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COMPULSORY
EXAMINATION

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EXHIBIT**

INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

COMPULSORY EXAMINATION

OPERATION CAVILL

Reference: Operation E12/1191

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 9 MAY 2013

AT 2.20PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

ASSISTANT COMMISSIONER: Thank you, please be seated.

This is a compulsory examination being conducted by the Independent Commission Against Corruption. I direct that the following persons may be present, Commission officers including transcription staff and the witness.

10 Being satisfied that it is necessary and desirable in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by this witness, the contents of any exhibits tendered, the contents of any documents shown to the witness, any information that might enable the witness to be identified and the fact that the witness has given evidence today shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission. It is a criminal offence for any person to contravene this direction. This direction may be varied or lifted by the Commission without previous notification if the Commission is satisfied that it is necessary or desirable to do so in the public interest.

20 **PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY THIS WITNESS, THE CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF ANY DOCUMENTS SHOWN TO THE WITNESS, ANY INFORMATION THAT MIGHT ENABLE THE WITNESS TO BE IDENTIFIED AND THE FACT THAT THE WITNESS HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR**
30 **STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION. IT IS A CRIMINAL OFFENCE FOR ANY PERSON TO CONTRAVENE THIS DIRECTION. THIS DIRECTION MAY BE VARIED OR LIFTED BY THE COMMISSION WITHOUT PREVIOUS NOTIFICATION IF THE COMMISSION IS SATISFIED THAT IT IS NECESSARY OR DESIRABLE TO DO SO IN THE PUBLIC INTEREST.**

40 ASSISTANT COMMISSIONER: Now, you are Mr Booth?

MR BOOTH: Sorry?

ASSISTANT COMMISSIONER: You are Mr Booth?

MR BOOTH: Yes. Commissioner, before we start, could I just make one request. Since I got my OBE, over bloody 80, I'm like the fellow with a trifle in one ear and custard in the other – I'm a trifle deaf. I know I should have got to a hearing-aid specialist which I haven't done it yet, I'm just still

trying to get this, so could everyone just speak up a little bit so I can hear the conversation, please.

ASSISTANT COMMISSIONER: Yes.

MR BOOTH: That's all I have to say.

10 ASSISTANT COMMISSIONER: You've been called here to give evidence and you are required to answer all of the questions asked of you. Witnesses before the Commission may seek an order, the effect of which is that none of the evidence given here can be used in civil, disciplinary or criminal proceedings, with certain exception. Now, most witnesses do avail themselves of this protection because it means the evidence you give here can't be used in other proceedings against you. Do you wish to seek an order in those terms?

MR BOOTH: Hmm, should I?

20 ASSISTANT COMMISSIONER: It's a matter for you, but most witnesses do choose to take the protection available.

MR BOOTH: What's, what's the advantage or disadvantage?

ASSISTANT COMMISSIONER: The advantage is that the evidence you give here cannot be used against you in any future civil, criminal or disciplinary proceedings, so it can only be used for our purposes, and most people consider that an advantage.

30 MR BOOTH: You think I should then?

ASSISTANT COMMISSIONER: It's a matter for you but I think most witnesses do take- - -

MR BOOTH: Well, perhaps I should.

ASSISTANT COMMISSIONER: Yes.

MR BOOTH: I've got nothing to worry about I don't think but- - -

40 ASSISTANT COMMISSIONER: Right. I would point out that the only evidence that is not protected by this order is if it's found you've breached the Act by providing false or misleading evidence. So you have to bear I mind that you must tell the truth. Do you understand that?

MR BOOTH: Certainly.

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 his evidence at this compulsory examination 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.

10 **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 HIS EVIDENCE AT THIS COMPULSORY
EXAMINATION 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.**

20 ASSISTANT COMMISSIONER: Mr Booth, you're required to take an oath on the Bible or make an affirmation to tell the truth?

MR BOOTH: An oath, please.

ASSISTANT COMMISSIONER: Thank you.

<JOHN BOOTH, sworn

[2.22pm]

ASSISTANT COMMISSIONER: The subject matter of the Commission's investigation has been outlined in a summons that was served upon you. Mr Prince has been – sorry, Mr Downing has been appointed as Counsel Assisting and he will now ask you some questions. Thank you.

10 MR DOWNING: Thank you, Commissioner. Mr Booth, if at any time you can't hear me, please just ask me and I'll repeat the question?---Yes, please.

But first of all, can I just ask you to confirm that you are the owner and principal of The Weekly Times Gladesville?---Yes.

So that's a paper which you – I take it you're the owner of the shares in the company that runs the paper?---Yes.

20 And you're a director of it?---Yeah, and I've brought some copies to say, that can verify that so (not transcribable) copies.

Can I ask you first of all about your relationship with Mr Ivan Petch. Do you know Mr Petch?---I do know him.

For how many years have you known him?---Well, more than I'd like to remember I guess.

30 Does it go back some- -?---We were both born in, you know, Ryde, and ah, I suppose I've known him for, I don't know, 30 years, perhaps maybe longer.

Do you have any business relationship with him?---Not as such, not as business I wouldn't think, apart from at times, you know, he does advertise in the paper, he has done over a number of years.

All right. Is he someone that you have communications with, whether it's by telephone or by email or face-to-face from time to time?---Sorry?

Mr Petch?---Yes.

40 Is he someone that you speak to on the phone, receive emails from, meet face-to-face from time to time?---Oh, well, I see him regularly 'cause he's um, he's the Mayor of the Council and I attend the Council meetings quite often – I have done for – I used to be an alderman 50 years ago and I was Acting Mayor at that time as well, so I've- - -

But outside the- -?--- - -I've had a long association on interest.

Outside of Council meetings do you have occasions where you speak to him by phone, meet him in person, have email communications with him?

---Well, I certainly have communication with him, yes.

And does that relate to matters arising out of the Council's business?

10 ---Not necessarily, quite often it's to do with Chambers of Commerce with the Ryde Business Forum, with the Ryde Rivers Festival, with the Christmas Carol Spectacular I started years ago, 28, 18 years ago, all these things and we, he takes part in that, he plays the organ for us at the Christmas Carols, he participates in lots of activities.

So he communicates with you about a range of different matters?---Mmm, yes.

Can I ask you then just to deal with Council communications, that is internal Council communications between Councillors and Council staff. Do you recall occasions where he's forwarded you by email or perhaps even in paper form, internal Council communications?---When you say -- what do you mean by internal communications?

20

Well, communications from the Council staff, you know, the staff at the Council like the General Manager, there are different departments within the Council with different department heads?---Um- - -

You do know the staff -- I'm not talking -- I'm dealing now not with the Councillors themselves but the employed staff who work for the Council. You know persons who fill those roles at Ryde Council?---People on the staff of Ryde Council -- I'm sorry, I can't quite get- - -

30 From time to time- - -?---Yeah.

- - -you know, don't you, that the Council staff, that is the General Manager or managers in respect of planning and approving developments or Council services have communications with the Councillors themselves?---Yes.

And- - -?---I guess so.

40 Has, has Mr Petch from time to time forwarded to you, either in paper form or in email form, internal communications between Council staff and Councillors?---Um, well, I suppose, I suppose a lot of them do. (not transcribable) many of them.

I'm asking about Mr Petch?---Huh?

I'm asking about Mr Petch?---Well, I imagine he has, I know some of the others more recently have, not, rather than him.

Please, just focus on Mr Petch?---Yeah.

On Mr Petch, and we'll get through the questions much quicker?---Yeah.

Think of Mr Petch. Can you recall him either sending you paper copies or email copies of internal Council communications between Councillors and Council staff?---Not recently to my, to my remembrance – maybe at some times.

10 When you say not recently, are you talking about in the last couple of years or- - -?---Oh, no, I'm talking, I'd be talking about the last month or two I guess.

Right?---Yeah.

In the last couple of years do you recall occasions where he's sent you those internal Council communications?---Oh, I can't remember that. Wouldn't, wouldn't know.

20 Do you ever recall receiving anything from him in the nature of what appeared to be a confidential internal communication?---Not that, not confidential I don't think.

Well, I should be clear about what I'm asking you about. You understand don't you that from time to time the Councillors get advice that isn't made available to members of the public about decisions Council has to take, whether it's approving a development or entering into a contract with someone, matters of that nature. Do you recall Mr Petch ever forwarding you communications of that- - -?---Not of that- - -

30 - - -description?--- - - -that I recall.

You don't. Do you say it hasn't happened or you just don't remember?
---I can't recall, I can't remember that happening to my recollection.

40 Would you regard it as unusual or improper if Mr Petch had forwarded you communications of that nature, that is confidential internal communications from Council?---What, I don't know what, what the confidential or how confidential confidential is because most of the things with Council are pretty open and I'm usually privy to most of, most of the, you know, I've always known, I've known all the Mayors and that, the General Managers, I've had lots of discussions with them.

Mr Booth, you've told us you attend a lot of Council meetings. Correct?
---What's that?

You attend Council meetings?---Hey?

You attend Council meetings?---Quite often, yeah.

And- - -?---(not transcribable) attend them all, I haven't -- I've got a journalist now covering all of the Council meetings at Ryde, we also do Hunters Hill.

Right. You're aware- - -?---I try and get there as often as I can to try and keep in touch with all the Councillors- - -

Mr Booth- - -?--- - - -and the staff.

10

- - -you're aware that at Council meetings, members of the public can be present?---Yeah.

With some exceptions, there are times when they close the meeting, but generally speaking, members of the public can be present and hear what the Council is deciding or deliberating on?---Sure.

20 But you also understand, don't you, that Council receives internal communications from its staff giving advice about decisions to make which isn't made available to the public?---Well, possibly.

Have you ever received from Mr Petch communications of that nature, to the best of your recollection?---Not that I can recollect.

Now has - could you recall if Mr Booth, sorry, I withdraw that, if Mr Petch has ever sent you any emails in respect of John Neish who I take it you know is the former General Manager of the Council?---(No audible reply)

30 You're nodding. You're going to have to respond verbally so that we can record it as part of the transcript?---So what was the question?

I'll take it in two parts?---Yeah.

Do you remember John Neish who was the General Manager?---I remember John Neish very well, yes, well quite well, yes.

