times had come to pick up a bit of rubbish.

And you can't be sure whether that was in Council time or no, can you?---It was in Council time.

20

You became aware, didn't you, in mid July of 2008 that a notice had been issued by Mr Macklin requiring disclosure of secondary employment, didn't you?---Can you repeat that?

You became aware in mid July of 2008 that Mr Macklin, the Human Resources Manager, had issued a letter to all Council staff requiring notification or, or about secondary employment?---It's possible.

30

And I show you this document. My friend suggests to me it's already in evidence - - -

ASSISTANT COMMISSIONER: Yes, it is.

MS RONALDS: (not transcribable)

ASSISTANT COMMISSIONER: and could I say, Mr Blake, I don't know that it's fair to say that this was a letter requiring disclosure of secondary employment.

40

MR BLAKE: No, I thought I said about secondary employment.

ASSISTANT COMMISSIONER: Well, the first time you said requiring disclosure.

MR BLAKE: Yes, I (not transcribable)

ASSISTANT COMMISSIONER: Which in my view it doesn't.

MR BLAKE: I'll just see if I can find the exhibit number.

ASSISTANT COMMISSIONER: Exhibit 56 I believe.

MR BLAKE: Thank you. Now, it's a letter at a much later point in time than I was, that I would suggest. Can I show you this one? Can I hand this to the Commissioner?

10 Mr Child, I suggest to you that, can you just read the letter to yourself please. I suggest to you that you received a letter in the same terms, addressed to you, on or shortly after 17 July, 2008?---Are you saying this went to my house, is that what you're saying?

I'm saying - - -?---I'm not understanding what you're trying to say.

I'm saying you received a letter in the same terms - - -?---And you said it was addressed to me?

20 Addressed to you, Mr Steve Child, on or shortly after 17 July, 2008?---I can't be sure of that.

You wouldn't deny it, would you?---I can't be sure of that.

Can that letter be marked?

ASSISTANT COMMISSIONER: Yes, that will MFI 3.

30 **#MFI 3 - DRAFT LETTER OF BURWOOD COUNCIL'S CODE OF CONDUCT – SECONDARY EMPLOYMENT**

MR BLAKE: I suggest to you that you knew in mid July of 2008 that the Council was requiring notification of secondary employment if any members of staff were engaged in secondary employment.

ASSISTANT COMMISSIONER: Well, if it conflicted with their Council duties, as I understand that letter.

40 MR BLAKE: Well, I don't think the letter says anything - - -

ASSISTANT COMMISSIONER: Well, it does, it quotes, excuse me, can you give it to me. It quotes a provision that says, "If you're involved in work that might conflict with your Council duties you must seek the approval of the General Manager". It's quoting from the Local Government Act to that effect.

MR BLAKE: Thank you, Commissioner.

You knew, I suggest, Mr Child, in mid July that if there was any conflict between a staff's Council duties and any secondary employment, they would need to notify that to Mr Macklin, didn't you?---We had the authorisation of Mr Romano so as far as I'm concerned that's been approved. He authorised us - - -

Can you answer my question please?--- - - - he directed us to do the job.

10 Can you answer my question please, Mr Child?---You'll have to repeat it.

I suggest that you knew in mid July of 2008 that where a Council staff member's duties might conflict with any secondary employment, that it was, the staff members was required to notify that to Mr Macklin?---Doesn't that letter say that we have - - -

ASSISTANT COMMISSIONER: Just a moment. So, Mr Blake, the letter, the provision quoted actually says, "You must notify and seek the approval of the General Manager".

20

THE WITNESS: Manager, yes.

ASSISTANT COMMISSIONER: In writing. Now, I know the letter then goes on to say send it to the Human Resources, but the basic requirement is to notify the General Manager and I find it difficult to see the point of cross-examining this witness about why he didn't tell the General Manager what he was doing when it's clearly his evidence that it was the General Manager who asked him to do it.

30 MR BLAKE: Well, the letter says to send to the form to the Human Resources Manager (not transcribable) to him, I think, the substance of the letter, Assistant Commissioner.

ASSISTANT COMMISSIONER: Well, it seems to me when you read the letter as a whole it's the General Manager who needs to be told and they're being asked to give the notification to the Human Resources Manager.

MR BLAKE: Well, that's what I think I was putting to Mr Child, that he did not at the time.

40

ASSISTANT COMMISSIONER: Yes.

MR BLAKE: You knew - - -

MR HANLEY: Assistant Commissioner, I object. I don't have a copy of - - -

ASSISTANT COMMISSIONER: Yes, that's right.

MR HANLEY: But it would seem that the object of the letter, from what I believe, is aimed at if people are receiving income from secondary employment and that's not the scenario that Mr Child is being (not transcribable)

MR BLAKE: I'm not putting anything to Mr Child about that scenario yet, with respect.

10 ASSISTANT COMMISSIONER: Yes, it does cover either honorary or remuneration work but of course you're at a disadvantage because you haven't seen the letter and of course the witness hasn't conceded that he saw the letter either so it's a matter for you how much you want to, further you want to take that, Mr Blake.

MR BLAKE: I suggest, Mr Child, you knew in about mid July of 2008 that in those circumstances where there might be a conflict between a Council staff member's duties and any secondary employment so they were required to notify that to Mr Macklin?---I'm not sure how to answer that. I've just
20 answered as far as I'm concerned. We had the permission of the General Manager. The way I read that letter, the letter states that we needed permission off the General Manger. He directed us to do the job. What can I say?

Is the answer to my question yes or no, Mr Child?---I didn't speak to Mr Macklin about it, no.

I didn't ask you whether you spoke to Mr Macklin I asked you were you aware that about mid-July 2008 that where there might be a conflict
30 between a staff member's duties and any secondary employment they would need to complete an application and send it to Mr Macklin. Do you know that or not?---It's possible the letter was sent but I can't guarantee it was.

And the reason why apart from Mr Giangrasso no Council staff were used on the renovation of unit 2 was because you knew that they would not complete the secondary employment forms?---That's not correct at all.

Not correct at all. Okay?---There was Council staff used on unit 2.

40 Mr Giangrasso and yourself. Is that right?---And Mr Saad.

And that was outside Council time was it?---Yes.

Well, how could that conflict, Mr Child, if that was outside - - -?---You're still a Council worker. You're, you're, you're putting to me he's a Council worker.

Now, Mr Child, can I take you - can Mr Child be shown Exhibit 75 please. Can you look at it please, Mr Child?---Entirely?

Yes, please. The work set out in the bottom three-quarters of these notes relate to the work on unit number 2?---That's incorrect.

And when you were first approached about this matter in, you say, in February 2008 the work was substantially complete on unit number 3 and 6 weren't they?---That's correct.

10

Beg your pardon?---That's correct.

Yes. And the work that you were involved in or knew about and a few from about February to April of 2008 was some gyprocking. Is that correct?---Myself, no.

No?---It's not correct.

20 That you did or knew about in that period. There was gyprocking done - - - ?---There was some gyprocking done.

- - -by Mr Vadala?---That's correct.

And there was some doors, a door put in. You knew about that?---That's correct.

And some pipes put down?---That's correct.

30 And in the period from February to April 2008 was there any other work in which you were involved in or knew of being done by Council staff on the Edwin Street units?---Can you repeat that?

In the period from about February to April 2008 was there any work done on the Edwin Street units that you did or you were aware of having been done by Council staff other than the gyprocking that you've referred to, you fixing up the door and the fixing of the quad?---The skirting boards were done.

40 Skirting boards, yes?---The silicon was done.

Yes?---Possibly a bit more.

And can you tell the Commission how much time leaving aside yourself Council staff spent on unit 3?---In total I think it was about, can I do a total on both units? In Council, Council staff worked on there probably in total, I'd say John Vadala and Issa probably 30 hours in total combined.

You didn't keep a list did you the hours worked?---No, I didn't.

It's a guesstimate on your part?---That's a guesstimate, yes, for sure. I'd just like to say there was also the concrete work done there too in the units, self-levelling concrete.

Where was the self-levelling concrete done?---It was done in the top unit.

And what room?---In the lounge room to the kitchen.

10 Well, I suggest you're mistaking about that, Mr Child, because there was a timber floor throughout the top floor on unit 6?---I'm happy to go out there with you and I'm happy to show you it's a concrete floor.

Well, I suggest you're incorrect and the concrete floor was placed in unit 5 just above the middle unit, unit 2?---That's incorrect.

And you estimate - - -?---Sorry, sorry, I'm not understanding the question. I just want to add to that. So you're saying there's a concrete, there's a concrete floor in unit 5 and not unit 6. Is that what you're saying?

