

WITNEYPUB01980
01/10/2021

WITNEY
pp 01980-02037

PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION WITNEY

Reference: Operation E19/1452

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 1 OCTOBER, 2021

AT 10.15AM

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.

THE COMMISSIONER: Now, are we ready to proceed?

MR RANKEN: Yes, we are ready to proceed with the next witness, Commissioner, who is Lisa Andersen,

THE COMMISSIONER: Mr Neil, are you ready to proceed?

MR NEIL: Yes, and I do apologise for late arrival, Commissioner.

10 THE COMMISSIONER: That's all right. Apology is accepted. Very good. Now, Ms Andersen, good morning. Do you take an oath or - - -

MS ANDERSEN: Yes, please, Commissioner.

THE COMMISSIONER: Yes. Would you mind standing with the Bible there? Firstly, just state on the record your full name, if you would.

MS ANDERSEN: Lisa Angela Andersen.

20 THE COMMISSIONER: Thank you.

THE COMMISSIONER: Thank you. Just take a seat. Yes, Mr Ranken.

MR RANKEN: Yes, Commissioner, Ms Andersen is not legally represented today and I think she may wish to be told, or it may be prudent to advise her of her rights under section 38.

10 THE COMMISSIONER: Thank you for reminding me. Ms Andersen, I think you are aware by now the provisions of the relevant sections of the Independent Commission Against Corruption Act permitting a witness to object to giving evidence. The witness still must, even if they object, answer the questions. If they object to produce a document or thing, they must still do so but the effect of the objection is to prevent the evidence you give in this public inquiry being used in any other proceedings in the future. Do you understand that?---Yes, Commissioner.

20 There is one exception which you should be aware of and that is that the evidence can be used in prosecution for an offence under the Independent Commission Against Corruption Act, and a common example of such an offence is if a witness gives knowingly false or misleading evidence then a witness is liable to be prosecuted for an offence, commonly referred to as perjury.---I understand.

Through evidence in that sort of case, the evidence you give can be used but otherwise, apart from that exception, it cannot be used in other proceedings in the future. Do you understand?---Yes, thank you, Commissioner.

30 And do you wish to avail yourself of those provisions and object?---Yes, I do.

You do.---Yes.

40 Thank you. Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Ms Lisa Andersen, and all documents and things produced by her during the course of her in this public inquiry are to be regarded as having been given or produced on objection. That being the case, there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MS LISA ANDERSEN, AND ALL DOCUMENTS AND THINGS PRODUCED BY HER DURING THE COURSE OF

HER IN THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THAT BEING THE CASE, THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

THE COMMISSIONER: Yes, Mr Ranken, are there any other matters?

10 MR RANKEN: No, there are no other matters.

THE COMMISSIONER: Thank you.

MR RANKEN: Ms Andersen, you gave your full name as Lisa Angela Andersen.---Yes.

And Andersen is spelt A-n-d-e-r-s-e-n, is that correct?---Correct.

20 And are you the sister of the Honourable John Sidoti?---Older sister, yes.

And are you married to a man by the name of David Andersen?---Correct.

Are you a practising solicitor?---No.

You previously were a practising solicitor, is that correct?---About 20-something years ago.

And you haven't practiced for some 20 years, is that right?---No.

30 Your husband is a practising solicitor, is that correct?---Yes.

And do you know Mr Glen Haron?---Yes.

And when did you first meet Mr Haron?---Face to face, here. Yesterday.

And when was that – yesterday, was it?---Yes.

In the - - -?---In the waiting area.

40 In the waiting area, is that right?---Yes.

Prior to that, had you never met face to face with Mr Haron?---Correct.

But had you had communication with Mr Haron either over email or telephone, either by way or conversation or text messages?---Correct.

Is it all three of those? That is, email, text, and telephone conversations?
---Correct.

Any other means of communication with Mr Haron?---No.

And are you able to assist us with when it was you first had any such communication with Mr Haron?---I would say it's post-hearing, on the, around, of that week of 28 April.

10 So when you refer to post-hearing, you mean post the hearing of this public inquiry that commenced on 29 March, 2021, and concluded on 27 April, 2021, is that correct?---That's right.

And you believe it may have been on 28 April, 2021, is that right?---Yes.

And prior to that, you had not yourself had any direct communication with Mr Haron?---No. I was present when a, a phone call was made to him, midway through the public hearing, but I didn't participate.

20 Right, thank you, and that was a telephone conversation involving whom?
---Mr Haron and my husband, David Andersen.

And was it a telephone call that your husband had placed to Mr Haron, or was it the other way around, Mr Haron had called your husband?---No, my recollection is that my husband placed the call, following a text, or it may have been a text first and then a call – oh, I don't recall the sequence but it was close in time.

30 A text from whom?---From my husband to Mr Haron, requesting if he could have a conversation. But I don't recall how soon after that text the conversation occurred, but it was around the middle of the, the hearing time.

And what was the purpose of that conversation?---My understanding was that Mr Haron had already met with some representative from KPL Solicitors, and had provided some form of material to them, and David had been requested by the legal team to further that communication, to expand upon the material.

So how long was this conversation, this telephone conversation that you were present?---Not, not long. A, a matter of minutes.

40 And was it just simply to make arrangements for some provision of material to be provided, or did it involve some discussion about what information Mr Haron may be able to give?---To the best of my recollection, it was quite short, primarily to first of all give Mr Haron the, the material from KPL Lawyers, and to ask him to have a read and assess it with a view to meeting David shortly thereafter. I'm not sure if it was days, or a week or so.

Thank you. So when your husband made this telephone conversation around the middle of the hearing that you were present for, there was some

material, was there, that your husband had received from KPL Lawyers, is that right?---Look, that's my assumption, that's where it came from, 'cause I wasn't present when it was received. But he, he brought it home. It was a couple of typed pages. And, yes, from that he had been requested to ask Mr Haron to further some, some details.

And the purpose of the telephone conversation that you were present for appears to have been to arrange, firstly, for the delivery of the material that your husband had to Mr Haron - - -?---Yes.

10

- - - and possibly to arrange a time or with a view to arranging a time for Mr Haron to meet with your husband to further go through that material, is that right?---Yes.

Thank you. Could we bring up on the screen page 56 of the tender bundle, please.---Ah hmm.

Do you recognise the document that we see commencing at page 56?---Yes.

20

Does that appear to be the first page of the document that you have just now referred to in your evidence as being material that your husband had apparently received from KPL Lawyers?---Correct.

And are you able to assist the Commission, when you first saw this document, was the handwriting that we see on the screen at the top of the page, was that already on the document?---To the best of my recollection, the document had no writing on it.

30

When you saw it, is that right?---When I first saw it.

And so were you present when somebody put the handwriting that we see at the top of this page?---No. No.

There's two sets of handwriting, apparently, on, that we see on this first page at the top. On the left-hand side there's what appears to be handwriting that says "Vol 6", that is V-o, L for Lima, 6, and then underneath it "345-60".---Yes.

40

Do you recognise that handwriting?---It looks like my husband's.

And what about the other handwriting, which appears to record the name and telephone number of a Bryan Belling and also possibly an email address for that person?---No, I don't know that writing.

You don't recognise that writing?---No.

It's not yours?---No.

And it's not your husband's?---No.

And do you know a Bryan Belling?---No. I know of him.

And how do you know of Bryan Belling?---Just through my husband. He's a solicitor.

Is he someone who your husband knows through his practice as a solicitor, is he?---I understand that's the case.

10

And do you understand Mr Belling to be a solicitor?---Yes.

If we could scroll down that page. At paragraph 4 that we now see on the screen - - -?---Yes.

- - - it appears there have been a number of handwritten amendments, if I could call it that, to that paragraph of some minor things, would you agree? ---Yes.

20 And do you recognise the handwriting that we see at paragraph 4?---Yes, that's mine.

All of that handwriting is yours, is that correct?---Yes.

And at paragraph 5, there are some further items of handwriting associated with the paragraph. Is any of that handwriting yours?---Yes. I think, I think it's all mine.

30 You think it's all yours?---Yes.

And paragraph 6 there is one small, you may not even see it - - -?---No, the chambers?

Yes. Someone's put in - - -?---Right. I'm, I'm not sure, yeah, who's done that.

Paragraph 8 there is a change.---Ah hmm.

40 Do you recognise any of the handwriting there?---The, the word "the" looks like my husband. I'm not sure about the other two words.

The other, so none of the handwriting is yours?---Oh, no. No.

So the other two words read "Sidoti family" I think.---Yes.

Well "Sidoti" is readily discernible, do you agree?---Yes, yes.

But whether or not it's "family" is perhaps a little bit more debatable, would you agree?---It looks like "family."

THE COMMISSIONER: Do you recognise that handwriting?---No, Commissioner.

"Sidoti family"?---No.

But it's not yours?---No.

10

It's not your husband's?---I don't think so. I, I, I couldn't be a hundred per cent sure but the, the word "The" is definitely.

And if it is not your husband's or yours, who can you conclude did put those words on the document?---Mr Haron.

Mr Haron.