40 Do you remember whether Mr Petch has ever sent you any email communications in relation to Mr Neish?---I don't know about emailing but I have had conversations about it, about him.

Well let's, let's start with emails. Can you recall if he ever sent you any email communications dealing with things like Mr Neish's performance as General Manager at the Council?---There have been communications about performance, I don't know whether from Mr Petch or from the Council itself or other Councillors saying that you know that because with the General Managers they have performance, the Council has to give a performance rating on the General Manager every year I think it is.

Do you recall if Mr Petch has ever sent you any communications in relation to Mr Neish's role with the Ryde Civic precinct re-development?---Don't know specifically about that one.

10 Do you not recall?---Can't recall really 'cause there was a lot of, there's been a lot of talk about that. I mean so much has gone about the precinct re-development it's unbelievable and of course some of the Councillors aren't very happy with me because of my view because I, I actually signed the contract for the building that's there now 50 years ago to try and pursue Ryde as the centre of a - when (not transcribable) was bringing in his (not transcribable) city plan and so, and I was chairman of the planning committee that established the Macquarie University and so on. So I'm pretty firm, I'm very committed to Ryde, I was born in Ryde up the road from where the Council chambers with my big brother and so I'm very committed and I'm very dedicated and very passionate about it.

Mr Booth, I understand that you have quite a long history with Ryde - - -?
---Yeah.

20 - - - but it'll make things a lot smoother today if you try and listen to what I'm asking about and try and actually answer that question because all I'm asking about at the moment is communications with Mr Petch about particular subject matters. Do you understand that, that that's what I'm asking you about?---Ah hmm.

So if you can try and limit your answers to those subject matters?---Okay, okay, I, I'll do my best.

30 Do you recall Mr Petch ever sending you any emails in respect of the question of Mr Neish's employment and whether his employment should be terminated?---I don't know about email but I have, I have sort of talked to him about it.

So you've had conversations with him?---Yeah.

And is that in person or on the phone?---In person I think.

40 And where, can I ask you where do you typically, I withdraw that. Have you - - -?---Well I think it was, I think it was the time of - - -

Just wait until I ask you a question?---Okay.

Do, do you meet with - - -?---I mean I was being asked the question.

Do you meet with Mr Petch from time to time?---Sorry?

Do you meet with Mr Petch from time to time?---Oh, from time to time I see him at different places, yeah.

Where do you typically meet with him?---Sorry?

Where do you typically meet with him?---Oh, at Chamber of Commerce functions, social functions mainly.

Do you ever have a meal with him, have a coffee with him?---Oh, not, not very often.

- 10 Can you recall any occasions you know whether that might have been any particular location that you've met with him for a coffee or for a meal?
---Oh, well I had a meal with him in Parliament House that (not transcribable) Member of Parliament.

Let's think of outside of - - ?---And at the City Council when he was the chairman I had one there - - -

- 20 Let's think of outside of Council premises or Parliamentary premises. Can you remember any other occasions where you've met with him?---I've met with him a number of times, I'm not sure specifically where.

Well do you recall having a meeting with him where you spoke about Mr Neish's employment and whether it might be something that was going to be terminated?---Well I remember talk, talking to him about that, yes.

Do you have - was that at a meeting?---I'm just trying to think where now, it was somewhere, it might have even been in the Mayor's room.

- 30 When, when are we talking about, what, what period - - ?---Sorry?

What time are you talking about, when do you say this meeting occurred?
---Oh, before he was dismissed.

That's Mr Neish?---Mmm.

You're aware he ceased his duties as General Manager in about February this year, aren't you?---Sorry?

- 40 You're aware that he ceased his duties as General Manager in about February of this year?---That would be right, yeah. Ah hmm.

Was it shortly before that time?---Ah, yeah.

And do you recall if anyone else was present?---Um, not that I - I don't think so.

Do you recall what Mr Petch told you about Mr Neish and the prospects of his ongoing employment?---Well, I'm not sure whether he told me

originally but somebody did that um, in relation to John Neish's computers, the IT department um, might have referred something to me from the Council.

Do your best - -?---I certainly knew about the, the porn on his, on his computer.

10 Doing your best, is that something you believe that Mr Petch told you about at the meeting you've described?---I'm not certain but it was, became sort of almost general knowledge around the traps, all the Councillors knew about it and staff knew about it.

Just try, try your best for the moment to think about who it was that informed you about this for the first time?---Um, I don't know, it's a while ago now (not transcribable)

20 It's a few months ago this year?---Yeah, I know, but it's water under the bridge, a lot of things happen in -- and I was working to 4 o'clock yesterday morning to get the paper out and back again at 8.00 and I'm not the brightest at the moment. I've had a 7 o'clock meeting at Putney School, I've had an 8 o'clock meeting at West Ryde Chamber of Commerce, I had another- - -

THE COMMISSIONER: Mr Booth - -?---Sorry?

30 - - -can you please try to answer the questions that are asked of you. I don't think you're listening to the question and you're giving us a lot of information we don't want, but you're not giving us information that's responsive to the questions?---Well, I'm doing to the best of my ability, Commissioner.

Well, if you listen carefully to the questions, see, you were talking about a meeting you had with Mr Petch where he discussed the performance of the General Manager and that the General Manager might have to be dismissed. Do you remember that?---(No Audible Reply)

You said you had a, you discussed it with him at a meeting?---Yeah, yeah.

40 Yeah. Now, all we want to know is what he said to you at that meeting. That's what Mr Downing is trying to, to get from you. Do you understand that?---(No Audible Reply)

What he said about why Mr Neish had to go?---Well, I think it was that the Council had dismissed Mr Neish previously but he wouldn't go and then he, and then Mr Neish- - -

Is this what, is this what Mr Petch was telling you at this meeting? We don't want to know- -?---Well, we just, well, that was, that was part of the

We just want to know what was discussed?---That was part of the discussion.

10 All right. You tell us what Mr Petch said?---Because it was the fact that Mr Neish had been dismissed by the council, he wouldn't go, and then, but that was a bit of a political move I suppose when ah, two of the other Councillors away so the -- we had the Council divided six/six. We had four Liberals and two Labor- - -

MR DOWNING: Sorry, can I just, can I just stop you there again?---Yeah, okay.

20 I want to be clear that what you're telling us is what Mr Petch told you, not your general knowledge about Mr Neish. Are you telling us about what you recall Mr Petch telling you at this meeting earlier this year or are you telling us about background facts that you knew about Mr Petch, I'm sorry, about Mr Neish?---Mr Neish.

Well, I want you to try and focus on the meeting with Mr Petch. You've told me that sometime not long before Mr Neish ceased his employment you had a meeting with Mr Petch at which Mr Neish's employment was discussed. Is that correct?---Yes. I'm not sure if that was the main reason. We'd sometimes meet, you know.

30 ASSISTANT COMMISSIONER: We're not saying -- nobody's saying it was the main reason. All you're being asked is, you had a meeting at which Mr Neish's position was discussed?---Yeah.

You agree with that?---Yes, I, yeah.

40 And all we want to know is, what was said at that meeting, not the history or what had happened before, what was discussed at that meeting. He would have said to you, you know, we've got to get rid of Mr Neish, or something. He would have said something to you. What did he say?---Well, I suppose in a, in a, in a nutshell, 'cause (not transcribable) nothing's, you know, always straight out black and, you know, black and white, but it was basically that we were trying to get rid of, we -- when I say we, the Council or the majority of the Councillors- - -

MR DOWNING: Are you telling me what Mr Petch told you or you believe -- that is you're telling me about your view about Mr Neish?---Well, he, well, he more or less said we're going to be able to get, get him out easier now because of something that's been discovered.

And did he reveal to you that what had been discovered was pornography on Mr Neish's computer?---Ah, not originally.

Well, when you say- -?---But I did, I did find out.

At this meeting did he reveal to you something about the discovery of pornography on Mr Neish's computer?---Um, I can't recall precisely that part of it but I know that later that was revealed, well, it became general knowledge so- - -

10 But, Mr, Mr Booth, I'm struggling to accept that you're actually trying genuinely to answer the questions here because Mr Neish leaving and the fact that it had to do with pornography being found on his computer, I take it would have been a fairly significant event in Ryde and involving the Council, you'd accept that, wouldn't you?---Yeah, yeah.

20 And learning that his departure was in some way linked to the discovery of pornography on his computer would be fairly explosive news if I can put it that way?---Well, that, that is what made the, made the dismissal quicker. He was already, he was already supposed to go but that was the, the stone in the sling I suppose because from what I heard later the Mayor called Neish up into the Mayor's room and gave him the option of going now or and getting a reference or being dismissed publicly and other things being exposed.

Who told you that?---Mmm?

30 Who told you that about that option been given to Mr Neish by the Mayor? ---I don't know, I think it was a number that Councillors knew that and I - and perhaps the Mayor told me as well later on that that was an option of how he was able to go fairly quickly and he gave the option to sort of go with a clean nose and, and to have it, he wanted to give his own press report, well this is what we got from Neish 'cause he sent the thing on a Friday night to the office, he worked back and the staff apparently worked back, I, I learnt this later when he decided to go on the Friday night, he had a secretary stay behind and do a, help do a press release to sent out to the papers which I received.

40 Just doing your best with remembering this meeting with Mr Petch do you think it's possible at that meeting that he revealed to you that not only was it going to now be easier to get rid of Mr Neish but it was because pornography had been found on his computer?---I'm not sure at that time but I know later on I - - -

Well surely you would have asked the question wouldn't you?---Sorry?

If Mr Petch had as you've told us told you at that meeting that it was now going to be easier to get rid of Mr Neish you would have asked why wouldn't you?---Well sometimes you hold your tongue a bit you know, you

know you're going to get it in the long run because you know eventually the truth comes out.

Well let's, let, let me ask you this. It's the case isn't it that - - -?---(not transcribable)

Your paper The Weekly Times - - -?---Yes.

10 - - - published a number of articles critical of Mr Neish over the last, let's put it to the last year or so?---Sort of critical I suppose, yeah, you could say so.

And is it your view that, your personal view that Mr Neish did a bad job as a general manager of the Council?---Yes, I think he was misleading the, the Council, yes.