20

Yes. The levelling was done in unit 5?---But you're telling me it was a timber floor in unit - - -

I said it was in unit 6 the timber - - -?---Well, you, is that right? Can I, can I possibly have that picture back?

ASSISTANT COMMISSIONER: Yes. Could you show the witness the sketch.

30 THE WITNESS: I can guarantee you that all the units upstairs is on a concrete floor and that would include unit 6.

MR BLAKE: I suggest to you, Mr Child, that the levelling was done in unit 5 at the same time work was done in unit 2. You disagree with that do you? ---Totally. And you didn't even look at unit 5.

You estimate, how long do you say you spent in your time between February and April of 2008?---Probably a total of 100 hours.

40 That was about an eight week period?---It's a guess though.

And you say you spent 100 hours which would be the equivalent of two and a half weeks normal working time involved in the units. Is that your evidence?---I didn't say it was all in Council time, I said it was a combination of my own time too.

So for doing, being involved in the gyprocking, the door, the silconing and the other items you have suggested you say took 100 hours of your time

during the period from February till April 2008, Mr Child?---I also done the gardens, quite a substantial amount of work there. You didn't forget about them did you?

I asked you what work you did, Mr Child?---I also done the gardens.

I suggest to you that that's a gross exaggeration, Mr Child, the time you spent on the Edwin Street properties between February and April of 2008? ---That's a guesstimate.

10

And it's a gross exaggeration isn't it?---Definitely not.

You accept you kept no records of the time you spent don't you?---I accept that.

ASSISTANT COMMISSIONER: Mr Child, on my calculation that works out to be about 12 hours a week, is that, does that accord with what you think you were doing on the units?---Definitely.

20

We take it as - - -?---I'm just saying that, you know, I was required to go in and open up the doors and closing the doors early in the, early in the morning, at the end of the day, you know.

So what was the travelling time to and from the unit from the Council?---It was probably 10, 15 minutes. I'm only taking that into account, that's what, that's what I'm actually saying.

Yes, thank you.

30

MR BLAKE: I suggest to you your first involvement with the Edwin Street units was some time in about January of 2008, when Mr Romano and you had a conversation and he told you he was finding it hard to find good tradesmen, especially at that time of year. Do you agree with that?---I had a conversation with Mr Romano, I agree with that.

And you offered to help and you said you had a lot of mates looking for work, what did he need in particular?---I wasn't involved with the first part of the units, with John Vadala. There was an agreement between John Vadala, Joe Giangrasso, Mr Romano and Mr Becerra.

40

Well, I suggest you told him you knew of a gyprocker. Sorry, I'll withdraw that. Mr Romano asked you did you know a gyprocker?---That's, that's incorrect.

And you told him you had a mate and you'd be happy to get him involved and you said to Mr Romano, he should let you organise it?---I was involved, I was brought into it and after Mr Vadala and Mr Vadala couldn't do any

more work in his, in his own personal time. That's basically how I was brought into it.

And I suggest that Mr Romano gave you Mr Becerra's telephone number in that conversation?---I received Albert's phone number from Albert and for meeting with Albert.

10 And in about February of 2008, I suggest you had a further conversation with Mr Romano in which he said to you, Steve, I think John Vadala's done some work on the property, he's a Council guy and I don't want him doing the work. He said that to you didn't he?---That's absolutely incorrect.

And he said to you, I don't want any Council employees doing the work and I have seen any forms for secondary employment yet as well. He said that didn't he?---That's a lie. That's a lie.

And you said to him, okay?---That's a lie.

20 And I suggest to you, Mr Child, that you never saw Mr Romano at the units until about June of 2008. That was the first time you saw him at the units? ---That's incorrect.

And you were aware that unit 6, that's the rear upstairs unit, became occupied about the end of March, it was leased. You became aware of that didn't you?---I'm not sure when they were leased.

And unit 3 about mid April. You became aware of that didn't you?---I'm not sure when they were leased.

30 And I suggest to you by mid April the work on units 3 and 6 was complete at that stage?---I can't be exactly a hundred per cent sure when they, the things were completed.

And there was a gap until about June when work started on unit number 2, the middle lower unit?---I'd say it was around May, June.

40 And I suggest to you there was a gap of some weeks between the completion of the work on units 3 and 6 and the start of work on unit 2. Do you agree with that?---Possibly.

And I suggest to you that you went to the property on 2 June, 2008 and it's then that you had the meeting with Mr Becerra and Mr Romano about doing work on that unit. Do you agree with that?---Can you repeat that?

You went to the units in early June and had a meeting with Mr Becerra and Mr Romano about the work to be done on unit number 2?---I told you it was in May, June.

You would place it May or June would you?---It's around that time.

Yes. And that's, and in that conversation, Mr Becerra said, we need to organise what's going on Steve, who are the people that you know who could organise some quotes? He said that to you?---I organised quotes, yeah.

10 Did he say that to you Mr Child?---They gave me the job as a project manager and I was to look after it, so I was to organise quotes.

Can you recall whether Mr Becerra said that to you, Mr Child?---We had a, I had a meeting with Mr Romano and Mr Becerra. I'm sure they both said that.

And I'm suggesting this was said in early June of 2008 to you?---It was in May, June.

20 And you said you could organise someone to do a quote on striping out the unit, including striping out the bath, the kitchen and the carpet. Do you agree you said that?---I never got a quote on that.

Can you just answer my question, Mr Child. Do you agree you said that or don't you agree?---No, I don't agree.

And Mr Becerra said to you, the windows are shot, they need to be ripped out. Do you agree with that?---I don't know if it was Mr Romano or Mr Becerra. We did have a conversation about the windows, yes.

30 But one of them said - - -?---Well, both of them.

-- - (not transcribable) to that affect?---I had a conversation with both of them.

So one of them said words to that affect. Do you agree with that?---I agree with that.

And you said you'd need to get the power and water turned off so we can strip out the kitchen and bathroom?---That's not correct.

40 And Mr Becerra said they could Paul, the existing electrician to do the electrical work. He said that didn't he?---They asked me to get another quote, which I did.

I suggest to you that Mr Becerra said they could get Paul, the electrician to do the electrical work?---That's not correct. They wanted another quote.

And they said they weren't happy with, Mr Becerra said he wasn't happy with the other plumber, we'll need to get someone else?---He wasn't happy

with the other plumber, I agree. And I think that was because he possibly lived next door to Mr Faker.

And Mr Becerra said they would need to get another plumber. Do you agree he said that?---I was asked, I was asked by I'd say the both of them to organise another quote for a plumber and which I did.

And you told them you had a mate that you could organise to do the plumbing?---That's totally incorrect.

10

And, just pardon me, I suggest about a week later, on about 9 June, I suggest that Mr Romano rang you and he said to you, Steve, can you come by my office to let me know what your mates have been doing on the property. He wanted to know how much money is left to be paid to them. He said that to you?---It's totally incorrect.

And you said, no worries. You think there's about \$2,000 outstanding. The boys want to be paid in cash. That's okay?---That's absolutely lies. I financed the thing. The money come from me.

20 You disagree you said that, Mr Child, is - - -?---Totally.

- - - that the answer to my question?---Totally disagree.

Mr Romano said, "Fine, can you bring invoices and receipts for any materials they have purchased"?---I had a meeting with Mr - - -

Can you answer the question, Mr Child?---Well, it's incorrect.

30 Thank you. And you said, "Okay, how about a meeting on Thursday". Do you agree you said that?---I'm not sure of the date we had our meeting or what day it was.

And you in fact had a meeting with Mr Romano in his office on or about 12 June, 2008, didn't you?---I had several meetings with Mr Romano. I can't tell you the exact day.

It was a meeting that started off with Mr Romano asking you for invoices and receipts, do you recall that meeting?---Absolutely not.

40 You say there was never a meeting where Mr Romano asked you for invoices and receipts?---the meeting you're talking about happened in, I think it was 30 October, 2008, and it happened at the units.

Well, I'm suggesting to you on or about 12 June, 2008, you had a meeting with Mr Romano in which he asked you whether you had invoices and receipts. Do you agree with that?---No, I don't.

And you told him you didn't and he said, "Steve, I'm no happy. I've asked you to bring the invoices and receipts. You know that I need them". Do you agree Mr Romano said that in about June of 2008?---Totally disagree.

You told him you didn't have them and Mr Romano, do you agree you said that?---Totally disagree.

10 And Mr Romano said, "You'll need to get them but in the meantime we go through each item line by line because I want to make a diary note of each item"?---Totally disagree.

And you told Mr Romano that you needed \$240 cash for the stripping of the kitchen and the bathroom for unit 2?---I'm unaware of that meeting.

You can't recall it?---I can't recall it, no.

And you told him you needed \$150 cash for two mates that you used?---I can't recall that.