20

MR RANKEN: Now, do you say that when you saw the document, that handwriting wasn't on it, or was it already on it?---Which, which one?

The handwriting that says "Sidoti" and possibly "family"?---When I first saw the document my recollection is that it was just typed material.

THE COMMISSIONER: That it was what?---That it was just typed without any handwriting. That's my recollection.

30

MR RANKEN: And so what is the basis of your belief then that the words "Sidoti family" may have been written by Mr Haron?---Well, my, my husband met with him shortly after speaking to him on the phone, sometime in the, during the middle of April, with the document and he informed me that they, it was a rather chaotic environment at his new premises in the city and that they both sat down and made amendments to the document, some that my husband made at Mr Haron's instruction and some that Mr Haron made himself.

And what about the amendments that you had made?---I thought they were already there when, when the, when the document went to Mr Haron.

40

When did you find out that your husband had met with Mr Haron at Mr Haron's business address in the middle of April?---I knew it was occurring and then when he came home he told me about it.

Do you understand that Mr Haron has given evidence before this Commission?---Yes, yes.

And he has said that the only occasion on which he met with your husband was on an occasion when your husband attended upon him at a Starbucks café.---Yes, correct.

On 12 May, 2021, when he executed his final statutory declaration.---Yes. Yes, I heard his evidence. I can only conclude he's forgotten. He, he was very, very distracted is my understanding at the time. I, I can't explain it, I don't think he's being untruthful, I think he's just plainly forgotten.

10 But you say that when you saw the document it did not have any handwriting?---I don't think so. I, I, I would say 90 per cent sure. I'm not, I'm not 100 per cent sure.

Can we go up to the – sorry, before we move from where we are. Do you see at paragraph 9 there's a change to paragraph 9?---Yes. That's my writing.

That's your writing?---Yes.

20 Now, the changes that you made to this document, were they made before or after this meeting you say you understand occurred between your husband and Mr Haron?---I think before because the phone call, the brief phone call was in the vein that "We have some material that you've provided to KPL solicitors and, with a view to expanding upon that, can, can David drop it over?" And "There are some areas and time frames we would like you to consider in the meantime."

30 So does that mean that you had made these handwritten changes that I've taken you to, at least on this first page, before the telephone conversation involving your husband and Mr Haron?---I, I think so, yeah.

Could we go back up to the top of that page, please?---Yes.

Is it also your belief that the handwriting we see at the top of the page is Mr Haron's?---Look, I don't, I don't – no, I didn't see him write it.

40 No.---But it's consistent that it would be, because David had informed him that Bryan Belling, if he required an independent solicitor, that Bryan Belling was someone that he could call, and it seems like those, that that was written down.

Do you understand that Mr Haron has given evidence about this document and has said that that is not his handwriting?---I know. I, I can't explain that, Mr Ranken.

Do you think it is a bit odd that a man would not be able to recognise his own hand?---Yes.

But you say that this document had this, did not have this handwriting that I've just taken you to, the details of Bryan Belling, and his telephone number and email address on it when it left your house to be delivered to him. Is that what you say?---I think so. I'm not, oh, like I said, I'm not 100 per cent sure of the sequence, but it, that definitely isn't writing of myself or my husband, and the only other person that has assessed this document, as far as the two of us know, is, was Mr Haron at the time.

10 And you don't know from where your husband got the original typed version of the document, or did he tell you that he'd received it from KPL? ---At the time he told me, but I've actually forgotten. I'm just, I'd only be hypothesising.

Could we scroll then down to the next page, please.

THE COMMISSIONER: Sorry, just on that last point.---Yes, Commissioner.

20 If the typed statement arose out of an interview with Mr Haron by the lady solicitor from KPL Lawyers, then presumably either you or your husband obtained either this document or some other document relating to it from KPL Lawyers. Is that right?---Sorry, Commissioner, I'm not understanding.

We've heard the evidence that a lady solicitor came from KPL Lawyers, it seems from that firm, to speak to Mr Haron about an aspect or so of the investigation by this Commission.---Yes.

Mr Haron's evidence is he gave information to this lady solicitor.---Yes.

30 Presumably the lady solicitor therefore had within her possession some form of record, we don't know whether it was handwriting, or whether it was recorded by some device. But the information, however it was recorded, would have had to have been at some point transferred, or a copy of it, from the hands of KPL Lawyers into either your hands or your husband's hands. ---Well, definitely not mine, Commissioner. My husband arrived home with it.

Right, he just arrived home with it.---Yes.

40 Did he tell you where he got it from?---I think at the time he said it came from Mr Kazi, but not via email.

No.---But I, I, I, I'm not a 100 per cent sure. It was a little while back.

Thank you.

MR RANKEN: And for what purpose, though, did you make handwritten changes – if we just go back up to that first page.---Yes.

If we go back to page 56. For what purpose were you making the changes that you made – sorry, if you could scroll down a little bit further to paragraphs 4 and 5.---Ah hmm.

10 What was, again – perhaps I'll restate the whole question. For what purpose were you making handwritten changes to this document?---My recollection is that the legal team wanted Mr Haron to expand on his knowledge of certain events and times. And those notes were rather generic in nature, so I was asked to, having some sort of knowledge about the matters, as my husband had limited knowledge, to actually just read through it and where possible provide some sort of time frame structure.

Well, the changes, though, that we see to paragraph 4 seem to be in the nature of correcting and fixing up grammar of the wording, would you agree?---Well, that's just me being picky.

Well, I'm just dealing with these changes.---Oh, okay, sure.

20 And there's no questions or anything identifying time frames and trying to clarify that, is there?---Well, not in that paragraph, no.

So you were actually making, it appears, suggested amendments to the text of the document, correct?---Yes.

30 THE COMMISSIONER: When you in your earlier answers said your brother's legal team wanted Mr Haron to expand, et cetera, et cetera, when you refer to the term "legal team", who are you referring to?---My understanding is the legal team. I'm not sure from, who the head of that team for this instruction was, but my, my instructions came from KPL.

And how did that instruction come from KPL?---Well, either, either, more than likely telephone call.

No, I don't want you to guess or speculate. I want you to tell me.---Well, I don't know.

40 How was it conveyed by the legal team, and by whom within the legal team did you get this request to speak to Mr Haron, et cetera?---Well, I didn't get the request to speak to him, my husband did, and that was by telephone. My understanding is by telephone.

Your understanding is that the request from the legal team came to your husband by phone?---Correct. Yes.

And who did your husband speak to on that occasion?---My understanding, it was Mr Kazi, the solicitor.

What's your understanding built on?---David told me.

I'm sorry?---My husband told me.

All right, okay.

10 MR RANKEN: It is a rather odd set of circumstances, is it not, Mrs Andersen, that the solicitors had arranged, apparently, for a member of their firm to actually speak to Mr Haron and had apparently prepared something based, as you understood it, on that meeting with Mr Haron.---Yes.

But then were not following up on it, given that they had already had contact with him but had made a request of your husband to do so instead. Would you agree that that seems a little bit unorthodox?---No.

Well, ordinarily - - -?---It's not, it's not for me to judge what a legal team decides to do and how they plan to do it.

20 Mrs Andersen, you have legal training.---Yes.

I accept that you have not been a practising solicitor for some time, but you understand how statements are prepared in the main, correct?---Yes.

The process of how one would go about getting a statement from a witness. ---Yes.

30 And if there were lawyers involved, you would expect that the lawyers would be the ones who would be responsible for obtaining the statement from the witness.---Ordinarily. But this was more in the nature of fact gathering.

If you just hold one moment. And in fact, that is what had apparently occurred, at least initially. That there had been some contact from the lawyers and Mr Haron.---Ah hmm.

And a meeting where there, evidently, there was some discussion about the information he may be able to provide.---I don't know. I wasn't there.

40 But then it appears that suddenly there's been a change of approach, correct?---I don't know. I can't, I don't agree with the term "suddenly". I'm sure there was some thought process.

THE COMMISSIONER: Well, if we take the word "suddenly" out of it.

MR RANKEN: Take the word, there's been a change of approach.---Ah hmm.

To suddenly have your husband take up the matter and to progress it further without the lawyers.---That seems to be the course of action.

And as part of that, you became involved to make your own changes or suggested changes to the document.---They weren't done unilaterally, Mr Ranken. These are done, we were asked to focus Mr Haron's attention to particular events and particular times. As I was reading through it, I made some grammatical, changes to the grammatical errors and that was, that was the extent of my role there.

10

THE COMMISSIONER: Ms Andersen.---Yes.

Your brother had the firm KPL Lawyers engaged to represent him in relation to this investigation, is that right?---Yes.

And as part of that engagement, KPL arranged for one of their lawyers to interview Mr Haron?---Yes.

And that happened?---Yes.

20

And by some means your husband, you say, obtained a copy of the document which you have been taken to this morning, the typed document, which set out, apparently, the information Mr Haron provided to that lawyer from KPL Lawyers?---As far as I can surmise, yes.

Now, was your husband at that time, and up to that time, engaged in your brother's matter concerning this investigation?---No.

30

So, it was his first involvement in your brother's interest concerning this investigation, was when he obtained the typed statement from KPL Lawyers?
---Yes.