20 Well that being the case that that was your personal view and that your paper had run articles critical of him surely in the meeting with Mr Petch earlier this year you would have been keen to find out about why it was that all of a sudden it was going to be easier to get rid of Mr Neish?---Well I suppose we'd be curious.

Well did you ask Mr Petch?---I don't recall now but (not transcribable)

It's very likely that if you'd been told the things you've told us that Mr Petch revealed to you that now it was going to be easier to get rid of Mr Neish and he was someone you didn't like you would have asked the question wouldn't you?---Sorry, what's that again?

30 Given your view about Mr Neish - - -?---Yeah, mmm.

- - - when Mr Petch tells you at this meeting that it would now be easier to get rid of him you would have been keen to ask the question well what's happened why?---I suppose curiosity killed the cat, yeah.

And you run a newspaper, I mean it's news that relevant to the residents of Ryde?---Well it was going to be, it was going to go the next day anyway I suppose when it - - -

40 Doing - - -?--- - - - (not transcribable) fairly quick, yeah.

Doing your best, Mr - - -?---Well I'm, I'm only a weekly you see I don't have to know it like today because when something happens on a Wednesday I'm already published I got to, I've got about five or six days to find the rest of it out.

Doing the best, Mr Booth, do you think reflecting back on that meeting now that it was at that time that Mr Petch told you about the discovery of

pornography on Mr Neish's computer and that that would facilitate him exiting the Council?---Is that a question or is that - - -

10 It was. I'm asking you to think about, reflect on that meeting and think whether at that occasion Mr Petch told you that Mr Neish was going to be leaving the Council and it was because of the discovery of pornography on his computer. Think about that meeting and reflect on whether that was revealed to you at the time?---Well thinking about it I'm not sure now whether that, that meeting we're talking about was actually before or after he went but I, well in my mind when it was actually after he, he went.

Do you recall any meetings at, occurring at Delitalia?---(No Audible Reply)

You know what Delitalia is don't you?---(No Audible Reply)

Do you know what Delitalia is?---No.

You're not familiar with it being a café on Coxs Road in North Ryde?
---Which, I'm sorry?

20

A café on Coxs Road, North Ryde?---Oh, out at North Ryde, Coxs Road?

Yeah?---Yeah.

You're familiar with that establishment?---Sure, yeah.

Do you think you might - doing your best to think back, do you recall a meeting - do you recall ever going to Delitalia?---Oh, I go there off and, you know, I got there, you know, once a month or something.

30

Do you recall having a meeting with Mr Petch there?---Well, I have met him there, I've met other people with him, you know, if I'm driving past and I see him having a coffee or something I might sort of park and come back and say hello.

Do you recall any meetings there this year, before Mr Neish was, had his employment terminated at the Council, where you met with Mr Petch?---Oh, not specifically, I wouldn't know specifically, no.

40

Do you recall ever having a discussion where you, with Mr Petch at Delitalia in the early part of this year where you talked about Mr Neish's employment?---I don't know that we talked about Mr Neish's employment there.

Can I ask you then about - - ?---I think it was more a social meeting, just a coffee.

Can I ask then about Norm Cerreto, are you familiar with Norm Cerreto?

---Yeah, sure.

You're familiar with his business interests in the local area?---Well, I know sort of he and his father have got properties there and he runs them, a café was - his family does.

Are you familiar that - or I take it you know that Delitalia is his business?
---Sorry, is that the question?

10 Yeah, do you know that Delitalia is Mr Cerreto's business?---That?

Delitalia is his business?---Is his business, sure. Well, he advertised with me.

And can I ask you what's the nature of your relationship with Mr Cerreto?
---Well, he's an advertiser.

Is that the extent of it?---He's in business and he's an advertiser.

20 So he advertises his businesses in The Weekly Times?---Yep.

And - - -?---And so does the other side of Coxs Road quite regularly.

And - - -?---More regularly than he does actually.

And what businesses are you referring to? Are you referring to Delitalia?---
No, no, the Coxs Road Mall.

30 Oh, the plans to, the master plan?---It's the other side, the other side of Coxs Road.

So what's your (not transcribable) in terms of advertising by Mr Cerreto was the Coxs Road master plan that was put together by the landowners?---
Oh, they were also advertising his shop, you know, when he has Mothers Day or Fathers Day and that sort of thing.

Okay?---Not as often as I'd like. I'd like him to be advertising more quite honestly.

40 All right. Now just dealing with advertising for a moment. You've produced some documents to the Commission in respect of ads placed in The Weekly Times in the period May to September, 2012. You recall that, you've produced some documents to the Commission?---Oh yeah, I did.

You have?---Oh yes, yeah.

And they cover the period May to September, 2012. And perhaps if I can just show you some of the documents. If volume 1 could be put before Mr Booth. Page 20?---Oh that's from us. Yeah, we sent that in didn't we?

So do you recognise that document?---Sure.

And - - -?---Well we forwarded it to you.

And if you just describe what it is?---(No Audible Reply)

10

If you can just describe what it is Mr Booth?---Sorry?

The document that's in front of you, could you just tell us what it is?---It's a statement for advertising.

And it's made out to Corporate Development Australia?---Yep.

Do you know what Corporate Development Australia is or whose entity that is?---I don't really know. That's a bit of a problem for me too.

20 Well can I ask you - - -?---Well I was dealing with, yeah, no - - -

Can I show you another document and this one is page 473 of volume 3. If you just have a look at that document?---Ah hmm.

Do you see that also appears to be a Weekly Times invoice or billing record?---Yep.

That one it's got Rec Number at the top T-W-T-3-1-5-8-2-9. Sorry, if you need to get glasses please do so?---You might make 82 one day.

30

I've got the glasses already Mr Booth?---I haven't had my glasses as long as you though or as early as you.

Do you see there's a number at the top, T-W-T-3-1-5-8-2-9?---Which one are we looking at?

Well let's start with the second page that's been shown to you which shows number 473 at the top right corner?---Oh right. The Norm Cerreto one?

40 Yes, Norm - - -?---The 3-1-5-8-2-9?

Yes. Is that a, is that a number that relates to an invoice or to a customer?---It's a customer's number, yeah.

Right. If you go back to the other page 20, it's got the same number on it doesn't it?---Yep.

And if you can take it from me that page 20 is the document you've produced. Page 473 is a document that's been produced by Mr Laface, a solicitor. But it appears on looking at it to refer to the same billing doesn't it or the same billings? If you compare the figures for May, June, July, August?---Oh (not transcribable) yeah. Ah hmm.

Are you able to say - - -?---Where are we?

10 Do you see for instance in May 2012 there's a figure of \$4,180 shown on both documents?---Ah hmm.

Then in June 2012 there's a figure of \$8,360 shown on both documents? ---Yep.

And a progressive total of \$12, 540?---Ah hmm.

Then in July 2012 there's a figure of \$8,360? Do you see that shown on both invoices?---Yep.

20 Then in August 2012 a figure of \$10,450 shown on both invoices?---Yep.

And September - - -?---It's no mystery to me.

Well can I ask you are both of these documents documents generated from The Weekly Times?---Yep.

30 And can you tell us how, given that they have the -- seem to be a customer number which are the same on both of them, one of them refers to Corporate Development Australia and one refers to Norm Cerreto?---Yeah well originally they were both commissioned by the same person and we were told later that we had to send the bill to a second party.

So who was the person that commissioned it?---Mr Cerreto.

And at some later stage were you instructed to make the invoice out to the entity Corporate Development Australia?---Yep.

So does this -- do both of these invoices then relate to advertising commissioned by Mr Cerreto in The Weekly Times?---Ah hmm.

40 Perhaps at this stage if I can tender those two documents, Commissioner.

ASSISTANT COMMISSIONER: Yes. Those two invoice summary statements will be Exhibit C21.

#EXHIBIT C21 - COPIES OF INVOICE SUMMARY STATEMENTS

MR DOWNING: Now can I ask you whether the invoices referred to or the bills referred to in these documents have been paid?---Sorry, the?

Have they been paid?---Not all of them, no.

And the one that - - -?---(not transcribable) yeah.

The ones that have been paid have they been paid by Mr Cerreto?---Yep.

10 Now if I could ask you then to have a look at - I'll withdraw that. Do you recall when you were asked to produce some documents by the Commission you produced invoices for particular months, May, June, July 2012 et cetera and also ads that corresponded to the invoices?---Yeah, but actually I think we, we sent in the wrong months to start with. We thought it was - my partner sent in the things for Ivan Petch Advertising and then we were told that wasn't what was required. So we had to then send - she'd sort of seen the wrong number up the top.

20 Well I'll come - - -?---So then we, then we, so the Commission has sent back the original one we forwarded and I sent a receipt back to the Commission that we received it. And then we forwarded this particular lot.

All right. Now when you say your partner is that a person whose name is Ulrike Eichmeyer?---Yes.

And is that person your business partner or your personal partner?---Both.

All right?---Well, well personal partner, yeah. We're in a de facto relationship.

30 All right. Now if I could ask you to look at page 21 of volume 1. Perhaps just put those documents aside for a moment, the one's you're holding. And if the witness could be shown 21 for the sake of not having to back multiple times, 21 to 25?---Thank you.

21 is a May 2012 invoice to Corporate Development Australia. Correct?---Where are we? Oh May, yep.

40 And you told us already that the person that actually commissioned the advertising was Mr Cerreto, but you were later asked to change the invoice name to Corporate Development Australia. Correct?---Yep.

So there are dates referred to in that invoice, 23 May, 30 May, 30 May and 23 May. Correct?---Ah hmm. Yep.

And each of those describe 18 by seven colour Coxs Road. Is that a reference to advertising in The Weekly Times on those dates - - -?---Yep.

--- in respect of the Coxs Road master plan?---Yeah.

So if we then go to page 22, the next page after the one that you've got, that's an ad you'll see from the writing at the top which is quite small from 23 May, 2012 on page 22 of the paper?---Ah hmm. Yep.

And is the bottom part of the page, is that the ad or one of the ads that's referred to in the May 2012 invoice for, for that date, that is 23 May?---Yes. Yep.