20 And you told him that Joe Giangrasso was owed \$300 for rubbish removal and tip fees?---Absolutely not.

And you told him that you needed \$145 in cash because you paid for (not transcribable) and \$80 cash because you hired a Kango, K-A-N-G-O?---It's a Kanga and I did hire a Kanga.

And you told Mr Romano that, didn't you in 2008?---Mr Romano paid, Mr Romano paid me for the hire of the Kanga.

30 And you told him that in June, 2008, that you needed \$80 for the Kanga, didn't you?---No, I didn't, I didn't get any money off Mr Romano for myself up until I'd say October.

That's false, isn't it, Mr Child?---That's, that's not right at all.

You received about \$2,000 in mid June of 2008 from Mr Romano, did you?--That's incorrect.

40 And you told Mr Romano in June of 2008 that there was 100, \$1,300 cash required for the boys for the skirting on units 3 and 6 as well as the landscaping?---That's absolutely incorrect.

And Mr Romano said, Joe Giangrasso, "Steve, I told you I don't want Council staff working on the property, don't bring Council staff on the property again"?---That's incorrect.

And you told him to worry about it, do you agree?---That's, that's incorrect.

And Mr Romano said to you, "Steve, I haven't seen any secondary employment notices. If they're working on the property they need to have completed the forms"?---Mr Romano never asked for secondary employment forms.

And you said you would see if you could get some notices done by the boys. That's what you said to Mr Romano, wasn't it?---It's totally incorrect.

10 And Mr Romano said, "If they don't complete secondary employment notices they're not to do any work on the property"?---Absolutely lies.

I suggest to you in about the middle of June, Mr Child, that you had a further conversation with Mr Romano in which he asked you did you get any secondary employment notices?---Absolutely not.

And you said, "No, they don't want to put them in". Do you agree that you said that to Mr Romano about mid June, 2008?---Absolutely not. Absolutely not.

20 And Mr Romano said, "Well, that's not good enough. I don't want to see them on the property again"?---It's total lies.

Now, would you agree with me, Mr Child - - -

Can Mr Child be shown Exhibit 78?

30 Mr Child, I've counted them up, there's 25 emails in that list that you either sent or you received in the period from June to October. Do you accept that that's about right?---Without counting them, yeah, I accept that.

And how long do you say that between, that the renovation of unit 2 took to about June to end of October, 2008. Is that correct?---It was from May, I would say.

Well, I suggest to you from early June to about the end of October?---I'd say May, June.

And how long - - -?---To the end of October.

40 Yes. And how long do you say you spent involved in the renovation during that period?---I'd say probably 150 hours.

That's your guesstimate, Mr Child?---That's a guesstimate, yep.

And again, it's a gross exaggeration isn't it?---Definitely not.

On a 40 hour week, it'd be 3 ¾ weeks you're saying you spent doing this renovation. Is that what you're saying?---I would say that, roughly.

And your job, Mr Child, was to co-ordinate quotes wasn't it, in effect?---My job was to project manage it.

Yes. Did you do any work yourself on unit 2?---Did I?

Yes?---Other than a couple of minor things, no.

10 And you didn't organise a painter for unit 2 did you?---Definitely not.

You organised the plumbing?---Yes, I did.

And the tiling?---Yes, I did.

And what else did you organise, Mr Child?---I organised the, the kitchen.

20 Yes?---Which come from a person who actually put the kitchens in the other two units. Mr Giangrasso done the opening, Mr Saad took the carpet and the old kitchen out.

You didn't organise the floor polishing did you?---I made a phone call to him, yes.

And you didn't do the lights did you?---No.

No. You know that 150 hours that you've referred is a gross exaggeration don't you?---No, I don't.

30 And you had a meeting with Mr Romano on the, the end of October. Is that correct?---That's correct.

What discussion took place at that meeting, Mr Child?---Mr Romano paid me for, for building materials that I'd used. And we also discussed Mr Risteski. Mr Romano made a, an open phone call to Mr Macklin.

And that's all you can recall of the conversation?---Basically, yeah.

40 All right. Mr Romano said to you, have you got the invoices for the work done at the units didn't he?---No, I never gave him many invoices at all. I might've given him one or two, but I had, I still had invoices in my - - -

Mr Child - - -?---desk at work.

Mr Child, will you please answer the question. I asked you did Mr Romano say to you, Steve, have you got the invoices for the work done at the units? ---No.

Thank you. And Mr Romano said, where are the invoices? This is just a list of work that was done. He needed receipts?---Absolutely not.

You deny it?---I deny it.

And you told him you couldn't get any invoices because the boys wanted to be paid cash?---Absolutely not.

10 And Mr Romano said to you, he needed to know who they were and what they did. Just telling me that a carpenter wants fourteen hundred dollars is not good enough?---Absolutely not.

And you said, well, I can't tell you who they are but I can tell you what they did. I can get you their invoices and receipts later?---Absolutely not.

And I suggest that at that meeting you went through a list of outstanding work?---Absolutely not.

20 And Mr Romano asked you in reference to the list, which referred to core holes and door jambs and skirtings, what materials are these? Have you got the receipts?---Definitely not.

And you told him, I don't have the receipts?---Definitely not.

And Mr Romano said, come on Steve, how can I pay you if I don't have receipts?---Mr Romano paid me.

30 And then you produced one invoice from Bunnings. Do you agree with that?---I don't agree with it.

And Mr Romano said, if you can get the invoices, I need them?---Absolutely not.

And then he went on to say, if you can't, then you can't. He said that to you?---Definitely not.

And you stood up and said, I'm going. You left the meeting?---Absolutely not.

40 Mr Child, do you tell the Commissioner that you did all this work for no pay. Is that correct?---That's correct.

You did this work because you hoped to get a personal favour didn't you, from Mr Romano?---Definitely not.

About May of 2008, you had a conversation with Mr Romano in which Mr Romano said to you, Tony and Albert have told me you've helped out enormously with organising trades people. And they asked that, that he Pat,

convey his appreciation to you. Do you agree that that conversation took place?---Absolutely not.

However, they are concerned that the efforts you have put in it have gone just beyond assisting us and they would like to pay you for your time?

---Absolutely not.

And you said, Pat, you didn't want to be paid?---Absolutely not.

10 I was just helping you out?---Absolutely not.

Besides, I couldn't tell you how many hours I spent on this anyway?

---Absolutely not.

And Mr Romano said to you, what if we just make you an offer, would you be happy with that?---Absolutely not.

And you said, no, but you know, Pat, if you're interested I would rather buy a share in the property?---Absolutely not.

20

Mr Romano said to you, Steve, that's not possible?---Absolutely not.

He went on to say, we have a company which is funded through our super funds. It would be too costly and too complicated to get you involved?---I never knew about their private - - -

I beg your pardon?---I never knew about that private part of it.

30 Do you agree that Mr Romano said those words to you? I take it you disagree?---I disagree.

And you said to Mr Romano, come on Pat, surely you can do something?---Totally not.

And Mr Romano said to you, Steve, I don't think so. Anyway, it's not up to me, the other partners would need to agree to it and I don't think they will? ---That conversation never took place.

40 And you said, can't you ask them?---That conversation never took place.

And Mr Romano said, okay, I'll tell them, but I don't like your chances? ---That conversation never took place.

And I suggest at about late May of 2008, you had a further conversation with Mr Romano in which you said to him, Pat, have you asked your partners about my suggestion?---Absolutely not.

And Mr Romano said to you, Steve, I spoke to them, but they are not interested?---Absolutely not.

He said, Steve, they do want to pay you for the work you've done in assisting us with trades people. Can you tell me how much you want?
---Absolutely not.

10 And you said, no, I'm not interested in getting paid. You know I helped you as a favour?---Absolutely not.

Mr Romano said, okay, he appreciated what you had done?---There was never a conversation about it.

You were hoping, Mr Child, to get some interest in this property by helping out, weren't you?---Absolutely not.

20 And Mr, I withdraw that. You said in answer to counsel assisting yesterday that you had seen several people who had been roasted and put to one side by Mr Romano?---Yes.

You had a chance to think about it overnight. Can you now name any such person as at February, 2008, who had been roasted or put aside by Mr Romano?---I'd say Mr Macpherson had been roasted many times.

That's false as at February, 2008, isn't it, Mr Child?---Absolutely not.

I suggest at 2008 you were unaware of any person who had been roasted or put aside by Mr Romano?---That's incorrect.

30 The only one you can nominate is Mr Macpherson, is that - - -?---I just, I didn't even think about it last night but yeah, I'm just thinking about it now.

Is there anyone else you can identify to the Commission?---Not at this moment but there would've been several.

That's false evidence, isn't it, Mr Child?---That's absolutely wrong.