And KPL Lawyers continued, from that time and indeed until the present, to be the lawyers for your husband in relation to this investigation?---Yes, my, my brother, yes.

Yes, your brother in this investigation?---Correct.

40

And it seems that from the time your brother received a copy of the typed statement - - -?---I'm sorry, I don't know if my brother received that.

I'm sorry?---You said my brother received - - -

Sorry, my error. Your husband, from the time he obtained a copy of the statement that Mr Haron had made to the KPL lawyer, from that time until the statutory declaration was signed, the processing of matters with Mr Haron as a potential witness leading to the finalisation by way of a sworn

statutory declaration, was it no longer in the hands of KPL Lawyers, but in the hands of yourself and your husband, is that not factually correct?---No, that's not correct.

Why is it not correct?---Because nothing was ever put in front of Mr Haron without the filter or supervision of, at the very least, the solicitors.

10 So, let me understand. From the time you started making corrections to the typed statement of Mr Haron obtained by the KPL lawyer until the day and time Mr Haron signed his statutory declaration, do you say you and/or your husband were working, with contact being made with KPL Lawyers, to keep them informed as to what was happening with the draft statement of Mr Haron, changes that were proposed to be made or were made to the statement?---Well, more, more than contact, Commissioner. We're not acting unilaterally. It was always done at the instruction of and with the permission of the solicitors. We're not, we're, we're not acting independently.

20 And were you delegated or requested by the KPL Lawyers to actually interview Mr Haron further to their interview with him?---No.

No. Were you told by KPL Lawyers that you should attend to getting the statutory declaration from him and that they wouldn't be involved?---No.

30 No. So, what I'm asking you is whether each of the steps taken, from the time the typed statement of Mr Haron was received by your husband until the time Mr Haron signed his statutory declaration, were KPL Lawyers kept informed of all the processes and actions that you were taking and your husband was taking leading to the sign-off on the statutory declaration by Mr Haron?---To the best of my knowledge, yes.

How were KPL Lawyers kept advised as to what you were doing and what your husband was doing in that respect?---Phone, email, text.

Phoning?---Telephone, yes.

Who? You phoning?---It depends at what stage we're talking about. I think at this stage, when this document was being dealt with, it was my husband.

40 And who was he dealing with at KPL Lawyers?---As far as I know, Mr Kazi.

And did you also speak to Mr Kazi from time to time about what was happening between you and Mr Haron, about his statement and about the statutory declaration?---Sorry, Commissioner, you're making a differentiation between statement and stat dec. Are you referring to these pages here before us?

I am making a distinction.---Yes.

I'm talking about the statement being the document in front of you now.
---Right.

That comprises 24 paragraphs taken by, or created by the lawyer from KPL
Lawyers.---Yes.

10 Separate and distinct from that document, you know there was, there were
drafts of the statutory declaration that you had a hand in.---Yes.

And there was a final statutory declaration.---Yes.

Signed off in your husband's presence by Mr Haron.---Yes.

Now, are we clear?---Yes.

We're talking about two different types of documents.---Yes.

20 Really three, I suppose. There's the 24-paragraph statement.---Ah hmm.

There are the, there is at least one draft statutory declaration.---I, yes.

And there is the final statutory declaration.---Ah hmm, yes.

So we've got clear in our minds (not transcribable).---Yes.

30 Did you communicate with KPL Lawyers at each of the stages those
documents were developed, leading finally to its execution by Mr Haron?
---To the best of my knowledge, yes.

And who were you dealing with at KPL Lawyers through that period?
---Mostly Mr Kazi, sometimes Mr Nejad, sometimes Rani, whose name, I
can't remember the last name. But it, they were representatives of the
solicitor's firm.

40 And you say you have emails of communications between KPL Lawyers
through this period, leading to the statutory declaration being signed - - -?
---Yes.

- - - about your actions and about the progress of the development of the
statutory declaration, is that right?---Not just emails. Some texts and
telephone calls.

Texts and telephone calls.---Yes.

And emails?---I think there are some.

They were all involving Mr Kazi, were they?---No, I don't think so.

No. You did mention two other names, I think.---Yes.

So it could have involved those - - -?---Yes. Representatives of the, of the solicitors, yes.

10 And did, in this period leading up to the signing of the statutory declaration, any lawyer from KPL Lawyers, apart from speaking on the telephone or communicating in the way you've told us, do anything to control the processes leading to the production of the statutory declaration of Mr Haron?---What do you mean by "do anything"?

20 Did they confer with Mr Haron? Did they confer with you? Did they confer with your husband?---I don't, I, look, I don't know if they conferred with Mr Haron. I, I imagine they did, and I have a couple, or at least one email where Mr Kazi has said that he'll call him tomorrow, meaning Mr Haron, and then conferred with my husband following this statement and the meeting between Mr Haron and my husband. And at all stages following the end of the hearing, in preparation for the statutory declaration, which is now in evidence, there was constant communication.

And did KPL Lawyers communicate, confer with you - - -?---Oh, yes.

- - - on the production of the statutory declaration?---Yes.

And when we're talking about conferring, is this sitting down in conferences or is it - - -?---Oh, no.

30 - - - being done electronically by - - -?---No, no. No, mostly - - -

- - - by MS Teams or some such - - -?---No, no, no.

How was this conferring carried out?---It was – mostly by telephone and email. I think, I do have a recollection of talking at least once if not twice with Mr Kazi very soon after the, the last day of the hearing. It might have even been that afternoon. And then following on, during that week, we would, we, we spoke a number of times.

40 And why was it that KPL Lawyers left it to you and your husband to manage the process leading to the finalisation of the statutory declaration, and that they were not themselves managing that process? How did that come about?---It started from this initial group of notes, where my husband was asked to speak with Mr Haron with a view to meeting with him, and then after the end of the hearing, I don't recall the exact method, but yes, we, we were asked to see if Mr Haron was still interested in, in assisting. Because at this point, the statement hadn't gone anywhere. It'd effectively just gathered dust.

Why was this process, gathering evidence from Mr Haron, not undertaken by the lawyers themselves?---I'm not aware of that.

You're not aware?---No, I'd only be guessing.

No, I don't want you to guess.---Ah hmm.

10 It's been put to you it was unusual or a word to that effect that the lawyers started on this exercise by interviewing Mr Haron, and then you and your husband appear to have taken over the process.---Yes.

Can you provide an explanation to the Commission as to why that occurred? ---No, other than my husband's initial introduction to the process, it was a question of continuity.

No, just answer my question, please.---Yes.

20 I'll just put it again, so that you can focus on it.---Yes.

Why was the process that led to the obtaining of evidence from Mr Haron resulting in the production of the statutory declaration which he swore, or declared, why was that process undertaken by you and your husband and not being undertaken by the lawyers?---I don't know.

You would have to have an explanation, there'd have to be an explanation, wouldn't there?---Well, you, you told me not to guess.

30 All right. You're telling me on your oath, are you, that you are unable to explain why, following the initial interview between the lawyer from KPL Lawyers and Mr Haron, you and your husband were undertaking the process from that point forward and the lawyers were not? You have no explanation for that?---Well, Commissioner, I don't agree with that description. The lawyers were involved at every step.

But I'm asking you why they were not conducting the whole exercise, the important exercise of getting evidence from a witness.---We were asked to do it, and we did it.

40 But you're also closely related to the person who's being investigated here. ---Ah hmm. Yes.

You would have perceived the obvious difficulty of you being involved that closely with the matter concerning your brother, wouldn't you? And your husband, for that matter.---Mmm, no, I, in fact, quite the opposite. Because I was so closely involved, I had intimate knowledge of, of the material.

Yes, Mr Haron. I mean, sorry, Mr Ranken. I'm sorry, I've taken you off your path.

MR RANKEN: Yes, that's okay. If I could, I'm happy to come back to now in the middle of April, this process in the middle of April, and we'll come to the later process in due course.---Yes.

10 But you understood, did you not, that this document was being developed for the purposes of putting some evidence before the Commission from Mr Haron?---Do you mean at this point?

Yes, at this point.---No, that's not my understanding.

Well, if we can go back up to the top of the page, what purpose did you think this document was being developed for?---At this stage it was very much a fact-finding exercise as the heading indicates. I, I didn't prepare it so I can't attest to that but from the – excuse me. My husband and I certainly, my perspective, it was fact finding.

20 Do you agree that if one looks at the first few paragraphs of this document it sets out matters in an introductory nature relating to Mr Haron himself, correct?---Yes.

Nothing to do with the Five Dock Urban Design Study or anything of that nature, correct?---Well, not in that paragraph.

30 Well, in the first four paragraphs in fact, all developing towards the introduction of what Mr Haron's relationship with Five Dock and the Urban Design Study is, correct?---Yeah.

And that would be consistent with your own experience from when you were a solicitor about the general form that a statement might take?---I, I can't comment. I didn't make that statement, I didn't prepare it.

No, but would you agree from your own experience that it has the appearance of what might be considered to a draft of a statement, an early draft of a statement?---To me it just seems like a bunch of generalised notes.