10

So it was an ad placed by Mr Cerreto, the cost of \$950. And if we go to the next page, which is numbered page 23?---Yep.

That's page 8 from The Weekly Times of 23 May. Is that another ad again of the same type, that is in respect of the master plan and was requested by Mr Cerreto?---Certainly.

And now if we go to the next two pages do they make the same description again?---Yep.

20

These times there from 30 May?---Ah hmm.

So they are the ads that the invoice refers to?---Ah hmm. Yep.

All right. If you put those aside for the moment. We then go visit invoice at 20, sorry for June 2012, which is pages 26 through to 34. Do you recognise that as the June 2012 invoice?---Well it looks like it. I don't recognise it, but it looks like one.

30 Well you're familiar with these documents?---Sorry?

You're familiar with these documents aren't you, the invoices?---No not really. No, I don't see the, I never these.

Right. But you know - - -?---This is the first time I've actually seen them physically, so - - -

40 But you know your business sends out invoices for advertising?---As I say it certainly looks like - it's on my letterhead and I imagine it is, but I can't say - swear on the Bible that that is because I haven't seen it before, that's all. That's what I'm saying.

You'll see this invoice refers to advertising on 6 June, 13 June, 20 June and 27 June?---Ah hmm.

And all of those ads are described as being in relation to Coxs Road?---Ah hmm.

So if you flick through the next -- well look through the pages from 27 to 34, do each of those ads correspond with the ads described in the invoice, that is an 18 by seven ad for the Coss Road master plan?---I wouldn't know. Well obviously they, they would relate I imagine to the date of publication, so that's June 6.

You'll see there are dates on each of the pages from the paper?---26 would be page 27 in the publication and June 6 would be 28, I imagine that would also be June 6 invoice, those two.

10

All right?---And that's the way it normally runs, so - - -

Okay?--- - - - that's not a hassle is it not, not getting (not transcribable)

If I can then move ahead to the July invoice which if you put those pages aside for the moment, if you go to the July invoice which appears at page 35?---I don't have those yet.

20

Well, we'll get those for you and those pages then run from - - -?---(not transcribable)

Run from 35 through to 46. Just looking at page 35 for the moment do you agree that that appears to be a Weekly Times invoice for advertising billed to Corporate Development Australia for the period 4 to 25 July, 2012? ---Which one's that? What number?

Page 35?---I don't have a 35.

30

I think it might be in your hand?---I've got 36. Hmm?

If you have a look, the numbers are hard to make out because they're in the logo for TWT?---Which number are you talking about? Oh, up there, oh, that page. Okay.

Do you see that appears to be - - -?---I can see a 5 now.

- - - a Weekly Times invoice - - -?---Yeah.

40

- - - for advertising during the period 4 to 25 July, 2012?---It certain appears to be, yeah.

Just for the moment if I could ask that you be shown page 476 which is in the third volume. If you just have a look at that and compare that version of the June/July 2012 invoice to the version that you originally got at page 35, do you see the two versions?---Ah hmm.

And one of them's made out to Norm Cerreto, one of them's made out to Corporate Development Australia and you've told us how those different

addressees came to be put on the documents. Do you also see that they show different amounts down under the closing monthly balance whereas the version made to Corporate Development Australia shows a balance of \$8,360?---Ah, yeah, that was because we were then told that the Coxs Road Mall people were supposed to be paying half of it, we had to bill them.

Sorry, who were the Coxs Road Mall people?---Coxs Road Mall.

Well, Mr Cerreto is one of the people - - -?---Sorry?

10

Mr Cerreto was one of the people who were - - -?---No, he's on, he's the other side, Coxs Road Mall is the opposite side of Coxs Road and we were then told that they were supposed to be paying half the bill which I wasn't aware of.

And what's the name of the family that you're describing as the people from the Coxs Road Mall?---Oh, it was a family, it was started by (not transcribable) and, they're both deceased but their family have still got it (not transcribable) and - - -

20

Was it Bietola?---I'm sorry?

Is the name Bietola?---Bietola, yeah, they're not related to Cerreto.

And do you have invoices - - -?---They're sort of, they're rivals.

Do you have invoices for this advertising made out to the Bietola family?
---Yeah, we would have done because we only found out when this wasn't getting paid that we had to, then had to halve the advertising bill to - - -

30

To send to the Bietola family?---To the other side, yeah.

And was it Mr Cerreto who told you to do that?---Yeah.

Right. If you could then go to the advertising that - or the ads that follow from pages 36 onwards. Again, there are a number of pages, when you go through pages 36 to 40 the ads seems to be Coxs Road master plan advertising?---Yes.

40

As it's described in your invoice?---Ah hmm.

Could you go to page 41. Do you have page 41 there? You'll see the stamp in the top right corner and it's a bit difficult to see because it's, it's over the words "The Weekly Times" and the date?---Yeah.

Do you see the page is headed "Community Consultation"?---Yeah, yeah.

And do see on that the only ad that appears on that page seems to be an ad for Councillor Vic Tagg?---Mmm.

That's correct isn't it? Now, now that's a page from The Weekly Times dated, of the date 18 July?---18, yeah.

And that's one of the dates that's listed in the invoice for July 2012 in respect of ads for Coxs Road?---Ah hmm.

- 10 Now, can I ask you, is this document one of the ones you've told us was sent in error, because it doesn't relate to the advertising that was being paid for by Mr Cerreto or is this the ad or one of the ads for 18 July that your invoice refers to?---I'm not certain of that.

Well, have a look. The page before, page 40 is also (not transcribable) in July and that's an ad expressing thanks on behalf of the landowners?
---Yeah.

- 20 41, which is the other document you've produced from 18 July, seems to be a document in respect of political advertising for Councillor Vic Tagg. Are you able to say whether that ad is one of the ads that was being paid for or had been arranged by Mr Cerreto according to the July 2012 invoice?---I'm not certain about that specific one, no, I'm sorry, I can't - - -

Well, can I ask you this - - -?---I can't possibly say, some of the others later on were.

- 30 Well, you've attempted to produce the ads that relate to the invoices haven't you?---Well, I don't do all those, I've got staff as well and I don't sort of, I can't do everything, I'm not that genius, I'm not - - -

Well, can I ask you who compiled the documents that were provided to ICAC?---Well, I authorised it but Ulrike prepared it.

Can I ask you this, does Mr Cerreto from time to time pay for ads for particular Councillors?---Sorry, he?

- 40 To your knowledge does Mr Cerreto from time to time pay for and place ads for particular Councillors?---I think so, yeah, I would say so.

And which Councillors, do you know?---Well, the ones that are in these documents obviously. I don't know if I'm always aware of it but he was, he was sort of obviously interested in promoting some.

Well, go to page 42, that's another Vic Tagg ad?---Ah hmm.

Do you understand that that was an ad that was paid for by Mr Cerreto?
---Probably.

And again that's a date, 25 July that corresponds to you invoice?---25, 25, yeah.

Does that appear to be another ad paid for by Mr Cerreto?---It looks like it.

What about page 43 which is an ad for Jerome Laxale, a Labor Councillor?
---Ah hmm.

- 10 Do you recognise that as being an ad that was paid for by Mr Cerreto?
---Probably, possibly or probably, yeah, but (not transcribable) invoice so he must have authorised them.

Well, I was going to ask you that. The ads generally indicate that someone had authorised political advertising don't they?---Mmm.

It's a requirement?---Mmm.

- 20 So you would assume, wouldn't you, that these ads - - -?---The actual ads themselves are, are authorised by Michael Butterworth who was a Councillor, a former Mayor campaigning for, he was the campaign director for Jerome Laxale and the Labor Party.

All right. Well, that response to who authorised it but you're telling us aren't you that it was actually organised and paid for by Mr Cerreto?
---Yeah, authorised and payment would be Mr Cerreto, yeah.

- 30 And does that apply then, if you look at the pages from 44, 45, 46 which are ads for Councillor Tagg, Councillor Tagg and Councillor Salvestro-Martin, are they also ads that fall into that category, that is organised and paid for by Mr Cerreto?

ASSISTANT COMMISSIONER: I don't think you're looking at the right page?---That might be the one (not transcribable)

The headline is "Lend Lease Warned", you've got it, the one on the bottom?
---Sorry?

- 40 "Lend Lease Warned". It's underneath the one you're looking at, that one. See at the bottom, Mr Salvestro-Martin ad.

Yeah, that's 46, that's 45.

MR DOWNING: So again, these are documents that have been produced as being the ads that relate to the invoice to, well, to either Corporate Development Australia or to Mr Cerreto, correct?---That's page (not transcribable) July (not transcribable) July 25, I think that's probably the

wrong page that one because that's got Domayne advertising on it and I think that might be - - -

ASSISTANT COMMISSIONER: Well, it's also got Councillor Tagg?
---Yeah, but that might have been his own one I think - - -

Well, you wouldn't be - - -?--- - - - because that's a - - -

- - - billing Mr Cerreto - - -?---I think that - - -

10

- - - for Domayne ads would you?

MR DOWNING: Or Rosie's Beauty?---I think it might have been the wrong page, that's page 9 and that's July 25 and this is July 25, that's page 11 so it should be paid 10 I think you should have had.

ASSISTANT COMMISSIONER: Well, there are two bills for July 25?
---Sorry?

20 There are two ads paid for for July 25 and - - -?---Yeah, I know, but that's, that's July 25 - - -

MR DOWNING: But there are three pages.

ASSISTANT COMMISSIONER: Yes?---And that's July 25.

Yes.

30 MR DOWNING: So you're saying that the two ads that - - -?---Oh, that's July 25 there, sorry, yeah.

ASSISTANT COMMISSIONER: Yes?---So that, I don't know how that one got in, that's a bit of fizzer (not transcribable)

MR DOWNING: So page 44 - - -?---That's, that, wait, that one there, that's irrelevant I think.

So page 44 seems to not be one of the ads that are referred to in the invoice?
---Page 44, that's irrelevant I'd say, that, that's (not transcribable)

40

But the others, the others seem to - - -?---(not transcribable) advertising.

If you could just answer my question, the other ads that I've shown you from page 36 through to 46 with the exception of 44 seem to be the ads organised and paid for by Mr Cerreto?---I think that'd be right.