40 You can't name anyone today, apart from Mr Macpherson, is that your evidence?---I'd been roasted by Mr Romano before myself.

As at February, 2008, that had not happened, had it, Mr Child?---I've been roasted many a times by Mr Romano.

And it hadn't happened as at February, 2008, had it, Mr Child?---Many times.

You say it had happened prior to - - -?---I've been roasted by Mr Romano many a times.

And was that prior to February, 2008, Mr Child?---Prior?

Yes?---No, not prior, no. I wouldn't - - -

And could Mr Child be shown the transcript from yesterday. Is there a spare copy?

10 Mr Child, can you turn to page 689 please. The numbers are in the bottom right-hand corner. You give evidence about a conversation with Mr Romano from about line 15 through down to the end of the page. Do you see that?---What number is it, did you say?

Page 689 in the bottom right-hand corner?---There is no 15 on mine.

ASSISTANT COMMISSIONER: If you look between 10 and 20?---Thank you.

20 It's approximately there?---Okay.

MR BLAKE: Okay. You're on page 689 and you've read from about where line 15 would be to the end of the page?---I haven't read it all, no.

Well, can you please read it all?---Yeah.

The evidence you gave of that conversation with Mr Romano is false, isn't it, Mr Child?---That's incorrect.

30 Yes, and over the page you, where you refer to Mr Romano taking you down to the units in February of 2008. That evidence is false, isn't it?---That's incorrect.

And Mr Romano never told you that he wanted staff or tradespeople, sorry, I withdraw that. Can you go to page 691 and can you look at about lines 42 down to 44 please?---I haven't got 42 or 44.

691, Mr Child?---There's no 42 and 44 on this.

40 ASSISTANT COMMISSIONER: Can you see 40 at the side?---Yes.

Counsel just means to count down two lines, that's about 42. He's just trying to tell you approximately where he's directing you. So if you start at, "And so, did he specifically say to you", that - - -

MR BLAKE: Have you read those lines, Mr Child?---Yeah.

And Mr Romano never told you to do the work during working hours, did he?---That's incorrect.

Can you go to page 695, please. If you look at the bottom right-hand corner and the questions from about line 7 or 8 down to about 10. Now, you know line 7 or 8 is not marked but it's - - -?---The top.

- - - the question just before the number 10. Do you see that?---Yes.

And you received your instructions about renovations of the units from Mr Romano and Mr Becerra and Mr Fasanella, didn't you at various times?--
10 --That's correct, that's correct.

Yes. And it's incorrect, it would be incorrect to suggest that your instructions came exclusively from Mr Romano, wouldn't it?---That's correct.

And I suggest to you that Mr Romano never gave a request that Mr Giangrasso do any work on the units in your presence?---That's incorrect.

20 Can you look at the bottom of page 695 and you'll see the last two questions and the answers. "So sometimes Mr Romano requested, directed to Mr Giangrasso, did he?---Yes." "Did he do that in your presence?---Yes." How many such conversations were there, Mr Child?---I never counted them but there was a quite a few.

Quite a few?---Yep.

Over what period of time did they take place?---Any time that we had our meetings with Mr Romano.
30

Well, what period of time did they take place? When are we talking about? When was the beginning and when was the end?---It was from 2008 to the end of 2008.

So right up to the end of 2008, is that what you're saying?---Yeah, I'd say that, yeah.

And when was the beginning of these conversations?---2008.

40 The beginning of January, 2008 to the end of 2008?---Yep.

That's a serious answer, Mr Child, is it?---Well, that's my answer.

And it's a serious answer?---It's a serious answer.

You know that's false, don't you, Mr Child?---Absolutely not.

Where did these conversations with, when you were present, with Mr Giangrasso take place? Where did they take place?---At Mr Romano's office, at Café Marco, on the side of the road at job sites. We had many a conversations.

Many a conversation where Mr Romano directed Mr Giangrasso to do work on the units?---Yes.

That's false, Mr Child, isn't it?---No.

10

I see the time, Commissioner.

ASSISTANT COMMISSIONER: Yes. Do you have much more, Mr Blake?

MR BLAKE: Not a huge amount more but there is a few more minutes.

ASSISTANT COMMISSIONER: All right. We'll adjourn for 15 minutes, thank you.

20

SHORT ADJOURNMENT

MR BLAKE: And when was the beginning of these conversations?---2008.

The beginning, January 2008 till the end of 2008. That's a serious answer, Mr Child is it?---That's my answer.

30 And it's a serious answer?---That's a serious answer.

You know that's false don't you, Mr Child?---Absolutely not.

Where did these conversations with, when you were present and Mr Giangrasso take place? Where did they take place?---At Mr Romano's office, at Café Mogo, on the side of the road at job sites. We had many a conversation.

40 Many a conversation where Mr Romano directed Mr Giangrasso to do work on the units?---Yes.

That's false, Mr Child, isn't it?---No.

I see the time, Commissioner.

ASSISTANT COMMISSIONER: Yes. Do you have much more, Mr Blake?

MR BLAKE: Not a huge amount more but there is a few more minutes.

ASSISTANT COMMISSIONER: All right. We'll adjourn for 15 minutes.

SHORT ADJOURNMENT

[11.31am]

ASSISTANT COMMISSIONER: Yes, Mr Blake.

10 MR BLAKE: Mr Child, I was asking you just before morning tea about meetings that Mr Giangrasso and yourself and Mr Romano had together about the Edwin Street unit. And I think you said there were many meetings commencing at the beginning of 2008 and ending at the end of 2008. Is that your evidence?---That's correct.

And doing the best you can how many meetings - at what degree of regularity did the meetings take place, are we talking once a month, once every three months, how often?---Myself involved I'd say three times a week.

20

And that was throughout that period?---Definitely.

You know that that evidence is untrue don't you, Mr Child?---No, it's not.

ASSISTANT COMMISSIONER: Mr Child, as I understand your previous evidence the units were not the only thing that may have been discussed at meetings?---We talked about Council work.

30 Right. So you're not saying that three times a week you had meetings specifically to discuss the units?---No.

But that the units would be discussed?---Obviously they were always involved, yes.

Yes?---The majority of times, yes.

40 MR BLAKE: So your evidence now is that the majority of the time, three times a week from the beginning of 2008 till the end of 2008 the meetings about three times a week included reference to the Edwin Street property? ---Definitely.

And Mr Romano I suggest never expressed any frustration to you that he couldn't put tenants in any of the units did he?---Yes, he did.

How often did he express that, Mr Child?---It was mainly on the first two units.

And what did he say to you?---He said he wanted to get them tenanted, they needed the money.

I'd suggest to you that conversation or conversations never took place. Do you agree with that?---No.

And Mr Romano never directed you to use Council staff from the depot to work during the course of the working week did he?---He did.

10 How many times did he do that, Mr Child?---Three or four times.

Three or four times. And did he mention any particular staff?---John Vadala.

Mr Romano told you there's John Vadala?---Yes, he did.

Yes. Anyone else?---That's to work in Council time. Joe Giangrasso, Ammer Issa.

20 Yes. Those three?---Myself.

And yourself?---Yes.

No one else?---I don't think so.

That answer's untrue that you just gave isn't it that Mr Romano directed the four of you to work in Council time?---That answer's true. I'd also say the backhoe operator too.

30 Thank you. And that's also untrue so far as it concerns him isn't it?---No, that's true.

And you said that you needed to go from the depot to open up the units for Mr Romano. Do you recall that evidence?---I could've been anywhere in the Council area.

Yes. You knew that Mr Romano had keys to all the units didn't he, didn't you?---No, I didn't.

40 And you never went to the units to open them up for Mr Romano did you? ---I went many a times over for Mr Romano and Mr Fasanella and Albert Becerra.

That evidence is untrue, Mr Child?---That's not correct.

You never saw Mr Romano with a set of keys there?---Never.

Never. Did it surprise you that you thought Mr Romano was an owner of the property and you didn't have a key to the units?---No.

It didn't surprise you?---No, it didn't surprise me at all.

And Mr Romano never directed Helen Cet to take Council property to go to the unit to clean it did he?---Yes, he did.

10 And Mr Romano, I suggest to you, never directed Joe Giangrasso to drop off the rubbish at the Council depot?---Yes, he did.

You said you had a conversation about October 2008 about Mr Romano asking you to look after a further unit. Do you recall that evidence you gave yesterday?---It wasn't in October.

When was it?---I'd say it was in November, towards the end of November, December when we actually said no, we wouldn't do it.

20 Well, there was more then one conversation wasn't there?---There was two conversations.

Okay. Well when did the first one take place, Mr Child?---I could've been October, November.

And where did it take place?---At Mr Romano's office.