40 You think it has absolutely no appearance of the beginnings of a draft statement?---No, it could be the appearance of, certainly - - -

Thank you. So you do agree that it has that appearance?---Yes, but it, it's very, very vague.

And you were making changes, were you not, that you considered ought to be reflected in the further development of that statement?---No, I don't agree with the way you've put that question.

Well, were you making changes for your own benefit, were you?---No. The changes there, the additions, they're not changes, they're additions, were to, were asked to get Mr Haron to turn his mind to what seemed to be two events that they wanted to know his involvement and his knowledge and any other material that he could assist with.

10 And do you say that you made these changes – I think you told us before that you made your handwritten notes, whatever, your handwriting on this document, was done before your husband had the conversation that led to him delivering the document to Mr Haron and then a subsequent meeting between the two of them?---I think so.

Did you see the document after that?---The one that I handed into the Commission was, looked like this one. It was just a copy of – so it was black and white, there were no colour additions. I know that David came home from the meeting with Mr Haron and that's the, the, the copy that we ended up with because Mr Haron copied for him.

20 This is the copy you say that - - -?---I need to see all of it.

Well, let's go through. If we just scroll through each of the pages at a relatively casual pace so you can satisfy yourself.---Ah hmm. There just seems to be one sentence missing.

Can you scroll back up a little bit?---No, no, no. At - - -

30 Oh, sorry- - -?---My, my recollection is that there was another sentence at the end of the document saying words to the effect "How do you know John Sidoti" or something like that.

You're referring to the handwriting that appears beneath the final typed paragraph, which is paragraph 24.---Yes.

40 You have a recollection that the copy that you had and that you'd produced to the Commission had an additional sentence, is that what you're saying? ---No. No. The, the copy that, that we received back from Mr Haron definitely had that. Now, the copy I provided to the Commission looks like this one, but I do recall that there was another sentence and now I'm worried that my copying was not good.

Well, did you write on the document that was received back from Mr Haron? Sorry, that came back to your household after your husband's meeting with Mr Haron?---I don't know. I don't remember.

Well, is it unlikely that you did?---I just don't know.

But this handwriting that we do see after paragraph 24 - - -?---Yes.

- - - that is your handwriting, is it?---That's right.

And do you say that that handwriting, at least, you can be confident was on the document when it left your house to be delivered to Mr Haron?---I think so.

And do you say, if we can scroll up to the further, if we could go further up in the document, please. Do you agree that this looks like the document that you actually produced to the Commission?---Yes, it does.

10

I've asked you to accept for me that that is in fact a copy of the document as it was provided to the Commission by yourself.---Yes, I accept that.

And you have no other copies of this document at your home?---No, I, I've looked up hill and down dale. I can't find anything.

And do you know what was done with the version of the document that was brought back to your house?---It - - -

20

It must have been this one, mustn't it?---I think so, yeah.

You think it must have been this one, isn't that correct?---Yeah, I do. I do think that.

And is that because you say that when the document left your house, it did not have the words, for example, at the top relating to Bryan Belling?
---That's my recollection, but I, I'm not a hundred per cent sure, Mr Ranken. That's my strong feeling.

30

And if we scroll down to paragraph, a little bit further down that page to paragraph I think it was 9, sorry, 8.---Yes.

The word "Sidoti" and possibly "family".---Yes.

Do you say that that wasn't on the document when it left the house but was on the document when it came back?---I'm not sure because the word "Sidoti" could be my husband's writing. The word "family", that's not his writing.

40

So do you now want to say that the word - - -?---I, I just don't, I just don't know.

THE COMMISSIONER: That's not your brother's writing?---Oh, John? No, I don't think so. Gosh. No, my brother's writing's more cursive than that.

MR RANKEN: Well, let's scroll down the page to the next page.---Ah
hmm.

At paragraph 11.---Yes.

There's an additional word that has been suggested to it, the paragraph, the word "would".---Ah hmm. Yes.

Do you recognise that handwriting?---Yes, that's mine.

10 At paragraph 13 there is a word that has been struck out.---Yes.

Struck through in the first line.---Yes.

And then at the end of the sentence or at the end of the paragraph, there's some words that have been written, "at some meetings".---Yes.

Do you see that?---Yes.

20 Do you recognise, firstly, are you able to say anything about the strike through of the word?---No, I can't, don't know anything about that, but the words "at some meetings" is mine.

That's yours. So that's a suggestion that you had made?---Yes.

Yes. And can you recall, do you recall whether or not, when you made that suggested change - - -?---Yes.

- - - the word that we see in the first line was in fact struck through or not?
---Oh, I, I don't think, I don't think so.

30 Would you agree that that word is "Megna"?---Yes.

So initially that it said, "I recall seeing Megna, the mayor, Angelo Tsirekas, Tony Fasanella and Neil Kenzler, being the second in charge for Labor and also a strategic thinker, as well as John Sidoti, from time to time at some meetings."---Yes, and the "at some meetings" was to contextualise that sentence because he's referring to Chamber meetings.

40 But you hadn't spoken yourself to Mr Haron at this time?---No, I just, I had just been, I had heard his conversation with David, that's it.

Yes, but he hadn't, that conversation, as I understand it, hadn't gone into the detail of what information he could give.---I don't think so, no.

No. So that's not information that came from Mr Haron. That came from your own understanding of the events, is it?---It's not information. I've said that's to contextualise paragraph 11 and 12. It's - - -

Yes, to contextualise, that is to provide further clarity to the information that's recorded there.---Yes.

In order to do that, you must have had some regard to some meeting, some information that suggested that that contextualisation was required.---No.

Otherwise why not just leave it as it is?---Well, I'm finicky about grammar.

10 It's got nothing to do with grammar.---Well, it does, sir, because it's about paragraph 11 and 12. It's clearly referring to paragraphs 11 and 12, and I'm just being clear by putting the "at some meetings".

The words "at some meetings" are unnecessary to correct any grammatical error in respect of paragraphs 12 or 13, is what I'm suggesting to you. It's not a matter of correcting grammar.---Well, it's, it's certainly providing a link between the paragraphs that's clear. The link is there, and I, I'm just providing an, an obvious connection.

20 And do you see underneath paragraph 13, we see some handwritten words, two sets of handwritten words, one set of which has been struck through?
---Yes.

Can I suggest to you that that handwriting, although quite difficult to discern, does it appear to say "never the Liberal councillor"?---Yes.

THE COMMISSIONER: "Councillors".

MR RANKEN: I think that – I'm reading the top.

30 THE COMMISSIONER: Oh, I'm sorry. Yes.

MR RANKEN: I think it says "never the Liberal councillor".---Correct.

And underneath it, somebody has written in different handwriting, "never Liberal councillors".---Yes.

40 Do you recognise either of those items of handwriting?---No. The, the, the first one with the line seems to match the other scrawly type that I've attributed to Mr Haron.

I'm not asking whether it matches, I'm just asking - - -

THE COMMISSIONER: You're not asked about that.---Oh. I apologise.

Do you recognise the handwriting which has been struck through, which talks about "councillors", or "councillor", I should say?---No, sir. No. No, Commissioner.

You don't recognise that as being the handwriting of you?---No.

Or anyone you know?---No, sir.

MR RANKEN: And then what about the next handwriting, "never Liberal councillors"?---Mmm, no.

10 You don't recognise that handwriting?---No, initially I thought it was mine, but it's, it's – no, I don't. I tend to link my letters, but no, that's, that's not.
Not your husband's?---No, definitely not, no.

THE COMMISSIONER: Well, how did those words get there?---I don't know.

You don't know.---Well, there weren't done in my presence, so I don't know.

20 MR RANKEN: They certainly – so they weren't on the document when it left your house?---I don't, I, I don't know, Mr Ranken, I don't think so.

Well, I'm a little unclear about what your evidence is. I thought your evidence was that there was no handwriting on the document when it arrived at your house.---That's the best of my recollection.

Correct?---Yes.

It did leave your house with handwriting, correct?---Yes.

30 And if it left your house with handwriting on it, that handwriting could only have been yours or your husband's.---Yes. Yeah.

THE COMMISSIONER: Or somebody else in your household.---Oh, sure, okay, I - - -

Is that right?---Yes.

40 MR RANKEN: Well, was there anybody else in your household who you can think might have had occasion to write or make any changes or suggestions to this document?---No. Not that I'm aware of, no.

THE COMMISSIONER: Or could it have been somebody who knew, who used to attend council meetings? It would seem it would require some knowledge, wouldn't it, as to whether Liberal councillor meetings attended or did not?---Sorry, I'm, I - - -

So, can you think of a person who had that knowledge, who may have written the words “never Liberal councillors”?---No, Commissioner. Oh, the way I see that is that it’s a clarification - - -

I’m not interested in what you see. I’m interested in what your answer is. Can you assist the Commission by saying who, with obviously the requisite knowledge about never Liberal councillors, wrote “never Liberal councillors” for the purpose of paragraph 13? Could it have been you, could it have been your husband, could it have been somebody else that you can think of who had knowledge about whether councillors attended or not?
10 ---No.