Can I ask you, well, why the invoice refers to them all as being Coss Road?
---Because that's, that was the account name.

So even though the ads had nothing themselves to do with Coxs Road they were political ads, a number of them, the account was Mr Cerreto's account under the name Coxs Road, is that what you're telling us?---Yeah.

Commissioner, I tender pages 35 through to 46.

ASSISTANT COMMISSIONER: Yes, those pages will be Exhibit C22.

10

**#EXHIBIT C22 - COPY OF TAX INVOICE AND
ADVERTISEMENTS AT PAGES NUMBERED 35 TO 46**

MR DOWNING: Perhaps now if I could get the earlier bundle in respect of May and June back because I'm not going to tender those just so we don't confuse it and have put before you the August 2012 invoice which starts at page 47 and the ads that then follow from there through to page, well, 63, that's 47 to 63. Now, do you recognise that as the August 2012 invoice?

20 ---Are you talking to me or (not transcribable)

Oh, I'm sorry, I am, I'm speaking to you, Mr Booth. If you look at page - I know the number's hard to make out but 47 which is the August 2012 invoice?---Where are we?

ASSISTANT COMMISSIONER: You've got the invoice in your hand, you don't need to find the number?---Oh, August (not transcribable)

30 That's it, August?---I was (not transcribable) to find the August (not transcribable)

Yeah.

MR DOWNING: And that relates to advertising for Corporate Development Australia between 1 and 29 August?---Ah, yeah.

So for most of those entries there, the Coxs Road entries, but some of them do say election double?---Ah hmm.

40 Can I ask you then to look through the ads in the pages that follow, so 48 is a Vic Tagg ad?---Ah hmm.

49 is an Ivan Petch ad?---Ah hmm.

50 is a Vic Tagg ad?---Ah hmm.

51 an Ivan Petch ad?---Ah hmm.

52 a Roy Maggio ad?---Ah hmm.

53 and Ivan Petch ad?---Ah hmm.

54 Salvestro-Martin?---Ah hmm.

55 - - -?---There's your mate, John Neish.

10 And page 55 doesn't contain ads for any of the councillors or for the, the master plan does it?---No, that's heritage.

Is it possible that that ad, sorry, that page has been produced in error?---Oh, I think you've got that in there already I think. What's the date on - - -

The date's 1 August?---1 August, 1.

And there is advertising from that date - - -?---They're not quite in the right order are they that I've got?

20 Well there are, there are two other pages for 1 August. If you go back to pages 48 and 49 they're also from 1 August and there are two ads from 1 August referred to. Sorry it would appear wouldn't it that page 55 has been produced in error?---Yeah, I think so.

And if you got to 56 that a Jeff Salvestro-Martin ad?---Yeah.'

57 a Jerome Laxale ad?---Yeah.

Now 58 is a Petch team ad?---Yeah.

30 Page 59 is an ad for Mr Petch himself?---Ah hmm.

60 an ad for Mr Maggio?---Yeah.

61 is a Petch team ad. Do you see that?---Yeah. I'm just checking the dates off just, just check if the dates because they're, well - - -

61 is dated 29 August and that is one of the dates on the invoice isn't it?
---August, August date.

40 I might be able to assist you, Mr Booth. If you look at August 8 there are in fact three pages that seemed to have been produced?---Yeah. Well I think the ones in there are - - -

And if you go to page 50 that again is a smaller ad in terms of its dimensions than the other two - - -?---I think the, I think the one on August, no it's 15.

Have a look at page 50?---Sorry?

Have a look at page 50?---50.

That's an 8 August ad. Page 50 has the heading 'Council elections 2012 and the headline "Salvestro-Martin goes extra mile to avoid legacy - - -? ---Yeah.

- - - for Ryde"?---That's August (not transcribable) this.

10

Do you think that might have been produced in error because that's - the dimension - - -?---I think that, yeah, I think that's a, yeah, that's in error, yeah, okay.

'Cause that's not an 18 by 7 ad is it?---No. No, that's an 18 by 4.

If I can then take you to back to page 61?---61.

Yeah. That's a full page and - - -?---August 29, yeah.

20

- - - 29?---Yeah.

For the Petch team and if you go back to the invoice. Is that one of the ads that's described as election double?---No. It wouldn't be. No, that, that big one that, that Petch's ad.

Would you say that that's an ad paid for by Mr Petch himself?---Yeah. All these ones are 18 by 7s they're half pages.

30 Right, okay. So this ad is not one of the ones - - -?---No, no.

- - - referred to in the invoice?---That's not, so that's should be in the - - -

ASSISTANT COMMISSIONER: But this is what page? Isn't that a full page ad?---That's a full page but we don't have any full pages in the, listed here. That's one that, that, that Petch would have, Petch's committee would have paid for themselves direct.

40 So 18 by 7 is a reference to a half page dimension?---Half page 18 by 7. 18 centimetres by 7 columns, yeah, and that's a full page which is not relevant to any of this here.

To this invoice?---That one, no.

So you believe that would have been paid for by Mr Petch or someone in his team?---Well that's why Petch paid for direct, yeah, for his own advertising.

Can you go then to page 62 and page 63?---Yeah.

Do you see that's a ad, it seems to be 18 by 7 but across two pages?---Two half pages, yeah, it's two half pages.

From the date 29 August?---Yeah, I think that's, yeah.

Is that one of the ads referred to in the invoice?---Yes.

You'll see that that's an ad placed by what's said to be www.saveRyde.com.

10 Do you see on the second page, page 62 it says "More info at www.saveRyde.com?--Where do you see that?

Page 62?---Page?

Right at the bottom of the page. 62 is a bit hard to make out. It's the second of the pages - - -?---So which, which - are you referring to one of those are you or - - -

20 Yes. There's some - the page in your right hand. Right and bottom of it?
---You, what do you see there?

"More info at www.saveRyde.com", there's an email address there, sorry a web address?---I can't see it - - -

Large type right at the bottom of the page?---Where's the email address?

Right at the bottom of the page, Mr - - -?---Oh, "More info at www.save, more info at www.saveRyde.com." Is that what you're referring to?

30 That's what I'm referring to and - - -?---Okay.

And you'll see that that indicates it was - it's authorised by Councillor Salvestro-Martin, Petch, Tagg, Li, Perram and Butterworth?---Yeah.

So this is another ad paid for by Mr Cerreto?---I think so, well I think so, what - I think so 'cause, yeah, they were facing, they were facing pages I think.

40 They were?---It was page - - -

Pages 18 and 19?---18 and 19, yeah. Ah hmm.

Are you aware of whether Mr Cerreto had some involvement in the organisation Save Ryde?---Sorry?

Save Ryde is a website there where it says "More information." Do you know what the entity or the website Save Ryde is?---There were a couple of

community groups set up, they were sort of residences that started that Save Ryde.

But this - - -?---They, they were just community people that were not politically aligned but they were trying to, they were fighting against the selling off the civic centre site to Lend Lease which John Neish had negotiated.

10 Do you understand that Mr Cerreto had some involvement with that group of community members?---Oh, not directly I don't think. I, I don't know, I can't, I wouldn't know.

But he was paying for this ad to your knowledge?---Yeah. I think he was paying well, more for perhaps the Councillors rather than, I don't know, I wouldn't really know.

But according to the invoice - - -?---But that, that will, that was just sent into us we, we didn't sort set that up so that just came through (not transcribable)

20 But this is an invoice, the August 2012 invoice - - -?---Yes.

- - - relates to that ad - - -?---Well that, that was publishing, that was, that was printing it as a customer but we didn't set up that ad I'm saying.

No. But the customer was Mr Cerreto?---Yes.

And it was paid for by Mr Cerreto?---Yeah.

I tender the August 2012 invoice and the pages that follow from 47 to 63.

30

ASSISTANT COMMISSIONER: That will be Exhibit C23.

**#EXHIBIT C23 - COPY OF TAX INVOICE FOR AUGUST 2012
INCLUDING THE FOLLOWING PAGES NUMBERED 47 TO 63**

40 MR DOWNING: And then - get you to be shown the September 2012 invoice which started at page 64 and the pages that follow through to page 69. So do you recognise the first page that's been shown to you as the September 2012 invoice?---I don't recognise it but I imagine it's a copy of our, it's got our letterhead.

It refers to advertising in The Weekly Times between 5 and 12 September 2002. Sorry, 2012?---Ah hmm. 5th of the 9th, 12.

Which is just leading up to the election?---Yeah. The election was on the 10th.

It was the 8th wasn't it?---Ah. Mmm?

8 September?---Sorry. By 8 September, I think yeah, you're right, yeah.

If you then go to the following pages. Page 65 is an ad at the bottom of the page attacking the former Mayor Mr Etmekdjian. That's one that was paid for by Mr Cerreto?---So that's an ad from 5 September which is one of the dates or there's two 5 September references in that invoice?---Well there's
10 got to be Michael Butterworth on the bottom and I think, what date's that, that's September 5.

Well that's a, that's - Mr Butterworth is the person who's down as - - -?
---September 5.

Mr Booth, can you just - - -?---September 5. No, that wasn't, that would have been paid by the Labor Party that one.

Well it's been produced by you in response to a request for documents from
20 the Commission?---That's that's, put them to the brakes.

All right. So do you say that's not the correct ad?---No.

All right?---Well, there's only, there's only two isn't there, well they're the two.

So the next one is - - -?---So there's only two, so you only invoice for two and there's two so it's a - - -

30 Well that's pages 66 - - -?---That's an extra, you can take that one away.

Pages 66 and 67 - - -?---They were paid by the Labor Party.

Mr Booth, if you just stop and listen for a moment?---Sorry?

Pages 66 and 67 are another Save Ryde ad, correct, two half pages?---Oh, yeah, yeah, that's what I said.

40 So is that what's referred to the two entries of 5 September?---Yeah. They're the ones for 5th of the 9th those two.

All right. What about page 68, there's an ad at the bottom there for the I Petch team but for a particular independent for West Ward Rose Torossian?
---Page?

68?---Your 68?

Yeah. Which is another ad for 5 September?---When's that ad, September 5. Where are we?

Is that an ad organised and paid for by Mr Cerreto?---Let's see. September, no.