30 And what did you say and what did Mr Romano say in that conversation? ---Mr Romano asked us to do the fourth unit. I told him I'd speak to Mr Giangrasso and I got back to him and - - -

All right. I'm just asking you about the first conversation?---Okay.

That was the extent of the conversation?---That was the, well, that was the extent of that, about the units.

And was it just you and Mr Romano present?---That's correct.

And there was a second conversation was there?---Yes, there was.

40 And where did that take place?---I'd say it took place at Mr Romano's office.

Well when you say, you'd say it took place, is that where you recall it taking place?---Well, that's, that's where I say it took place, in Mr Romano's office.

And when did the conversation take place?---In November, December.

And what was the conversation? What did you say and what did Mr Romano say?---The conversation was that we didn't want to do any more, any more units at all.

That was what you said was it?---That's correct.

Did Mr Romano say anything?---He, he expressed his disappointment.

10 Well, what did he say? I'm disappointed?---He was very unhappy.

Well can you tell the Commission to the best of your recollection what he said?---He just asked why, and I said we just didn't want to be involved in it any more. And he just expressed disappointed, disappointment.

And that was the extent of the conversation?---That was the extent of the conversation.

20 And those two conversations about which you've given evidence never took place did they?---That's incorrect.

And it's, and if you go page 707 of the transcript, please. 707. Right. Just to be fair to you, Mr Child, and to put it in context, I'm going to ask you a question about lines 40 and 41. But you might read say from line 20, just to put it in context?---Yep.

You never thought in the first half of 2008 that Mr Romano might sack you if you didn't provide any assistance in relation to the renovation of the units did you?---That's incorrect.

30 In fact, the true position is that you offered your assistance didn't you? ---That's incorrect.

Can you go to page 711, please. Can you read from about line 10, about down say to about line 25, please, to it in context and then I'll ask you a question?---Yep.

About line 18, counsel assisting said, "All right. And also in meeting face-to-face" and you see the answer, "Yes, yes"?---Yes.

40 In giving that answer were you referring to the meetings about three times a week from the beginning of 2008 till the end of 2008?---That's correct.

And you said in, the next question was, "And Mr Giangrasso at that meetings in the first units he, he was there"?---That's correct.

So while the renovation of the first units, that's units 3 and 6 was going on, Mr Giangrasso was at those meetings, is that correct?---Not all the meetings, no, but some of the meetings he was there.

Some of the meetings. "And not in the second lot?---Not really no." In answer that, were you referring to meetings relating to the renovation of unit 2?---Mr Giangrasso was in meeting there.

Well, what was your answer, : "Not really, no"?---Well, I, I mainly was the project manager. Mr Giangrasso had a minor part to play and yeah.

10 And in answering that question you were saying that Mr Giangrasso was not present at the meetings involving the renovation of unit 2?---He wasn't present in all the meetings but we spoke many a times with Mr Romano about several things including the units.

And that answer you gave yesterday was true, is that correct?---It's true to a point, yeah.

Well, what point is it not true?---Well, he wasn't in every meeting, okay, but he was there on occasion.

20 And I suggest to you that's untrue, would you agree?---It's incorrect, no, I don't, no I don't.

You were never told by Mr Romano to keep quiet about the renovations, were you?---That's incorrect.

How many conversations occurred where Mr Romano asked you to keep it quiet?---Several.

30 Several. When did they start?---Back from 2008.

And when did they finish?---In 2008.

When?---Towards, towards the end of 2008.

And you recall several conversations do you, Mr Child?---I had several conversations with Mr - - -

40 Were they just between you and Mr Romano or was anyone else present?
---Joe Giangrasso was there.

And how many of those conversations when Mr Giangrasso was present?
---I couldn't count. I couldn't say the exact amount but he was there on occasion.

On occasion?---Yes.

So some by yourself and Mr Romano and some between the three of you?
---Definitely.

And where did the conversations take place, are you able to say?---Oh, we had, we had meetings at the General Manager's office, at Café Marco, at the on-site meetings.

No such conversation ever took place, did it, Mr Child?---Yes, it is.

And the answer you, evidence you've given about that is false, isn't it?
---No, it's not.

10 There's nothing further at this stage.

ASSISTANT COMMISSIONER: Thank you, Mr Blake. All right. Is there any - - -

MR HANLEY: Could I ask a question (not transcribable)

ASSISTANT COMMISSIONER: Yes, Mr - - -

MR HANLEY: Mr Child, I asked you some questions about the project manager for the second unit (not transcribable)?---(not transcribable) yep.

When you were spoken to about being the project manager, did Mr Romano speak to you about that (not transcribable) job?---Yeah, he told me, yeah.

And you heard some questions put to you this morning that at the end of the project you sought some remuneration for your work. You heard that (not transcribable) this morning?---Yes, I have.

When you were first approached by Mr Romano, did he offer to pay you any amount of money for (not transcribable)?---Never.

You didn't keep any itemised list of hours that you worked (not transcribable)?---No, I didn't.

Is the reason for that you knew you would be paid nothing for it?---That's correct.

Now, in the course of being the project manager, you were to contact various workmen (not transcribable) various stages of the work being done on the units?---That's correct.

Did they contact you, the contractor s?---No, they didn't.

Did you contact them?---Yes I did.

You made, you were sometimes directed to do that by emails from Mr Romano and Mr Becerra?---That's correct.

Did they provide you with names of people to contact - - -?---Yes, they did.

- - - who was doing the work, identifying who was doing the work?

---Sending me emails

Yes?---Oh, Mr Becerra and Mr Fasanella and Mr Romano.

Would you then contact those people and arrange a time that you'd think

- - -?---Yes, I would

10

- - - that the work would begin?---That's correct.

Now these contractors, they worked during the day, is that correct?---Yes, they did.

And you were to meet them at the unit and allow them access?---That's correct.

And that was (not transcribable) the Council time?---That's correct.

20

And that was clear to Mr Romano he would have to do that during Council time, is that correct?---That's correct.

And that's why you were given the keys?---That's correct.

So you would be available during the day whilst you were working for Council to go and let in the contractors when required?---That's correct.

And to close up (not transcribable)?---That's correct.

30

Did any of these contractors work at night when you weren't working?
---No.

(not transcribable) during the working hours (not transcribable)?---Most of the time, yes.

And you were sent emails by Mr Romano and Becerra during your working time and hours (not transcribable)?---And Fasanella, yes.

40

Directing you in respect of the contractors who (not transcribable)?
---That's correct.

It was put to you yesterday that there might have been a possibility that Mr Romano believed that these people were working and you were working outside of the Council hours?---That's not correct.

MR LEGGAT: That wasn't put, wasn't put. It, only the possibility was explored. There was no direction in relation to the answer that was being sought other than the truth.

ASSISTANT COMMISSIONER: Well, yes, but I think it's fair to say it wasn't actually put. That was the case. It was put was it possible he believed that.

10 MR HANLEY: (Not transcribable) It was clear from your dealings with Mr Romano that it must have been apparent to him that you were working during Council hours on the project, wasn't it?---That's correct.

Now, in respect of the list of contractors you were to work for, you were referred to an email in Exhibit 78 by counsel appearing for Mr Becerra. I think it was an email originally from Toni Fasanella to Albert Becerra and then on to you on 1 July, 2008. Do you recall being shown that this morning?---Yes, I do.

20 And there were a list of plumbers, electricians, polishers, et cetera, detailed?---That's correct.

That email that you were shown this morning doesn't appear to contain any rates of these various contractors, does it?---No. it - - -

Were you provided with any rates independently of this document by either Becerra, Romano or Fasanella?---Other than I was told that the electrician would only charge about \$1500, yeah, I, I, I don't think I was - - -

30 (Not transcribable)

ASSISTANT COMMISSIONER: Yes.

MR HANLEY: Mr Child, could you go to page 4 of (not transcribable). And you can see an email from you to Pat Romano on 16 June at 12.18pm? ---That's correct.

40 It refers to Peter, the electrician has quoted 4,000 plus the cost of the intercom in unit 2?---That's correct.

And Peter was an electrician?---Peter was the Burwood Council's contractor.

And then you got an email back off Romano saying it's a bit high and I think you were (not transcribable) informed weren't you that, so in that email you were informed that Paul, I'm presuming that's Paul O'Neill is it? ---That was the electrician that they used previous.

That's Paul O'Neill that's referred to in the emails on page 19 of 38?
---Yep.

Do you see about the fourth margin along, that name, electrician is Paul O'Neill and a phone number?---You say, are you saying 19?

19 (not transcribable)?---Oh, yep, yep.

10 Was that Paul O'Neill, was that the same person referred to in the email on page 5?---No.

It's not?---No.