Could it have been you, could it have been your husband, could it have been somebody else with knowledge about whether Liberal councillors used to attend meetings, and who that other person might be?---Commissioner, I, I disagree with the way you’re describing that.

No, don’t – you may disagree with me. But I’m asking for an answer. You understand the format, the process. It’s a question-and-answer process.
20 ---Yes. Yes.

And you are obliged to answer the questions put if allowed, if the questions are allowed.---Yes. Thank you.

I’ll go through it step by step. I think Mr Ranken’s been partly through. The words which are not crossed out, but handwritten in “never the Liberal councillors” under paragraph 13. Could it be your writing, could it be your husband or could it be somebody else you know had knowledge of whether current Liberal councillors attended such meetings?---It’s not my writing,
30 it’s not my husband’s writing and I have no idea about your third premise.

So it’s some third person who’s identity you’re unable to identify, is that right?---Correct.

MR RANKEN: And do you say that that handwriting was or was not on the document when it left your house to be given to Mr Haron?---I don’t know.

The next paragraph, paragraph 14.---Yes.

40 Firstly, as originally typed, would you agree that the first sentence read, “I cannot any dates in particular in 2014 but I do recall meeting where the urban study was discussed.” Have I read that correctly?---Yes.

And do you see the word – there’s a dash between the word “cannot” and “any” and leading upwards, and then there’s a word written “recall”?---Yes.

Which would suggest that someone has suggested that it should say “I cannot recall any dates in particular in 2014” et cetera, et cetera.---Yes.

Do you recognise that handwriting?---That's my husband's.

That's your husband's?---Yes.

Was that handwritten on the document before it left your - - -?---I don't think so.

10 What about the word – if we go further on, it goes onto say, “But I do recall meetings where the” and somebody has suggested in handwriting “Five Dock” should be inserted before the words “Urban Study” so it will read “where the Five Dock Urban Study was discussed.”---That's my writing.

That's your handwriting?---Yes.

And so do we take it that you had certainly put that handwriting on the document prior to it leaving your house?---I think so.

20 If we could go to paragraph 15, do you see that there has been a change suggested to the first sentence that prior to the change read “The meeting where the urban study was discussed had about 30 attendees”?---Yes.

But someone has written above that “occurred”, I think they started to write maybe “on” but then crossed that out and just said “in April 2014”.---Ah
hmm, yes, that's mine.

That's your handwriting?---Yes.

30 And that handwriting was placed on the document, was it, before it left your house to be delivered to Mr Haron?---I think so.

That's okay. So if we go back up to paragraph 14, the position was that as the document came to you, prepared as you understood it, on the basis of a meeting that had taken place between a solicitor from KPL Lawyers and Mr Haron, it outlined a recollection of events that involved a situation where it said, “I cannot recall any dates in particular in 2014 but I do recall meetings where the Five Dock Urban Study,” do you see that, “was discussed.”---Ah
hmm, yes.

40 And then somebody has – and I should have taken you to this other change to paragraph 14.---Yes.

Obviously after the word “recall” was written, somebody has actually struck through the words “I cannot any dates in particular in 2014 but”.---Yes.

So, the effect of those two changes, or those changes, together with your handwritten changes, is to alter the effect of those two paragraphs so to move from a position where apparently Mr Haron was saying that he did not

have any recollection of particular dates in April 2014 but did recall that there were meetings, to actually having a positive recollection that the meeting where the urban study was discussed occurred in April 2014, and that change appears, logic would suggest, would you not agree, that suggests that it was you who made those changes?---Which one?

All of them.---No.

10 Apart from the “recall”.---No, I didn’t put the striking through.

What I want to suggest to you is that it does have the appearance, does it not, of your husband having suggested the word “recall” should be inserted, and then you subsequently striking through that part and then adding into paragraph 15 the specific “occurred in April 2014”.---No, no. That, that would have been done by David when he met with Mr Haron.

20 THE COMMISSIONER: On what basis did you write the words “occurred in April 2014”?---Because we were asked to focus Mr Haron’s mind onto events in that year.

What was the source of information that you used to be able to write the words “occurred in April 2014”?---There’d already been evidence at that stage.

Sorry?---There’d already been evidence in the hearing.

MR RANKEN: So were you drafting that to make it more consistent with the evidence that you were aware of in the hearing?---No.

30 Well, that’s the effect of what you were - - -?---I’m not going to provide a witness with a false date.

Please, just let me ask the question. That was the effect of what you were doing, was it not?---No.

Well, he had not, apparently, been able to recall what specific date. ---David hadn’t spoken to him yet. He had - - -

40 But the lawyers had.--- - - - he had a foundation of notes.

But the lawyers had, Ms Andersen, hadn’t they?---I wasn’t there, so I don’t know the nature of - - -

THE COMMISSIONER: Madam, you know from your own evidence that the lawyer who attended from KPL Lawyers on Mr Haron created this document.---Yes.

Presumably on the basis of the interview that person had with Mr Haron.
---Yes. Correct.

And drafted paragraph 14 to say, to record Mr Haron's position that he
couldn't recall any dates in particular in 2014.---Ah hmm. Yes.

And you've then put in the words "occurred in April 2014" - - -?---Yes.

10 - - - to fill in the blank in his knowledge or recollection.---No, I don't agree
with that.

Well, what else could it be than that?---It's not about recollection,
Commissioner. It's about asking.

No, but it is about recollection, you see. He said in 14 "I cannot," it should
read "recall", it's now written in, "any dates in particular in 2014." You see
that?---Yes.

20 So when you come to 15, you've remedied his lapse, his deficiency in
recollection, by choosing to write in the words "occurred in April 2014".
That's the net result, isn't it? You've filled in the gap in his recollection.
---No.

Madam, you are on oath. You appreciate that?---Yes. It's - - -

Just pause. Think about what I've just put to you and as to whether you
should revise that last answer.---It, you're, you're suggesting an intention on
my part. That's not correct.

30 No, no. I'm just, you – do you want to adhere to the answer, you were not
filling in a gap in his recollection by choosing to write in the words to
paragraph 15, quote, "occurred in April 2014"?---No, the intention was to
ask him what he knew of that time.

Yes, Mr Ranken.

MR RANKEN: You haven't written in "Do you recall the date of the
meeting?"---No.

40 No. You've actually suggested a specific month and year.---Yes.

Now, if we go to paragraph 16.---Yes.

Sorry, before we move off paragraph 15, on the left-hand side there's some
writing that says "April".---Yes.

And then there's a scrawled mark, which I, for my part I can't make out.---It
seems to show "date show email".

No, I'm talking about paragraph 15, next to the number. Do you see the word "April"?---April 2014.

No, sorry, see the number 15?---Yes. Oh.

To the left of that there's a word "April" and then there's some mark, which I - - -?---That's my husband's.

10 That's your husband's - - -?---Yes, and - - -

And was that on the document before it left your house?---I don't think so. I don't know.

Then moving down to just above paragraph 16, there is, there's some handwriting that appears to be two different types of handwriting.---Yes.

Firstly there is the words "April 2014".---Yes.

20 They appear to be in parentheses.---Yes.

And there seems to have been some kind of, part of a square box or something drawn around it.---Ah hmm.

Do you recognise that handwriting?---My husband's yes.

And there's what looks to be a dash leading from just near the "a" down to words that say – it is very difficult to make out the words because they are also struck through and circled, but does it record "date" and then dash
30 "show email"?---I think so.

And then next to those words to the right of those words it looks like there's a handwritten word, possibly "Megna" that has been struck through.---Um - - -

Or you just can't work that out?---It looks like it but I, I, I, I don't know. It's the first time I've noticed it, actually.

40 But do you recognise any of that handwriting, that is the handwriting that says "date" and "show email"?---No, no. No, I don't, sorry.

And underneath "date" there is a dash that goes down to the words "three-four pages of minutes". Do you recognise that handwriting?---Yes, that's my husband's.

Was that on the page before it left your house?---I don't think so.

And is the reason you don't think so because if you were to say, yes, it was, that would necessarily mean the words "Date – show email" were on the document before it left your house?---I'm not understanding your question.

Well, okay. Well, it's quite plain, is it not, that the words "April 2014" and the words "three-four pages of minutes" must have been written after the words "Date – show email"?---They seem, that seems to be how it's presented, yes.

10 Because there are lines that are pointing up to the word "date".---Yeah. Yeah, I agree.

So, I mean, sometimes it's difficult to reconstruct, as it were, the sequence of events in which things came to appear on a document, but it would seem logical, having regard to the orientation of the words and their position on the page and other markings that link them to the words "Date – show email" that they were written afterwards?---It seems that way.

20 And so I'm asking you whether or not your hesitancy to say whether or not they, the words "April 2014" and the words "three-four pages of minutes", were on the document before it left your house to be delivered to Mr Haron is because you appreciate that if that was so then the word "Date – show email" must have been on the document when it was at your house.---No. I, I object to the use of the word hesitancy. It's about recollection. I'm doing the best that I can.

Is it just you just don't recall?---No, I don't. So any other construction you formulated is fantasy.

30 How are you able to say that it's fantasy if you have no recollection?---I didn't say no. I am doing the best that I can while going through this.