So the only ad or ads that are referred to in the invoice for 5, that refer to 5 September - - -?---Well that, that - - -

10 - - - are those two - - -?---As I've just indicated there the two that are on the invoice that has - - -

Thank you?---And that's a surplus, that's one that got thrown in, again this was done at great haste, we've had to work (not transcribable) to try and get all this done and sent it in 'cause (not transcribable) - - -

Mr Booth, I'm not criticising you?---As I said, as I said there's a very sharp deadline and it was bloody hard and she was shitting, I can tell you that, she was really upset.

20 Mr Booth, I'm not criticising you I'm just simply trying to establish what ads relate to the invoices?---And that's what I'm explaining to you, okay.

Go to page 69 then which is a page from The Weekly Times for 12 September?---Ah - - -

It's a document or a page that's headed Council election results 2012? ---Yeah, yeah, yeah.

30 And is this that ad which is "Thank you from Save Ryde"?---Yeah.

But another ad that was organised and paid for by Mr Cerreto?---Yeah.

I tender the September 2012 invoice and the pages that follow - - -?---(not transcribable) got generous and put (not transcribable)

ASSISTANT COMMISSIONER: That will be Exhibit C24.

40 **#EXHIBIT C24 - COPY OF TAX INVOICE FOR SEPTEMBER 2012 INCLUDING PAGES NUMBERED 64 TO 69**

MR DOWNING: Now are you aware of any relationship between Mr Cerreto and these Councillors, that is a relationship where he's a financial backer for them?---Not really, no.

Well when you say not really tell us what you do know?---Well I, I don't have any relationship with him.

No. I'm not asking you about your relationship. You told us that these are a number of ads for different Councillors that have been paid for by Mr Cerreto. Do you understand that Mr Cerreto was a backer of those Councillors?---Well he was obviously supporting them, he thought they were better than the previous mob, the other crowd.

- 10 When you say the other crowd are you talking about the people that were supporting the Ryde civic precinct re-development?---Yeah. That four Liberal Councillors and the two Labor women. Someone has told me had a split in the Labor Party, two Labor women went one way and two Labor men went the other way.

If I can ask you about a different matter now. It's the case isn't it in, in October 2012 you obtained a loan for \$250,000 from Mr Petch?---Sorry?

- 20 In October 2012 you obtained a loan for \$250,000 from Mr Petch and can I ask you was that something that that you agreed on by having discussions with Mr Petch?---Obviously, yeah.

Did you ask him for the loan?---Mmm?

Did you ask him for the loan?---Well I had done, yeah, 'cause I, I was sort of cash strapped, cash flow.

- 30 And was the purpose of obtaining the loan to get cash in order to put into the business that is The Weekly Times?---Yeah.

And meet ongoing running expenses?---Ah hmm.

And - - -?---It was strictly a business arrangement, yeah.

And did Mr Petch agree to make the loan to you?---Yeah.

And did you agree on, an interest rate of 10 per cent per annum?---Ah hmm.

- 40 And you were aware then that Mr Petch had Mr Laface act for him in drawing up loan documents?---Sorry?

Mr Laface the lawyer acting for Mr Petch he drew up some loan documents?---Yeah.

And you had to provide security for the purposes of the loan and that was in the form of a mortgage over a property that you own in Upper Pitt Street, Kirribilli?---(No audible reply)

You need to give a verbal response, Mr Booth?---Mmm.

It's correct?---I think it was Upper Pitt Street, I'm not sure which property I

In a building known as Gainsborough?---Yeah, I'm not sure which one.

Well, if you - are you aware of a particular property that you owned in
Gainsborough which is located at - - ?---I know the Gainsborough, it's 50
10 Upper Pitt Street but I've got two, I've got two units there, that's what I'm
saying, it's 23 or 32.

Unit 23?---23, right.

And is it the case that as part of the loan agreement you were also required
to provide some further security which you obtained from your sister,
Ms Gilkes, providing a mortgage - - ?---Yeah.

- - - over a property in Mosman. And you entered into a loan agreement?
20 --- (No Audible Reply)

You need to give a verbal response?---Sorry?

You just need to say yes or no, not just nod?---A nod's a yes, normally, yes.

Right, but the transcript doesn't record a nod?---Okay, sorry.

So you entered into a loan agreement?---Yes.

30 Mortgage?---Yes.

And a deed of guarantee and indemnity?---Sorry?

A deed of guarantee and indemnity?---What was the last bit?

A deed of guarantee and indemnity, you - - ?---Oh, yeah.

Yeah. And your sister, Ms Gilkes, had to enter into similar documents?
---Yeah, yeah.

40

Now, with the loan, it's the case isn't it, that you received the \$250,000 in
two parts, the first part was a cheque directly from Mr Petch for \$15,000
and I'll ask that you be shown page 89 of volume 1. Do you recall that
that's a cheque from Mr Petch made out to The Weekly Times Newspaper
for 15,000?---Ah hmm.

And you received that?---10th of the 10th.

10 October?---Mmm.

And if I could ask you to now be shown page 91 which is a page from the Commonwealth Bank statement for The Weekly Times?---I'm not sure, I think this one might have been to do with his advertising.

Well, have a look - - ?---I'm not sure about that but - - -

10 You see that's a Commonwealth Bank statement for The Weekly Times?
---Ah hmm.

From October 2012 and it shows a deposit of \$15,000, a cheque deposit at the branch, do you see that?---Not yet.

Have a look at the right, the last entry on the page, credit \$15,000?---Oh, the last one is it?

20 The account was in debit to the tune of \$28,093.40 and then on 10 October the cheque for \$15,000 was deposited?---Ah hmm.

Do you see that?---Yeah, ah hmm.

And that's the same date in October as the date of the cheque from Councillor Petch that you've also got in front of you?---Ah hmm. I don't doubt that.

30 What I'm suggesting to you is that this was part of the loan, the loan was made up in two parts, a cheque directly from Councillor Petch to The Weekly Times and a further bank cheque for \$235,000 making the total of 250, do you recall that?---Um, no I didn't think it was that way. It could be.

Do you not recall the details of how the money was made to you now?---No, I know it was 250.

It was 250 all up wasn't it?---Yeah, yeah.

If I could ask you for a - well, I tender those two documents, being the copy of the cheque and the bank statement record for The Weekly Times.

40 ASSISTANT COMMISSIONER: Yes, that will be Exhibit C25.

#EXHIBIT C25 - COPY OF CHEQUE AND BANK STATEMENT OF THE WEEKLY TIMES

MR DOWNING: If I can ask you now to have a look at page 181 and the pages following through to 206 which is the loan agreement. 181 to 206.

Now, I asked you before about a loan agreement that you entered into with Mr Petch for the purposes of this \$250,000 loan. Have a look at this document, I'm suggesting to you that that's the document that was entered into, it has Mr Petch as lender, The Weekly Times Gladesville Pty Limited as borrower and you as guarantor?---Ah hmm.

10 And if you go to numbered page 184 it shows at the bottom under the "Summary of Loan" heading that it was a loan for \$250,000 at 10 per cent per annum and it was to be repaid within six months of the date of the advance?---Ah hmm.

And if you go ahead to page 205?---Which one? 205?

205, right towards the back of the document or 204 and 205 actually. You see 204, that's the part of the document that contains your signature and it's dated 12 October?---Ah hmm, yeah.

And 205, again your signature, date 12 October?---Yeah.

20 Yeah. So you recognise that as a loan agreement you entered into on 12 October don't you?---Yeah, sure.

Going back to the cheque that I've already shown you on the deposit record into The Weekly Times account, that shows that the money, the 15,000 was received on 10 October. Does it now trigger your memory that you actually received that \$15,000 before you'd even entered into a loan agreement with Mr Petch?---Sorry, what was the question?

30 The cheque and the deposit record from your bank, The Weekly Times bank, show that the moneys, the \$15,000, were received on 10 October? ---On when?

10 October?---October?

10 October, 2012?---10 October.

You've seen the cheque and you've seen the Commonwealth Bank statement haven't you?---(No Audible Reply)

40 What I'm suggesting to you is that the loan agreement was actually signed by you after that date, 12 October and I've just shown you the loan agreement?---Yeah, that's the, yeah, that's the signing, that's the technicality of it, yeah.

Do you recall now thinking about it that you received some of the moneys, that is the \$15,000 part of the 250,000 loan before you actually entered into the loan agreement, before any formal documents - - -?---(not transcribable) but after we signed.

Right?---We'd entered into it.

Because you gave a number documents though, you gave a mortgage, a deed of guarantee and indemnity?---Yeah.

You signed a loan agreement?---All of that carry on, yeah.

10 Did you get some of the money before any of those documents had even been signed?---Must have done if it, if it was deposited.

Do you recall that you - did you ask Mr Petch if you could have some of the money up front before the actual loan documents had been entered into?
---Probably because I had to pay the printer.

All right. And it was to meet printing expenses for the business?---The printer was playing up, he wanted money.

20 Right. The other part of the loan, and perhaps I'll get that loan document returned now, I don't tender that, seek to tender that because I - - -

THE WITNESS: And he charge me five grand to prepare that too, the buggers, these bloody lawyers are crooks, aren't they?

MR DOWNING: If I could now ask you to have a look at page 86 of the first volume?---Thank you.

30 Do you recognise that as a bank cheque from the Bendigo Bank?---Ah
hmm.

It's made out to you for \$235,000?---Yeah.

Does that help you now to remember that the 250 was made up in two parts, 15,000 and then 235?---(No Audible Reply)

Again, you need to give a verbal response, Mr Booth?---(No Audible Reply)

40 Do you recognise that as the second part of the loan that you entered into, that is the 235 that you received?---Must be I think.

And do you recall that Mr, Mr Petch drew a bank cheque made out to you?
---Well, I know he was getting one from the, from Bendigo Bank because he had sort of discussed it earlier.

Well, that's his bank isn't it, you know that?---Ah - - -

You know that Bendigo Bank's Mr Petch's bank?---Yeah, well, we were co-founders of it, I was (not transcribable) foundation (not transcribable) We worked together to get it started.