A different Paul?---I thought the email said, yeah, that's the same Paul, sorry.

The email on page 5 then says (not transcribable) Paul previously (not transcribable) per unit?---That's it.

20 Is that the only rates you were given in relation - - -?---That's it. Yes.

In relation to receipts that you've provided or didn't provide to Mr Romano, you were asked questions about that yesterday?---Yes.

Did you receive any emails from Mr Romano reminding you that you hadn't provided any receipts (not transcribable)?---Never.

30 There's also, you gave some evidence this morning about other people who'd been (not transcribable) by Mr Romano and this is as at February, 2008?---Yes.

Do you recall being asked questions about that?---Yes.

And you nominated Mr Macpherson?---Yes.

What position did he have at the Council at that, in February, 2008?---He was the depot works manager.

40 So he was directly (not transcribable)?---Yes.

And was he a person you would normally go to in relation to seeking equipment and those types of things?---I spoke to him many times about equipment.

That was his (not transcribable) - - -?---Yes.

- - - to (not transcribable) the (not transcribable) the Council administration on those issues?---Yes.

You became aware in June, in late, mid to late 2007 that Mr Macpherson had fallen foul of Mr Romano hadn't he?---Yes.

He had stood up to Mr Romano on several occasions?---That's correct.

In relation to Romano (not transcribable) his role?---That's correct.

10 Council staff kept (not transcribable) that?---(not transcribable)

And he had been in effect cut off my Romano (not transcribable)?---That's correct.

In relation to being Mr Romano being aware they'd ask you or other members of the Council were working on Council time at the units. In respect of the first set of units, those two units had never been started. Joe Giangrasso and Ammer were doing some levelling of the concrete?---Yes.

20 And did they do that at the request of Mr Romano?---As directed from Mr Romano, yep.

In fact it was the carpet that was being laid the following day?---Yeah. That was in the first two units.

(not transcribable)?---Yep. Yep.

Was that because the carpet was being laid the following day?---That's correct.

30 Mr Romano informed you of that?---That's correct.

Something had to be done urgently to get the floor level?---That's correct.

And he directed you use Joe and Ammer who'd worked on the units before (not transcribable)?---That's correct.

But you tell him that they were on night shift working for the Council? ---That's correct.

40 And asked him whether they, he wanted them to do that work during (not transcribable)?---That's correct.

And did he say yes?---He said, yes.

Did Mr Romano make it clear to you that he wanted to save money in relation to preparing the units?---Definitely.

And that Council resources were to be used?---Sorry, I can't - - -

That Council resources were to be used?---Well, wherever possible.

Was it your understanding in relation to the first set of units that there was some urgency about those units being prepared for tenants?---That's correct.

And at time to time Council workers be used and work during Council hours?---Yes.

10 And that on other occasions Council workers (not transcribable) may be used (not transcribable)?---That's correct.

But I take it that during 2008, there were a number of projects that your team were working on for the Council?---That's correct.

And working large times of overtime?---That's correct.

20 In fact that was one of the matters raised in the Morrison Low Report, (not transcribable) the overtime worked in 2008?---That's correct.

And do I take, these workers such as Joe Giangrasso and Ammer Issa were working on projects and working overtime during the time (not transcribable)?---Not so much Ammer, because I think Ammer hurt himself at, well, he was, he had, I think he hurt himself off in, some time in early to mid, 2008.

30 The times that Mr Giangrasso and either yourself working on the units in 2008, would you have to leave from the work you were (not transcribable)? ---That's correct.

(not transcribable) Mr Romano at all?---Definitely.

Now in relation to the backhoe, you told the Commission about that being used to do some work in relation to picking up the (not transcribable) and preparing the (not transcribable)?---That's correct.

And that was driven by a man named (not transcribable)?---Yes, it was.

40 He was a Council employee?---Yes, he was.

And the backhoe was Council equipment?---Yes, it was.

That equipment and (not transcribable) his time and the equipment used was (not transcribable) from Council (not transcribable)?---Yes, it was.

And that equipment was used on the direction of Mr Romano wasn't it? ---Yes, it was.

Was that equipment allowed to be taken out by Council staff to use for their purposes outside of Council?---No, it's not.

And that would've been clear to Mr Romano?---Definitely.

Were you given any directions at any time by Mr Romano not to use Council vehicles which could clearly identified by (not transcribable)?---Oh, he, he wanted to mostly use vehicles that weren't, didn't have any insignia on it, with Burwood Council written on it.

10

What vehicles did you use?---I used my own vehicle, the (not transcribable) truck and even the backhoe never had Burwood Council on it.

You gave some evidence to counsel assisting that on one occasion you did not (not transcribable) install in the units?---That's correct.

Did you speak to Mr Romano about that?---He directed me over there, to go there.

20 Did you tell him, I'll need the truck?---I told him that.

What was the truck, was it a Burwood Council truck?---It was a Burwood Council truck.

Did he specifically give you any directions about that?---He told me to use the ute, he didn't want any, any name on the side of the vehicle.

MR HANLEY: (not transcribable).

30 ASSISTANT COMMISSIONER: Thank you, Mr Hanley.

MS RONALDS: Mr Child, I'll show you this letter now. Just explain to you it's clearly a two page letter but in the documents produced by counsel they have been remiss and only produced the first page of it but I will, we'll endeavour to get from them the second page but since it was clearly connected with Mr Blake's earlier evidence then I thought it appropriate to be put to you at this time. You see there's a letter dated 27 - hello, the second page is magically appearing. I'm sorry, Commissioner, I've only got two page twos so it's a bit, we'll have to share. See that's a letter dated
40 27 September, 2006 and it talks about the Code of Conduct Secondary Employment. You see that?---That's correct.

And do you recall getting - see this letter's addressed to you?---Yes, it is.

At your then address?---That wasn't my address then.

That wasn't your address?---No.

You never lived there?---I lived there, I lived there, that was my brother's address, okay.

Right?---I wasn't there in 2006.

So, well, do you recall ever receiving this letter?---Not really.

Well, is it likely, it's likely you got it though?---It's likely I got it, it's - - -

10 If a letter turned up at your brother's place addressed to you he would've given it to you wouldn't he?---Well, you would think so, yeah.

And that sets out about secondary employment. Would you agree?---That's correct.

But you don't have any clear recollection of receiving it?---No.

If I could tender the collector's item of two pages.

20 ASSISTANT COMMISSIONER: Yes. That will be Exhibit 81.

**#EXHIBIT 81 - COPY OF LETTER DATED 27 SEPTEMBER 2006
TO MR STEVEN CHILD FROM PAT ROMANO**

MS RONALDS: I have (not transcribable).

30 ASSISTANT COMMISSIONER: Yes, thank you. Yes, Mr Child, you can stand down now and, yes, for the time being.

THE WITNESS STOOD DOWN

[12.33pm]

ASSISTANT COMMISSIONER: Yes. Is Mr Issa here? Yes, the section 38 declaration continues.

MS RONALDS: Mr Issa, I want to talk to you about the units at 187 Edwin Street, Croydon. You've been to 187 Edwins Street, Croydon?---Yes, I have.

10 And can you explain to the Commissioner the circumstances in which you attended there?---To carry out works on the units.

And who asked you or told you to go there?---Steve told me to go there.

Mr Child?---Yeah, Mr Child.

And do you recall when he told you?---I think it was the day before I actually went there.

And what month or year, do you recall?---It's February the 7th.

20 So you say it was February the 7th and you attended there on February the 8th. Is that correct?---No, for the 7th I attended there.

You went on February the 7th?---Yes.

So he told you on February the 6th?---Yes.

And do you remember what he said to you?---He gave me, he gave me and John a to-do list.

30 You and?---Me and John Vadala, Mr Vadala a to-do list.

And you're not a carpenter?---No, but I know - - -

So you were to assist Mr Vadala were you in the work he was doing?---Yes, I was.

40 And on 7 February what do you - sorry, I'll withdraw that. Did you ever speak to Mr Romano on 6 February before you attended on the 7th about going there?---No, I didn't.

And Mr Romano didn't ask you directly to go?---No. No.

And did you attend during your Council working hours?---Yes, I did.

And why did you do that?---'Cause I was told by Steve and which was a direction from Pat.

So just going back a step. Mr Child said that it was a direction from Pat?

---He goes, It's a job for Pat.

And you understood by that that he meant Mr Romano?---Yes.

And how long were you there on 7 February?---Four hours.

And if you hadn't been there, you had some other work you should've done for the Council. Is that correct?---Yes, that's correct.

10 And you and, you worked with Mr Vadala on that day?---Yes, I did.

And was anyone else there?---No, just me and John Vadala, Mr Vadala.

And did you see Mr Romano while you were there?---No.