So it's quite possible that those words were on the document before it left your house?---You mean the scrawling ones?

Yes.---"Date – show email"? I don't think so. But I, I, I can't be 100 per cent sure.

40 And what about further on in that paragraph, paragraph 16, there's some struck through portions of the typed words. Do you see that?---Yes, yes.

And are you able to read the full typed text of what originally was paragraph 16?---Yeah.

Could you read that out, please?---"It was frustrating that Labor seemed to have their strategic thinker and Liberals had no-one. Megna and Sidoti attended," I'm not sure what that word says, "when it came to voting or

such things, they,” I don’t know, “themselves saying can’t push too hard on this issue and left Liberals with no-one to represent them.”

Now can I suggest to you that the words that you were unable to make out were firstly “but”. So it said “Megna and Sidoti attended but when it came to voting on such things they” and the next word was “recused themselves”.---Oh, okay. Yes.

10 I mean, looking at that, does that assist you?---Yeah. No, that looks right.

Now, the words that have been struck out specifically is the reference to Megna.---Yes.

So that it now says, “It was frustrating that Labor seemed to have their strategic thinker and Liberals had no one. Sidoti attended.”---Yes.

And then the balance of the paragraph has been struck out.---Correct.

20 Do you see that?---Yep.

So that essentially, having gone from a situation where it explained that whilst Mr Megna and your brother had attended the meetings, when it came to voting on such things, they recused themselves saying that they couldn’t push too hard on the issue, which left Liberals with no-one to represent them, it simply referred to the fact that “it was frustrating that Labor seemed to have their strategic thinker and Liberals had no-one” but, it would appear, your brother, because he had attended.---No, I don’t read it that way. I think they’re two separate points.

30 Could you please then read what is left of paragraph 16, following the deletion of the words?---Yep. “It was frustrating that Labor seemed to have their strategic thinker and Liberals had no-one. Sidoti attended.”

And that’s exactly what I suggested to you was the impression that was left of that.---No, I don’t agree with your impression. To me there are two separate points there. He attended something, and there was a frustration about Labor having, having a strategic thinker and the Liberals having no-one. That seems to be a reference to councillors, not, not, not my brother.

40 Well, how would you know, seeing you hadn’t actually spoken to Mr Haron at this point?---It’s not about what I know. You’re asking me about the inferences that you’re drawing from those words.

But as it was written initially, it didn’t seem to restrict the Liberals to the councillors.---Ah hmm.

It referred to Mr Megna and Sidoti. That would suggest any Liberals. ---Yep.

Correct?---Sure.

So continuing on, underneath paragraph 16, there's some handwritten words that say, I suggest, "I recall asking John to get three Liberal councillor to a meeting," and someone's written in "attend" between "to" and "a".---Ah hmm. My husband wrote "attend".

10 And underneath the first, where it says "I recall asking", do you agree someone has written, rewritten the word "asking" underneath that?---"I recall asking" – yeah, I think that's my husband making sense of whatever the scrawly bit was.

And what about – well, can I ask you this then, was that done on the document before?---Not likely.

No?---Well - - -

20 Is that because you believe - - -?---Yes, I - - -

- - - that the words "I recall asking John to get three Liberal councillor to a meeting" were put on the document after it left your house?---That's my impression, and I'm, I really want to give you the best recollection that I have, so that seems to be read as a, I don't want to guess, or – but, but that's, that seems to be correct.

30 Under the word "meeting" – and would you accept that the word "meeting", where it's handwritten, appears to have been cut off in some copying process? We can't see the G, for example.---Sorry, Mr Ranken, could you point me - - -

Over on the right-hand side of the page in the margin - - -?---Oh, yes, yes.

- - - where it says "to", your husband has written "attend", and then it says "a meeting".---Yes. Oh, yes, yes.

You and I have been inferring that that is what was written there, because one can't see the G, correct?---Yes.

40 Or necessarily discern the difference between an I and an N.---Sure. Okay.

Underneath that, there appears to be handwriting in a different hand, would you agree?---Yes, that is David's.

That's David's, is it?---Ah hmm.

THE COMMISSIONER: Whose handwriting is it where it says "I recall"?
---I don't know.

“I recall”, what’s the next word?---“I recall asking”.

“Asking John to get three Liberal”.---“John to get three Liberal councillors”.

That writing, can you recognise that?---No, sir.

Mr Ranken, we might take the 15-minute morning tea adjournment, if that’s a convenient time.

10

MR RANKEN: Yes, thank you.

THE COMMISSIONER: Very well. I’ll adjourn.

SHORT ADJOURNMENT

[11.33am]

THE COMMISSIONER: Yes, Mr Ranken.

20

MR RANKEN: Yes, thank you. I wonder if we could have page 57 back up on the screen, please. We’re still working through this document with a combination of typed words and handwritten notes on it, Ms Andersen. And I just, one thing I want to be clear about is after the document came back after the meeting that you say your husband had with Mr Haron, did you make any further changes or additions to the document?---I don’t recall.

Well, what do you recall happening with the document?---It’s, it was in a manila folder and it, it just sat on our dining table for a number of weeks.

30

And then what was done with it?---I don’t know.

Well, was it placed in a drawer somewhere or was it placed in a filing cabinet? Was it sent to anybody?---I imagine at some point it was sent back to KPL, but I, I don’t have knowledge of that.

If it was, it wasn’t sent by you.---I don’t think so. I have no memory of that, no.

40

And, I mean, can you think of any reason why you might have written anything additional on this document after it had come back following the meeting?---I don’t know. I don’t recall writing on it.

Well, you recall making the writing that we have identified, is that right?
---Yeah, yeah, I, yeah, yeah.

Yes?---Yes.

But are you saying you don't, but you don't have a recollection of making any other handwriting on it?---Not, not, not when it came back. I, I really don't recall. I'm not saying I didn't, but I, I have zero memory of it.

Could you think of any purpose for which you might have - - -?---Oh. I'm not sure. Unless there was some other point to follow up, I don't know.

Well, was there any other point that was ever followed up with Mr Haron following your husband's return from that meeting?---I don't know. I don't
10 have any recollection.

You don't have any recollection of one?---No, no.

No. Is that likely because, is the absence of your recollection likely because there was no such further follow-up?---Sorry, I just, I can't say.

Okay, that's okay. If we could then move on to the next page, which is page 58. Sorry, if we could go back to the top of that page, please. Do you see
20 paragraph 20, there are some changes in the nature of, I would suggest, typographical suggestion or - - -?---Yes.

- - - possibly actual grammatical errors?---Yes, I see that.

And do you recognise the handwriting there?---I think that's my husband's.

That's your husband's?---Ah hmm.

Paragraph 22, you can see on the screen there's also a correction to insert
30 just a simple word "a".---Paragraph - - -

"Designing a box with windows".---Oh, sure.

Do you recognise that handwriting?---Sorry, are we still on 20?

No, 22. Sorry if I wasn't clear.---Oh, just going back to 20, Mr Ranken. I, I don't know who would have crossed out the word "keep".

But would you agree, though, that that would appear to be with a view to
40 correcting a grammatical error because otherwise it would say "they wanted to keep a keep village feel"?---It could be, yes.

So it's in line, it would be consistent with someone correcting it.---Sure. Yes.

Is the point you wish to make though, is that because the marking consists only of some striking out of the word "keep" and an "X" next to it, it's difficult for you be able to conclude one way or the other whose handwriting it could be?---Of that part, yes.

And it might be inferred that it was your husband was given, the other corrections to that paragraph are your husband's but that's not necessarily certain.---I don't know.

Paragraph 23, there are a few changes.---Yes.

The first change is the insertion of the word "a".---Yes.

10 Do you know whose handwriting that is?---It looks like my husband's.

And then there's – a little further on on that line there's the word "members" that is struck through and the word "councillors".---Yes.

And whose handwriting is that?---It looks like mine.

And the second – sorry. The final sentence of that paragraph, before any changes were made to it, did it read, "We were becoming frustrated because Megna and Sidoti couldn't vote at the meetings that were occurring"?---Yes.
20

And do you agree that someone has struck through the words "Megna and Sidoti couldn't vote at the meetings that were occurring"?---Yes.

And do you recognise, or is it the case that additional handwriting has added after the word "because" and to the effect of "they were not doing anything"?---Yes, I agree.

So, whereas paragraph 23 initially referred to Liberal members, do you agree that the concept of Liberal members is broader than the concept of Liberal councillors?---I agree.
30

So, that has been altered by you to say "councillors"?---Yes.

And then "because chambers needed to see where they were at, what their thoughts were. We were becoming frustrated because they were not doing anything," therefore changes it to rather than Liberal members not doing anything, but the Liberal councillors were not doing anything?---I understand that's what it was referring to.

40 And do you say that that handwriting was not on the document before it left your house, or was on the document before it left your house?---Which one?

Well, obviously the "councillors" I think you told us you had made before it left your house.---I, I, I would say that's correct.

What about the changes to the final sentence?---I don't know, I don't think so.

You don't think so?---No, I don't think so.