Okay?---We got it done in record time through The Weekly Times promotion. So if you want to promote something come to me please (not transcribable)

10 Do you recall that that cheque was actually banked into the trust account of Mr Laface's law firm AJL Legal, do you recall that?---That Mr - - -

That cheque for \$235,000 was deposited into Mr Laface's law firm AJL Legal's account, trust account?---Yeah, I think so.

20 And then it was paid out to you and to other parties and if I can ask you to look at page 446 and 447. That's a trust account statement from AJL Legal and take it from me that's Mr Laface's firm and it refers to the \$235,000 and how it was paid out, do you see those figures on it, the 235,000 at the top, do you see that figure, receipt from Mr I J Petch, \$235,000?---(No Audible Reply)

Mr Booth?---So this, where - - -

Do you see 24 October, 2012 received from Mr I J Petch \$235,000?---Yeah, yeah.

30 And do you see then on 30 October it shows paid by EFT which accept from me is electronic fund transfer, \$176,144 to The Weekly Times Gladesville, reason TWT loan money and do you recall that that money was paid out to The Weekly Times?---Yeah, I know I, I know I didn't get the full amount, yeah.

But these are the funds that you were seeking to borrow in order to assist you in running The Weekly Times, correct?---Sorry?

These were the funds, the 176,144 that you were seeking to borrow in order to assist in the running of The Weekly Times?---Yeah.

40 Do you see it also shows a transfer on 31 October, 2012 to Alramon? Do you see that?---Ah hmm.

And then on 2 November there is two payments of 6,560 and 121 to AJL Legal and if you accept from me that they were payment of legal fees for the loan documents but I want to ask you about the \$50,000 that it shows being transferred to Alramon. Are you familiar that Alramon is a company controlled by Mr Cerreto?---Ah hmm.

Did you have a loan outstanding to Mr Cerreto at the time?---Yeah.

For \$50,000?---I thought it was 40 actually.

Could it have been 50?---Hey?

Could it have been 50?---Sorry?

10 Could it have been \$50,000?---Well, I, I haven't seen this before, I must admit but I, I know we didn't get the full amount and, and it was paid, I didn't realise it was going to get paid out of that amount, repaid Cerreto.

Well, these were your moneys, they were lent to you, weren't they?---
Sorry?

The \$250,000 was money you borrowed?---Yeah.

It was your money?---Yeah, I thought so.

20 You directed where it was to go didn't you?---No, I didn't.

So do you say you didn't direct the payment of money to Mr Cerreto or to, sorry, to Alramon?---No.

Do you know if your partner Ms Eichmeyer did?---No.

30 If I can ask you then to have a look at page - I tender - actually, no, I've tendered that already, I think, yeah, I won't tender that document, Commissioner. If I could ask you to look at page 335 which is at volume 2. Sorry, it should be actually 334 to 336, I apologise?---Yeah.

So you should have before you a series of emails on page 334 to 336. Do you have those there?---(No Audible Reply)

Mr Booth, do you have those in front of you?---(No Audible Reply)

ASSISTANT COMMISSIONER: Could you - Mr Booth- - -

MR DOWNING: Mr Booth.

40 ASSISTANT COMMISSIONER: Could you stop reading the email and respond to the question?---Hey?

Could you stop reading the email and respond to the question.

MR DOWNING: Do you have pages 334 to 336 in front of you?---354, 355, 336.

And do you see on page 335 and 336 there's an email from Johanna Laface to you? You're johnfb@weeklytimes.com.au, aren't you?---(No Audible Reply)

At the bottom of 335- - ?---That's right, yeah.

- - -going to 336. That's you?---Yep.

10 And it's an email from Johanna Laface. You understand that's Mr Laface's wife who works in his legal practice, don't you?---Yeah.

It's an email to you setting out settlement figures on the line for your approval. Do you see that?---Ah- - -

Do you see right towards the bottom of 335 and after for your approval for the settlement statement and it indicates where the moneys are going to go? Do you see that?---Yeah. Which one do you refer to?

20 335 going to 336?---Yeah.

The email from Johanna Laface to you where she indicates that she wants your approval of the settlement statement- - ?---Yeah.

- - -which, which describes where the moneys are to go. Do you see that? It says that \$50,000 is to go to Alramon, 2,500 to be made out to Mr Petch, the first month's interest and \$176,144 to The Weekly Times. Do you see that? ---Yeah.

30 And that amount, 176,144, was the amount that The Weekly Times actually received. I've shown you the trust statement before, you saw that, didn't you?---Ah hmm.

You accept that you received that money or that the company did?---Yeah.

\$50,000, according to this, was going to be paid to Alramon and they were seeking your confirmation that that was the appropriate way to pay the moneys out. Do you see that?---(No Audible Reply)

40 Did you understand that what was being asked of you was that you agree to paying it to Alramon, a company that was controlled by Mr Cerreto?---Ah, well, he, he'd lent me the money originally when I was doing business with him and, and he offered ah, as an emergency thing- - -

How long ago had he made that loan to you?---Um- - -

Because we're talking now about October 2012?---Oh, it would have been ah, I can't recollect exactly.

Was it in 2012 or going further back?---Oh, it would have um, what are we now, '13 um, this was in- - -

October 2012?---This is October 2012 so, so it would have been sometime in 2012 I would think.

Okay. So you're trying to repay that loan through some of the funds that you got from Mr Petch?---Mmm.

- 10 And was it the case that Mr Cerreto asked you to make the payment to Alramon, one of his companies?---Well, actually Mr Laface did that.

He told you that that was Mr Cerreto's requirement?---No, well, well, he just did it.

Well, you're being asked here to give your approval to the payment of the settlement moneys. I mean you knew you needed to pay money back to Mr Cerreto, didn't you?---Yeah.

- 20 Well, you wouldn't have agreed to paying \$50,000 to a company you knew nothing about presumably?---Um, well, I didn't know where it was -- no, it was supposed to be just going back to Norm, I don't know about (not transcribable) Alramon.

Did you understand that it was a company associated with him?---Well, I didn't know there was a company -- there was any company involved. As far as, as far as I knew it was just repaid to Norm, that's all.

- 30 Right. But this is an email to you asking for your approval that it be paid to Alramon. I mean presumably you must have approved it because the payment was made?---Well, it must have been -- must have realised that was to him 'cause, cause ah, Laface was his ah, solicitor.

Have a look at the top of 335, there's an email from Ms Eichmeyer to Mr Laface- - -?---Yeah.

- - -just saying, "We don't understand the settlement sheet, 50,000 Alramon, who is that?" Do you see that at the top of 335?---Ah, if you were asking who it was, yeah.

- 40 Do you recall then having a discussion with Ms Eichmeyer where you had to try and clarify who Alramon was and learning from either Mr Laface or perhaps Mr Cerreto that it was his company, Mr Cerreto's company, that the moneys were to be paid for?---Um, well, I don't -- yeah, probably.

You've seen the document which shows the transfer of \$50,000 to Alramon occurred?---Right.

You know that \$50,000 of the moneys you borrowed were paid to Alramon?
---Yeah. Well, as far as I know it just went to Norm, that's all.

Right. Which you -- because Mr Cerreto's the person who- -?---Well,
obviously it must be, must be his company so- - -

At that time were some or all of the invoices that I took you to before for
advertising of The Weekly Times that had been arranged by Mr Cerreto
outstanding?---Ah- - -

10

That is, hadn't been paid?---Um, no, it was before that.

Well, those invoices covered the period May to September 2012?---This,
this was, he, he, he loaned me the money before that.

I know, but I'm asking you, at the time this \$50,000 was paid to Alramon,
were those invoices relating to advertising in The Weekly Times between
May and September 2012, were they still unpaid?---Ah, well, some of them,
yeah (not transcribable).

20

And did you seek that out of the \$50,000 that was now being paid to
Alramon Mr Cerreto might pay some of those invoices?---Yeah, yeah.

And did he pay some?---No, no.

So are they still outstanding, have you not been paid for any of those
invoices in respect of advertising Mr Cerreto organised?---Not the ones for
that new name that we've got, that um, what's it called? You've got the
papers there now, I can't think of what it's called now.

30

Corporate Development Australia I think?---They asked us to redirect those
to that other name.

But they're the same invoices, aren't they, they just have a different name
put on it because he asked you?---Well, well it was -- we were just instructed
to direct those to that other name -- it's a different company as far as I know.

Well, but you say that those invoices- - -?---(not transcribable) Sorry?

40

The invoices in the name of Corporate Development Australia are not paid?
---No.

Is that correct? And have you sought some payment for the advertising,
given that it was now advertising that goes back to in some cases a year
ago?---Well, I've been sort of ringing him, I was ringing almost every day
to try and get paid and Norm doesn't answer the calls and his girl sort of
said, oh, hasn't it been done, I'll see what I can do. Pointless going off my
brain over it.

Why have you not taken some steps to be repaid, given this is - - ?
---Pardon?

Why have you not taken some steps to be repaid, given that these are ads that go back a long time?---Well, I mean he was decent enough to, when I was in great need, to help me, you know. (not transcribable) not quite as understanding but I just feel that he was very helpful at that time. It's bloody hard running a small business these days, especially a newspaper
10 when you're trying to run a service and you do things for other people (not transcribable) that's the trouble.

Can I ask you, the loan to Mr - that Mr Petch made to you of \$250,000, that was to be for a term of six months, which by now would have expired because it was in October last year. Has that been repaid?---Well, not quite yet but it's close, yeah, very close.

Well, it's October, it's actually past the date?---Is it? Oh.

20 It is. That ended in, ended in April 2013?---No, May, I think, May.

I won't bet the farm on my maths but October to April is six months.

ASSISTANT COMMISSIONER: It is April?---Hey?

If it was signed on 12 October then 12 April would be six months?
Um, October, November, December, January, February, March, April.
Don't know, I thought it was May, May.

30 MR DOWNING: Has it been repaid?---No.

Has Mr Petch made any approach to you about being repaid?---Ah, no, but I had a letter from Laface just a couple of days ago about it.

Asking, asking for repayment?---Yep.

Have you paid interest each month as you were required to?---Ah, we paid the first lot up front. Ah, I thought we were paying it but we haven't
40 apparently.

So you haven't paid it since?---No. I just found that out yesterday when I saw that letter from Laface.