And did you see, do you know Mr Becerra?---Yes, I do know him.

Did you know him in February 2008?---Yes, I did know him. I knew who he was but I didn't know him personally.

20

Right. And did you see him there when you were there on 7 February, 2008?---No, I didn't.

And do you know Mr Fasanella?---I don't know him, no.

No. So was it correct that no one else was there just you and Mr Vadala? ---Yes. Someone come later on just to drop off something.

30 A delivery person?---I think it was Mr Becerra's brother-in-law or something like that.

Right. And Mr Giangrosso wasn't there when you were there on the 7th? ---No, he wasn't.

Did you return to the units at all?---(NO AUDIBLE REPLY)

Did you do any other work there?---Yes, I did.

40 And when was that, do you recall?---It was late February. I've got it, I've noted it down in my diary on the actual date. Can't recall. Maybe it was the 29th, I'm not too sure.

29th of February?---(not transcribable), yeah.

And why did you go on that date?---I was told once again by Steve, Mr Child to go and help Mr Vadala once again.

And so it was you and Mr Vadala again was it on 29 February?---Yes, it was.

And what did you do on that day, do you recall?---Can't really recall but we done fixing up skirting boards, I think we hung a door, fixed a vent and just a couple of bits and pieces that needed to be done.

And how long were you there on that day?---Four hours.

10 And did you return there on any other occasion to do any work?---Just one more occasion with Mr Giangrasso.

When was that?---I can't recall a date.

Now, it's correct isn't it that you went off on or about 20 March, 2008?
---Yes.

You injured yourself at work?---Yes, I did.

20 And you then had some significant period off?---Yes, I did.

And did you return in mid-August, 2008?---Yes, I did.

And then did you then have to go off again for surgery purposes connected with your injured back?---No, I didn't.

All right?---I was pretty much forced, they told me there was no suitable duties for me so - - -

30 All right. And we'll return to that?---Okay.

So what happened, you were on light duties for a while?---Yeah, I'm on suitable duties.

And then, on suitable duties, and then you were told that there weren't any and so you haven't been returned to work for some months now, is that correct?---Yes, that's correct.

40 But that all relates to the injury that you had on or about 20 March - - -?
---Yes, and in that time that I had off I had another surgery.

So it was in that initial period between March and August that you had the surgery?---Yes. I had the first operation in that time, yes.

And you've had a second operation?---Yes, that's correct.

And when was that?---7 October, 2009.

All right, and you haven't had a third one?---Hopefully, knock on wood, no.

I wouldn't rely on that being wood. So that's the only time and so you were gone during the subsequent period. Now, I show you this document. You've nominated two dates, the 7th and 29th February, you see that?---(Not transcribable).

Now, this is your pay, sorry, this is your timesheet?---Yes.

10 And you see that it covers first the top one - - -?---Yep.

- - - it covers 7 February. You see the dates up the top there?---7 February.

See 29, 1, 11?---Oh, yeah, it's 11, yep, yep, I see that.

And the next one covers the 29 February, you see that, from the 26th to the 10th of February to 10th of, now, you'd agree that the time on these timesheets doesn't have, take out the period that you say you were at the units, does it?---No it doesn't.

20

And why is that?---Because I was told to fill out a timesheet as a normal day.

Okay. And who told you that?---Mr Steve Child.

So he directed you to just fill in your sheet like a normal sheet?---Yes.

If I could tender that.

30 ASSISTANT COMMISSIONER: Yes, that will be Exhibit 82.

**#EXHIBIT 82 - BURWOOD COUNCIL TIMESHEET FOR AMMAR
ISSA – PERIOD 29/1/08-11/02/08**

MS RONALDS: Now, the work on the 7th for four hours and the work on the 29th, were they similar work?---Yes, pretty much similar work.

40 And they were carpentry related, is that correct?---Yes, that's correct.

And any other work that you can recall?---On them two days?

Yes?---We fixed floor boards, like missing gaps.

General carpentry - - -?---Generally, yeah, general carpentry work, yes.

And you didn't return on any other occasion?---Just that occasion with Mr Giangrasso.

Yes, and on that occasion what did you do on the third occasion?---We put self-levelling concrete.

And which unit was that?---It was upstairs unit.

10 All right. If we can show you the map, the mud map which is Exhibit 80.
Which unit do you say you were doing the self-levelling concrete it?
---Unit 6 on this - - -

On this one?---Yep.

So this is, as I understand it and perhaps (not transcribable) this is meant to be standing out in the streets, is it?---No, that's not standing out the street.

20 ASSISTANT COMMISSIONER: No, it's the side view, isn't it?---Yeah,
it's the side view, yeah.

MS RONALDS: It's the side view, I beg your pardon. And so on this one it's the top right-hand corner, is that right?---Yes, that's correct.

And self-levelling concrete you pour it and then it - - -?---It just self-levels, yeah.

30 And why, did you know why you were doing that?---Because they were getting carpet laid the following day and there was a big difference between the kitchen area and the living area.

And what time of the day were you there?---It was evening.

And were you on night shift that time?---We were rostered on night shift, yes, that's correct.

So was that an overtime roster or an ordinary roster?---Oh, it's not classified as overtime. It's just classified as night works but it's an ordinary day, yes.

40 It was an ordinary day, so you hadn't worked during the day?---No.

That was your shift for that week?---Yes.

You were doing a night shift for that time?---Yes, that's correct.

So it wasn't, you hadn't done the 7.00 to 3.00 and then you were doing overtime?---No, no.

And it's correct, is it not, that then you started, what time would you start when you were doing a night shift?---Ah, it varies on different roads.

All right?---The different - - -

So you recall, do you recall what time that you went to the units to do the self-levelling concrete. -I think it was probably about 6.00 to 6.30, maybe.

10 And how long were you there?---Two hours I think, about two hours.

And the two of you were there?---Yeah, me Mr Giangrasso.

And when you travelled there, so you were there on three occasions. On the first occasion you went there, how did you get there?---If I recall (not transcribable) Mr Vadala's Council truck.

In his Council truck?---Yeah.

20 And the second occasion when you went with Mr Vadala again on 29 February?---I can't really recall if I went with Mr Vadala in his Council, in my vehicle.

Or in your own vehicle?---I can't really recall.

And do you remember when you went with Mr Giangrasso to do the self-levelling concrete?---We went in a Council truck.

30 All right. And you then returned to the depot after the concrete had self-levelled?---No, we returned straight to the job.

You went back to the job?---Yep.

And continued working for the council?---Yes, that's correct.

I have nothing further.

ASSISTANT COMMISSIONER: Thank you, Ms Ronalds. Any cross-examination?

40 MS McDONALD: Just a very quick question.

ASSISTANT COMMISSIONER: Yes, Ms McDonald.

MS McDONALD: You went to the property three times. Do you recall ever seeing Mr Becerra at the property?---I do recall seeing Mr Becerra on a few occasions, yes.

So you went there three times. You've given evidence on the first time that you didn't see him?---Oh, no, I went with Steve after I returned to work but I wasn't doing any actual work when I returned with Steve because I was on suitable duties. I was just with Steve, in and out.

So it was more than three times you went to the unit?---Yes, oh, I thought just working general, no.

I see?---Yeah.

10

So the three times that you were working, you never saw Mr Becerra?---No, not that I recall, no.

Thank you.

ASSISTANT COMMISSIONER: Thank you.

MR BLAKE: Just briefly.

20

ASSISTANT COMMISSIONER: Yes, Mr Blake.

MR BLAKE: Do you still have Exhibit 80 in front of you, the diagram of the units?---Yes, I do. Is it a drawing diagram?

Yes. On the first occasion, are you able to, sorry, the first occasion you've given evidence about, you identify as 7 February, 2008?---Yes, that's correct.

30

Can you identify which unit or units - - -?---Unit 3.

Unit 3?---Yes.

And on the second occasion?---It was unit 6.

And the third occasion?---It would've been unit 6 because the concrete level was on the top level.

40

And what enables you to identify the first occasion as 7 February?---I noted it down in my diary.

And have you produced your diary to the Commission?---Yes, I have.

And the second occasion?---Yes, I noted down in my diary.

And did you note down the third occasion in your diary?---No, I didn't.

You don't know when that was?---I'm not too sure.

And was it before you went off on I think it was 20 March, 2008?---Yes, it was.

Or when you returned?---No, no, it was before.

Before, all right. And your recollection with the levelling, it was an upstairs unit?---Yes, that's correct.

And it could've been unit 5, couldn't it?---No, it couldn't.

10

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

Yes, nothing further, Commissioner.

ASSISTANT COMMISSIONER: Yes, thank you, Mr Blake. Any other applications?