Do you believe that that was a change that was made – do you infer that that was a change that was made as a result of, during the course of, the meeting between your husband and Mr Haron?---I would say so because they're, they're not, that's not the way David would express himself.

Well, do you know that Mr Haron has given evidence before this Commission that he did not make those changes?---Yeah.

10

And do you know that Mr Haron gave evidence to this Commission that he does not agree with what is recorded there insofar as it says "We were becoming frustrated because they were not doing anything"? Do you recall hearing his evidence to that effect yesterday?---That who wasn't doing anything?

Well, the suggestion "We were becoming frustrated because they," who do you understand the "they" to be referring to?---Liberal councillors.

20

Yes. And do you know that Mr Haron gave evidence yesterday that that is not a statement with which he has ever agreed?---I don't recall that evidence but I'll take your word for it.

So that's unlikely to have come from him.---I can't say.

So I would suggest that if that was so, it's unlikely that that change was as a result of a meeting between your husband and Mr Haron.---No, I reject that.

30

What I'm suggesting to you is that was a change that was on the document - -?---Which one, sir?

All of the changes to paragraph 23 I am suggesting to you were on that document before it left your house to go to Mr Haron.---Oh, right. Okay. That's not in accordance with my recollection but if that's the case, I can only surmise there were other communications with Mr Haron. David wouldn't write stuff that he knows nothing about.

40

Well, did he write it at the suggestion of yourself?---No. And I don't express myself that way either. It's, it's very elementary.

Well, let's go to paragraph 24 then, shall we? Do you see that as it was originally typed it states that "On one occasion, not sure if in 2014 or 2015, John organised a meeting and stayed outside while I spoke to the members." Do you agree?---Yes.

Yes. And that there are a number of changes to that sentence?---Yes.

Firstly, the last word, "members", someone has struck through that.---Yes.

And there's a line going to above the paragraph that reads now "councillors".---I, that looks like my husband's writing.

And it is a change that is similar and consistent with the change that you had made to paragraph 23.---Yes.

10 And do you see that also the words "not sure if in 2014 or 2015", or sorry, to be precise about it, that part of "not sure if in 2014 or 2015", up to the 2 in 2015, has a line going through it?---Yep.

But it would suggest that the intention was to delete the entirety of the phrase, would you agree?---I don't know.

Well, someone has written above, "shortly after the April 2014 chamber meeting".---Yeah, I did that.

That's your handwriting?---Yeah.

20 So is it likely that you struck through the "not sure if in 2014 or 2015"?
---No.

So is it likely that it has said "on one occasion, not sure if in 2014 or 2015", you wrote about it "shortly after the April 2014 chamber meeting"?---I don't know. I, I agree with the writing at the top, but I don't agree with the striking out.

30 Isn't it logical that if you are suggesting a specific time frame, "shortly after the April 2015 chamber meeting", and where that is written immediately above words that have been struck through that said "not sure if in 2014 or 2015", that that is - - -

MR NEIL: Well, Commissioner, could I just raise a point that it's, as I read it, although the striking out extends beyond the word "or" and to the 2, it doesn't strike out the whole of the 2015. Indeed, the better interpretation is that that hasn't been struck out on the document. That's all I'm raising.

MR RANKEN: I covered that.

40 THE COMMISSIONER: I see your point, and you may well be right. This document has been through so many hands and so many corrections, the provenance of a lot of this is very confused, if I may say.

MR NEIL: Well, I'm only raising the point really for the transcript, Commissioner.

THE COMMISSIONER: Yes.

MR RANKEN: No, well, I - - -

THE COMMISSIONER: No, look, it occurred to me also, Mr Neil, the point you made that it's doubtful as to whether that's meant to have been deleted or not. In the scheme of this particular document, it's a fairly minor issue, but nonetheless the issue is there, as you correctly state.

MR RANKEN: Respectfully, I think I did in fact draw the witness's attention to the fact that it did not go through the entirety of 2015, only to
10 the 2.

THE COMMISSIONER: You did. Right through, you did put that, that was made clear.

MR NEIL: I apologise. Thank you.

MR RANKEN: The point being though would be it would – that change to that phrase is both physically proximate and logically associated with the suggested change that you have written “shortly after the April 2014
20 chamber meeting”. Correct?---I can't, I can't comment on that. I, not sure what you're asking.

Do you say that they – firstly, okay, let's break it down into two parts. Are you saying that the words that you have written, “shortly after the April 2014 chamber meeting”, are not written in a location that is physically proximate to what was originally typed and has been struck through?
---Yeah. That's right, yes.

Yes, it is.---Yeah.
30

Thank you.---Okay.

Do you agree that, conceptually, the idea of something happening “shortly after the April 2014 chamber meeting” or someone saying “on one occasion, not sure if in 2014 or 2015”, that conceptually they are related concepts?
---Yeah.

They both deal with the affixing in a particular point of time or a range of dates when something occurred.---Yes.
40

So when one has regard to those aspects of how these handwritten changes to the document appear on the face of the document, is it not logical to conclude that it was you who struck out the words “not sure if in 2014 or 2”
- - -?---Ah hmm. No.

- - - and wrote in the words “shortly after the April 2014 chamber meeting”?
---No, it's not logical. I'd need to see the original. But I, that doesn't accord with my memory.

You just won't, you're not prepared to accept that that's logical, even that that would be a logical conclusion or inference to draw. You say that's an illogical conclusion to draw?---No, no. It's just I can't give you any assistance with it.

THE COMMISSIONER: Why would you need the original to answer that question?---Well, to see the, the pen that was used. It just - - -

10 But you can see it fairly clearly there.---Yeah, but it doesn't seem like I did it.

The question of whether the words, which I think you accept - - -?---Yes.

- - - "shortly after the April 2014 chamber meeting" is proximate to the deletion "not sure if in 2014 or".---Right, yes.

20 So I think one can fairly clearly read from this photocopy those words and the context and so on. I just can't, I'm a bit puzzled when you said, "I have to see the original," because it seems to me to be quite plain by reading the document we have in front of us.---Well, no, I don't agree it's plain, Commissioner.

You don't agree?---No.

All right. Move on.---Well, am I permitted to say why I don't agree? Or only that I don't agree?

30 I asked you that very question.---Well - - -

Why do you need the original?---Because the other areas that have been struck out, I don't know who has done that, and there have been other additions that are proximate to striking out where there aren't, as you say, logical connections. I, I just don't necessarily think it's so. It could very well be that that was struck out on Mr Haron's instruction with my husband present. I don't know.

Mr Ranken, I think I'd leave this point at the moment.

40 MR RANKEN: Yes, I'm happy to move on.

THE COMMISSIONER: I don't think you are getting – yes, I won't say anything.

MR RANKEN: Going to paragraph 24.---Yes.

You told us that the handwriting underneath it was yours, correct?---Oh, yes, yes.

But I think you believe that there might have been an additional line that was written on it, additional question about how long, asking how long he must have known, he may have known.---Something like that, something generic like that.

If such a line was on the document, would it not have – it must have been placed on the document after all the handwriting we see on that document, correct?---I guess so, maybe.

10

So that would mean that you would have had to – if there was handwriting on this document that we see on the document before us - - -?---Yes.

- - - which you say is a copy of the document as it came back from, after the meeting between your husband and Mr Haron - - -?---That’s the only one I could find, yes.

Yes. Then any further handwritten thing that you put on it was made after all these changes were already on the document.---Maybe, yeah, I - - -

20

But you have no recollection of actually ever doing anything further with the document after it came back from the meeting with Mr Haron.---No, I don’t.

Can I suggest that’s because you did not do anything further with the document after it came back from any meeting that you say happened with Mr Haron and your husband?---It could be. I, I, I would imagine at some point my husband would have communicated the results of his meeting with Mr Haron to the legal team in some fashion, but I, I wasn’t privy to that.

30

I wonder if we could, could we now then go to page 64. If we could go up to, actually, the top of page 61, please.---Ah hmm.

Now, this appears to be a copy of the document but with additional handwriting, do you see that?---Ah hmm.

Do you see at the top of the handwriting it says, “Thanks, Glen. David Andersen.” And it has your husband’s number in there.---Yes. Yes.

40

Do you agree?---Yes.

And I’ll just suggest to you that this is the version of the document that was provided to Mr Haron and that the handwriting - - -?---Yes.

- - - plainly that we see there was already on the document before it was provided to him.---Right, okay.

That must necessarily mean that the handwriting that says Mr Belling's name and his contact details was on the document before it left your house. ---That doesn't accord with my recollection, but if that's what Mr Haron has produced, then I'll accept that. I don't know.

Well, let's go scroll further down. It also means that, if we scroll further down, perhaps if we could just briefly scroll through the whole of the document. Now, I want to suggest to you that all of the handwriting on that document that we see was on the document when it was provided to Mr
10 Haron. Do you accept that from me?---I don't think so.

Are you saying that, for example, the handwriting at the bottom, "You can add how long you've known John and in what capacity and your opinion of him" was not on the document when it was given to Mr Haron?---I, I don't, I don't know because - - -

It must have been on it, mustn't it, as a matter of logic?---Oh, look, it's logical but it's even in a different pen. It doesn't, doesn't make sense.