Perhaps if those documents can now be returned. I don't require any further questions in effect of those. Commissioner, there's one last subject matter I wanted to touch on. I don't imagine it will take more than about seven or eight minutes, but we are close to 4.00 - I'm in your hands as to whether we continue?

ASSISTANT COMMISSIONER: Yes, we can.

MR DOWNING: Thank you. Mr Booth, in the past the Council has entered into contracts with The Weekly Times in order to do its advertising in the paper, hasn't it?---Sorry, what was that?

In the past- -?---Yeah.

10 - - -the Ryde council has put out tenders and you've entered into contracts with the Council- -?---Yes.

- - -for it to place its advertising with The Weekly Times?---Yeah.

And at various times – and this is going back to the early 2000s and perhaps even before – the Council was the source of quite a bit of advertising in The Weekly Times?---Yep.

20 In terms of billing revenue do you recall whether this figure sounds about right – that there might have been years where it could have been upwards of 150 to \$185,000 for Council advertising?---(No Audible Reply)

Does that sound right?---In, in the past you mean?

In the past?---Yep.

30 And it's the case isn't it that in September 2009 The Weekly Times tendered for an obtained a contract for the Council's advertising but not long afterwards a dispute arose and the Council cancelled the contract or terminated the contract with you?---We were duded.

And it was something you weren't happy about?---No.

And it's the case isn't it that you went and spoke to Mr Neish about it?
---No, he wasn't there then.

Not, not there at that time?---No, there was Whittaker.

40 All right. But in any event, the contract wasn't reinstated, was it?---Sorry?

The contract wasn't reinstated, that is after October 2011?---No. Even though we'd done the deal, what, what they did- - -

Please, I'm not asking you for explanation, I'm just asking you to tell me whether the contract was reinstated or not?---No, we were duded.

And is it the case that after that the contract went to the Northern District Times?---Yeah.

And it's the case isn't it - -?---Even though they have policies (not transcribable) local business and not to America, to News Limited.

It's the case isn't it that in 2011, late in that year the Council again put up a, put out a tender for Council advertising, that is at the end of 2011?---No, they haven't yet.

No, 2011, late 2011, the Council- - -?---They still haven't.

10

Well- - -?---They were supposed to but they haven't.

I'm suggesting to you that you actually- - -?---(not transcribable) 2011, '11, '12 ah- - -

I'm suggesting to you in late 2011 your company, The Weekly Times Gladsville Pty Limited, put in a tender for the Council advertising but was unsuccessful?---Ah- - -

20 And that's for advertising in the year 2012?---Well, maybe, you might, you might be right, yeah.

Were you aware that the Northern District Times held that contract over the year 2012?---Yeah.

And are you aware that there was an option for a second year- - -?---Yeah.

- - -which the Council was in a position to exercise early this year, 2013? ---Yeah.

30

So you're aware of that?---Or last year, that, that was um, that was last year I think. Oh, I'm sorry, I'm - about for which - I know it's been ongoing and I just feel we were duded, that's all.

Well, just trying to think about what you knew, were you aware first of all that it was the Northern District Times who was, had the contract for the Council's advertising in 2012 after it was picked over you in the tender? --- (No Audible Reply)

40 You need to verbally respond?---Sorry?

You need to verbally respond. Nodding doesn't get recorded in the transcript?---What's that, sorry?

Do you recall that in 2012- - -?---Can you speak up, please?

I will?---You're getting quiet.

I'm sorry?---Yeah. You're getting tired, I know, but so are we all.

Do you recall that in 2012 that the Northern District Times was the paper that held the contract from the Council for advertising?---Yeah.

And that that was a one-year contract?---Yes.

And that at the end of 2012 going into 2013 there was an option for a second year- - -?---Yeah.

10

- - -that the Council was in a position to exercise if it wanted to?---Yeah.

Were you aware that Council was considering whether it should exercise that option or look at advertising elsewhere?---I wasn't really aware but they did and now they've extended another six months would you believe, the bastards.

20

Can I ask you, was it Mr Petch who's told you about the contract and the fact that the Council first of all had the- - -?---No, he hasn't actually, he hasn't helped very much at all unfortunately.

Well, you're obviously aware that you didn't get the tender back in late 2011 because you applied and you were told you were unsuccessful?
---Yeah.

In respect of the possibility of an option to extend for another six months or 12 months with the Northern District Times- - -?---Yeah.

30

- - -who told you about that and the fact that that might be coming up before Council?---Um, well, I think it was general information, it was the 12 months contract um, and I think I inquired of John Neish actually, John Neish was there then.

All right?---He, he told me.

40

Do you recall attending a Council meeting on 23 March this year, that's 2013 at which Councillor Salvestro-Martin put up a resolution about possibly splitting the advertising between The Weekly Times and the Northern District Times?---Ah hmm.

Do you recall attending that meeting?---Yeah.

And at this stage no decision to split it in that way has been made has it?---No decision has been made, no. It's been referred to reports, some bullshit, you know.

Mr Booth, if you can try and just control your language and just - - -?
---Sorry, yeah, okay. I withdraw that one, yeah.

But you were present at that meeting when Councillor Salvestro-Martin put up the motion that they might split the Councillor's advertising between The Weekly Times and the Northern District Times?---Yeah.

And that, was that a meeting that you recall Councillor Petch being at?
---Oh, I don't know, I'm imagining, I'm not sure if he's the chairman or not or whether he was - - -

- 10 Well he's the Mayor isn't he?---He was the Mayor. I know he's had a, he's been in hospital a few times and he - I'm not sure whether - I think he was there, I'm not - - -

But it's the case isn't it that at the time of that meeting - - -?---Ah hmm.

- - - that was still a time at which Mr Petch was, entered into a loan agreement with you where you owed him money?---Oh, yeah.

- 20 And you were behind in payments of interest to him. That's correct isn't it?---Ah hmm.

Can I just ask you last, I promise this will be the last subject matter I ask you about, Mr Booth?---That's all right.

With The Weekly Times how many journalists do you have employed there?---Well there's four of us all tolled.

Who are they?---Including myself.

- 30 Tell us the names?---Chris (not transcribable), Greg Turner and Michael (not transcribable)

Michael?---Hennessy.

Right. Is that all of you?---We have, we have, sometimes have a, a string or (not transcribable) for, what's his name - - -

Is there a Tony Ross?---Eh?

- 40 Tony Ross?---Tony Ross, yeah, yeah, Tony, yeah.

Who's Tony, is he someone that works for the paper as a journalist?---Not full-time, no.

But part-time?---Part-time, yeah.

What as a contractor?---I'd say he's contracted but just he's a - - -

Is he a freelance journalist?--- - - - freelancer.

And are there other freelances that do - - -?---Freelancing.

Are there other freelancers besides Mr Ross?---Not regular.

Does a Mr Richard Henricous or Enriquez have anything to do with the paper?---Sorry?

10 Richard Henricous H-e-n-r-i-c-o-u-s?---Richard Henricous?

Do you know that person?---I do, yeah.

Does he something to do with the paper?---Yes. Well I've known him in the past, well he's doing something with us now.

What's that?---Well he's doing some sales.

20 And for how long has he worked for the paper?---Oh, about three weeks.

So he, he has a sales role?---Yeah.

What, for advertising?---Yeah.

Does he do anything else, any perhaps PR or liaising with people or acting on behalf for the paper?---Well that's what selling's about isn't it?

30 Well does he do any lobbying on behalf of the paper or on behalf of you?
---Don't know what you call lobbying but he's supposed to be trying to get some sales.

But his role is restricted to sales is it, sales of advertising for the paper?
---Yeah, Ah hmm.

Right. Do you know a Mr Anthony Stavrinos?---Mr Anthony?

Stavrinos?---Stavrinos, yeah.

40 Who, who's he?---Who's he? He's a journo.

Does he do some freelancing for The Weekly Times as well?---Yeah, Ah
hmm.

Do you know if he has any other relationship with the Council or with the Councillors?---With - - -

With Ryde Council or Councillors?---What do you mean? I mean I know them all so I don't know about a relationship. What do you mean?

Well Mr Strivings, does he have any other function than being a freelance journalist?---Oh, not that I'm aware of.

He's not a lobbyist or something like that?---I don't know him all that well.

Do you know if he's had any role on behalf of any of the community organisations that were formed in respect of the - - -?---Oh, I think he sort of runs around a bit, yeah.

10

Well I'm asking about the Ryde civic precinct re-development. Do you know if he had any role in any of the community associations?---Well, yeah, I think he attends some of the meetings and things so - - -

Do you know if he's - - -?---We got - I think mainly because we had this thing with the civic centre and there was a big you know it's a big turmoil within the city of Ryde and people and, and you know 'cause it's sort of quite, quite big, a big event as far Ryde was concerned and the elections.

20 Do you know if he did any work for Mr Cerreto?---Sorry?

Do you know if Mr Stavrinou did any work for Mr Cerreto?---He may do.

Are you aware of that or not?---I'm not sure.

So your relationship is limited to him being a freelance journalist who sometimes does some work for The Weekly Times, is that correct?---Well he does a little bit of promotion stuff, yeah.

30 Promotion of what, the paper?---Well providing stuff I mean, yeah.

Like ads or are you talking about articles?---No, editorial.
And that's the limit of your relationship with him?---Basically, yeah.
Thank you, Commissioner.

ASSISTANT COMMISSIONER: Mr Booth, that concludes your examination. I would like to remind you I've made a non publication order in this matter?---Thank you, Commissioner.

40 You are not allowed to discuss with anybody the fact that you've been here, any of the evidence given or any of the exhibits you've been shown and it is a criminal offence to breach that suppression order. Do you understand the effect of that?---Yes, I do. Sounds like Stalin in Russia doesn't it?

Do you understand the affect of the order?---Well I'm aware of it, yes. I find it difficult but I am aware of it, yes, Commissioner.

Are you saying you'll find it difficult to comply with it?---No, no, I won't find it difficult, no, I will comply with it.

Yes, good. Thank you. Well you are now excused?---Thank you, Commissioner.

THE WITNESS EXCUSED

[4.06pm]

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AT 4.06PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.06pm]