MS RONALDS: Just to clarify in case it leads to anything else..

20

After you returned in mid-August, 2008, you were on suitable duties?---Yes, that's correct.

And you say you, you were in Mr Child's company when you returned to the units on some occasions?---yes.

Do you remember how many times you went there?---Can't recall. It was a few times.

30

And Mr Child was doing something there, was he, and you - - -?---Oh, he was just opening up for contractors, closing up, yeah.

And you just happened to be with him because you - - -?---Yeah, 'cause I was on suitable duties, yes.

And so you were able to perform your usual duties?---Yes, that's correct.

So you didn't do any work there?---No, I didn't do any work after the day I had - - -

40

The three days?---Yeah.

And you would just accompany him because you happened to be in the vehicle with him. Is that correct?---Yes. Pretty much, yes.

And do you remember what vehicle it was? Was it a Council vehicle?---It was his Council ute.

His ute?---His ute.

Council ute?---Yeah, Council ute.

Thank you.

ASSISTANT COMMISSIONER: Yes. Now, is this witness to be stood down or excused?

MS RONALDS: Stood down, Commissioner.

10 ASSISTANT COMMISSIONER: Yes. Thank you, Mr Issa, you are stood down. You will have to return at a later time?---Okay. No worries.

ASSISTANT COMMISSIONER: Thank you.

THE WITNESS STOOD DOWN

[12.50pm]

MS RONALDS: I call Albert Becerra.

20

ASSISTANT COMMISSIONER: Yes, Mr Becerra, take a seat. Mr Becerra, you've been called here to give evidence and you are required to answer all of the questions asked of you. You can seek a declaration that you're asking under objection. Does your client - - -

MS McDONALD: Yes. (not transcribable) Commissioner.

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

40 **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 THE EVIDENCE 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 Becerra, you are required to take an oath on the bible or make a declaration, affirmation.

MR BECERRA: The bible.

ASSISTANT COMMISSIONER: The bible.

MS RONALDS: Can you tell the Commission your full name?---Manuel Alberto Becerra.

And have I been mangling it, I'm sorry?---That's okay. I've had many versions of my surname pronounced.

10 My Spanish was never that good. And your business address?---I have a business address at Camperdown and also at Burwood Council.

And you're an architect by training?---I'm a registered architect.

And when did you, you went, you graduated from what university?
---University of New South Wales in 1986.

Right. And you've worked as an architect since then?---Yes, I have.

20 And just so you understand that, do you understand that this, we're doing this in segments? This hearing?---Yes, I do.

You understand that?---Yes, I do.

Your lawyer's explained that to you?---Yes, my (not transcribable) has, yes.

And tomorrow we'll return to your employment status, so that I'm not going to go into that in depth at the moment. Do you understand that?---I appreciate that, yes, thank you.

30 So at the moment we're just talking about the units. Now, when did you meet Mr Romano?---I've known Pat Romano for over 20 years.

So does that mean that you met him in or about 1990?---I'd say earlier than then.

All right?---A little bit earlier than that.

40 And what were the circumstances in which you met him?---I was given his name as, as a reference to do some engineering and civil works for a project that I was looking at.

And, and that was a professional relationship?---Yes, it was a professional relationship.

And is it correct that it developed into a friendship at some stage?---Yes, it did.

And when did that happen?---I can't put a specific time, but over the years that I've known him, yes, we became friends.

And you worked together on a number of occasions?---Yes, we have.

And its' correct is it not that you had some personal business dealings, that is the two of you and perhaps others prior to the units that we're looking at?
---Yes, it is.

10 And can you tell the Commission when your business dealings with the two of you, not using him as a consultant or something, but just a business deal for the two of you commenced? When was the first one?---Approximately around 2000.

And what was that?---It was the purchasing of a property at Croydon.

And what was the address in Croydon?---Edwin Street, I can't recall the number, but I think it was 150 Edwin Street.

20 And what was it?---It was a shop top property. It had a commercial part on the ground floor and a residential unit on top of it.

And you bought the whole property?---Yes, we did.

Was it just you two?---It was in the name of all our, my wife's name, his wife's name and Mr Romano's name.

So the four names?---The four names.

30 So, Mr Fasanella wasn't in this business deal?---No, he was not.

And what did you do in terms of the business arrangement? Was it a fifty, fifty split?---It was a fifty, fifty split between the two families.

And did it involve the superannuation funds?---No, it did not.

So it was a less complicated deal was it then Befaro?---It was a business transaction and it was a partnership. We had to borrow some money to get, borrow money to - - -

40 And were there four equal partners or two equal partners?---No, it was four. The four names appeared on the contract.

And you purchased the property?---Yes, we purchased the property. All four of us.

In 2000?---Around 2000, yes.

So do you remember what month you purchased it?---It would've been in the middle of the year. I can't recall exactly, but I was playing football at the time and I could not attend the auction.

And how much did you pay for it?---Just in my memory around \$280,000, something to that effect, I can't recall.

And did you have a mortgage?---On that property?

10 Yes?---Yes, we did.

And do you remember how much the mortgage is for?---I can't recall, I'm sorry.

And who was the mortgage with?---Can't recall. I can't recall, I'm sorry.

And do you still hold the property?---No, we don't.

20 So you sold it at some stage?---Yes, we did.

And did it, you didn't sell it to the other two?---No, it went on the open market to be - - -

So the four of you sold it?---Yes.

And when did you sell it?---Around 2002, around that time.

30 And how much did you sell it for?---Around 480 or 500,000, around that half million dollar.

And had you developed the property in the meantime?---What we produced as a development application to increase the density of the property, to increase the number of units that could be accommodated on that property.

All right. And had that DA gone through the Council?---Yes, it went through actual Council.

40 So it was Ashfield it wasn't Burwood Council?---No, it's not Burwood Council.

And I'm sorry, when did you say you thought you sold it?---Around 2002.

2000-and?---2 I think. Can't remember, can't recall. Yeah, it took a couple of years.

Right?---We had it for a couple of years.

So what happened was that you bought it?---Yes.

Did you renovate it?---No, we didn't renovate it.

It had existing tenants?---It had some tenants in there, yes.

And you left them there?---Yes.

And they continued paying rent?---Yes.

10 And you paid the mortgage out of the rent or did you have to top it up?---
No, we have topped some of it up from what I can recall. Not a great deal
but we had to top some of it up.

So there was some negative gearing happening?---Yes, I believe there was.

And then you put a DA through which took how long approximately?---
Quite a while, almost a year.

20 Right. And that was to increase the occupancy rate?---Yes. It was to
increase the residential component of that property to increase the number
of units that could be accommodated on that property.

And was that based on a knockdown?---No, it was actually to maintain the
façade because the property's classified in a conservation area so we
couldn't demolish the façade of the building so it was actually to add to the
rear of the property predominantly and renovate the front of the property.
That was the proposal.

30 And once you got the DA through you didn't want to do that next step
yourself?---No, we actually had an agreement that, between the four of us
that we would, if the DA was approved we'd get it evaluated to see what the
outcome was and assess whether it was worthwhile proceeding to develop
the unit or sell the property and we chose to sell.

Sorry, one at a time. Somebody undertook that assessment for you?---Yeah,
a real, a real estate agent, we sought the advice of a real estate agent to get
his evaluation.

40 Right?---And he thought it was the right time in the market to sell so we
took his advice and sold it.

And then you sold it and you split the profits?---Yes, we did.

On, on your figures roughly there was about a \$200,000 profit?---
Approximately, yeah. I can't recall, I can't recall but yeah, approximately.

You spread it 50/50?---Between the two families, yes, so two parts to one
side and two parts to our side of the family.

And did you have any other business dealings before Befaro?---No. With Mr Romano?

Yes?---No, other than that, yes.

And can you tell the Commissioner that when it was that the plans for what became Befaro began to develop?---Late 2006 or something to that effect. We had discussions about investing in property and that's how I guess
10 Befaro established is no idea of the investor property there was an opportunity where there was properties coming up for sale that we were interested in, that I had an interest in and I could not afford to do it on my own.

Right. And Mr Fasanella how long have you known him?---For about, well, it's 2010, about five years.

And were the three of you in regular social contact prior to the setting up of Befaro?---I had social contact with Mr Fasanella and Mr Romano.

20 Together?---Yes.

And did Mr Romano introduce you to Mr Fasanella in the first place?---Yes, he did.

And so he was a longer term friend of Mr Romano's?---Yes, I believe he was, yes.

And just make sure I don't misunderstand you, you were looking for a
30 property but you needed some extra finance and so you suggested to the other two did you that perhaps the three of you could go into business?
---Yes.

Commissioner, I note the time.

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

40 LUNCH ADJOURNMENT

[1.01pm]