20 Are you saying that's in a different pen to the pen when you say "The meeting was combative, what did you say and to whom" you say that's in a different pen?---Clearly. The bottom one is lighter.

And if we scroll up, all of the changes that were made in – do you see the change to paragraph 23?---Yeah.

That must have been on the document when you wrote those words right at the bottom.---Sorry, so 23?

30 Yes. Where the words "Megna and Sidoti couldn't vote at meetings that were occurring" and your husband has written the words "They were not doing anything," they were on the document prior to you actually writing the very final sentence at the bottom?---Which is "Who was at the meeting"?

No, going down right to the bottom.---Oh, that one.

"You can add how long you've known John and in what capacity and your opinion of him," correct?---I, I don't know.
40

They must have been.---I don't think so. It doesn't, it doesn't accord with how I thought it went but - - -

We've gone through the document that you have, which you say is the version that came back to you.---To the best of my knowledge, yes.

What I am suggesting to you is it wasn't the version that came back to you. ---Oh, okay. Well - - -

And that the document that you worked on had those handwritten changes on already.---Had the hand, you - - -

Before it went to Mr Haron, those changes - - -?---Mine, mine, yes.

And also the changes that I've just identified at paragraph 23.---Can you go back to 23?

10 Go back to paragraph 23 if we could.---23. Oh, you mean the striking out.

The striking out and the words "They were not doing anything."---Well, they certainly weren't done by me and if, and David's put a cross there, he just doesn't strike out like that in such a rough and ready manner. That's definitely his writing and that would have been done from something Mr Haron has told him.

20 Well, you can't say that because you weren't present at any meeting.---No, I, no, I can't.

But those changes must have been on the document before it left your house to go back to Mr Haron.---I don't, look, I don't remember it that way. I'm sorry.

Well, because you see on the version that you have, which version doesn't have the last question that you've asked.---That's the only version I have. I don't, there could be others but I don't, I don't have them.

30 Could we scroll back further up the page? There's another difference I want to draw your attention to.---Yes.

Yes, a little bit further. Paragraph 15. Do you see underneath paragraph 15 what appears to be your handwriting, would you agree? It says "Who was there, what was said to the best of your memory?" Do you see those words written?---Yes, I do.

That's your handwriting?---Yes.

40 That handwriting must have been placed on this document after the changes that I took you through at some length at paragraph 16 had already been made.---Oh, look, I, I just - - -

Do you agree?---I don't know that they must have. I just don't know.

Well, let's go back to the version that you produced, shall we?---Okay.

If we could go back to the version that was produced by Ms Andersen at page, I think it's 57.---Right.

Go down to paragraph 15 and 16. Do you see there all those changes there?---Ah hmm, yeah.

No handwriting from you underneath paragraph 15 with those questions. ---Yeah, yeah.

And then if we go back to the previous page, version, there we see the handwriting.---Yeah.

10

You see?---It seems like those - - -

So it must have gone – the changes to paragraph 16 must have been on the document before it left your house to go to Mr Haron.---I don't see why that's logical. Those, those two bullet points under paragraph 15 have the same coloured pen as the last question at the bottom of 24.

20

Yes, so they must have been placed on the document after these changes that we see above paragraph 16 and around paragraph 16 were already made.---Possibly. I, I honestly don't know, Mr Ranken, I just - - -

Well, those changes couldn't have been made after these were written, because these words that you've written don't appear on the version that I took you to before.---Sure. Right. Yeah. I, I'm not aware. I'm sorry.

THE COMMISSIONER: Sorry, I can't hear you.---Not aware. I'm sorry.

Not aware.---Yep.

30

MR RANKEN: So what I'm suggesting to you, Mrs Andersen, is that your evidence about the handwriting at paragraph 16 and at 23 not being on the document – and also at the top of the document in relation to Mr Belling's details – is not truthful evidence. It was on the document before it left your house.---In, well, look, I, that's wrong, and I resent the fact you are calling me a liar.

THE COMMISSIONER: Would you just answer the question?---I, I've said that's not right. I don't, I have not said definitively that I know for a fact all of it wasn't on there. I've done the best that I can.

40

MR RANKEN: So perhaps that – would you accept then that it's incorrect for you to say that it wasn't on the document before it left your house to go to Mr Haron?---I can't say that, because I don't know. It's not the writing of anybody that I know.

Now, to your knowledge, after the meeting that your husband had with Mr Haron, nothing else happened as far as you and your husband were

concerned with this document?---I don't know what, from my husband's end, but from my end, I, I'm not aware that anything came of it.

You didn't do anything about it?---No.

The next thing that happens is that – well, sorry, I withdraw that. Firstly, it's quite plain that what was being developed here was at least some outline of information that you understood that, or hoped that Mr Haron would be able to provide.---It's an information-gathering exercise, yes.

10

This was at a point in the inquiry when the inquiry still had a couple of weeks to go, is that correct?---Yes.

And are you aware of the circumstances that led to Mr Haron being contacted about possibly providing information of this kind at all?---When?

What was it, why was it, or how was it that suddenly – not, I withdraw the word “suddenly”. How was it that a decision was made, to your knowledge, to contact Mr Haron with a view to even seeing what he would say?---How?

20

Mmm.---A, a solicitor went to his home, is what I understand.

No, but how does it, what was it that prompted the solicitor to go to the home, to your knowledge?---Oh. Right.

Do you have any knowledge of that or not?---Only second-hand.

And is it that there had been an interaction, is it in relation to the fact of an interaction that had occurred, you understand, between your brother and Mr Haron?---Mr Haron, correct, on, during the hearing, yeah.

30

And was that interaction, to your knowledge, that in fact happened on the Easter weekend?---To my knowledge it did, yes.

And is it not the case that in fact you actually saw the two of them talking on the side of the road?---Yep.

And so you're able to say that you actually saw Mr Haron and your husband talking on the side of the road and - - -?---My brother.

40

Oh, sorry, your brother. I do apologise. Your brother, and you can positively say it was the Easter weekend?---Yes.

Yes, thank you. Was it the Saturday or the Sunday?---The Saturday.

You didn't know Mr Haron at that time, is that correct?---No, not at all.

And so how are you able to now say that you positively saw them speaking on the side of the road?---Well, when I drove past them with my sister-in-law, I saw my brother and the dog, and I turned into The Parade, which is on the way to my parents' house, and I saw him talking to a middle-aged man, and I pipped the horn to say hi. And later on that day I said, "Who were you talking to?" and he said that was Glen Haron.

So that's how you're able to say, okay, that's Glen Haron. So whilst you hadn't met him - - -?---No.

10

- - - until yesterday - - -?---Yeah.

- - - in person, you had some understanding of what he looked like, even though it might have been in a very brief encounter.---Sure, yeah.

Sure, thanks. And then nothing really happened with, so this document was being worked on or developed or part of discussions, what have you, in - - - ?---I have no idea.

20

But at least you were involved with this document in mid-April 2014. ---Only to the extent that you can see.

Was there any decision – or why was there no decision, to your knowledge, to contact the Commission to let the Commission know that Mr Haron was in a position to give information that may be relevant to the matters it was investigating?---Why?

Yes.---I'm not aware of that.

30

So you weren't a party to any discussion or decision about whether or not to draw this to the attention of the Commission as soon as, for example, a copy of – the solicitor had met with Mr Haron and typed up this document?---No. I'm not aware, and - - -

I just want to clarify. You weren't a party to that conversation?---No.

Or any decision of that nature.---No.

40

It would appear, evidently, that no contact was made with the Commission to that effect. That is, to notify the Commission that - - -?---I wouldn't know.

- - - there was information that Mr Haron might be able to provide that could assist its investigation.---I wouldn't know.

And in fact, that was the case for the remainder of the hearing, is that right? ---Yes. I think so.

And you were following the proceedings.---Yes.

Were you following them closely?---Most days, yes.

And when I mean following, were you watching the live stream, as it were?
---Yes.

Yes.---Mostly.

10 So you were watching the evidence unfold as it unfolded, correct?---Yes.
Yes.

And do I take it that you took particular interest in the evidence of your brother?---Actually, all the witnesses except for the council officers were of particular interest.

THE COMMISSIONER: Sorry, what's the answer to the question?---All the witnesses except for the council officers were of particular interest.

20 MR RANKEN: So you actually watched the entirety, but for the council officers, who were in the early part of the inquiry, you followed all of and watched all of the evidence of the remaining witnesses, is that correct?---By and large.

No, that's good. But you can safely say, at least, that you watched the entirety of your brother's evidence?---Yeah.

And you are aware that towards the end of your brother's evidence he gave some, an account of the interaction that he had with Mr Haron?---Yes.
30

And that he was challenged about that account, and I suggested to him that the evidence was false evidence, do you recall that?---Yes.

And that was on the, towards the end of his evidence on 27 April, 2021.
---Yes.

And do I take it that you immediately recognised that that evidence, well, the suggestion that I had put to your brother was misplaced, was wrong?
---Yes, it was wrong.
40

And no doubt you recognised that immediately because of what you've just told us now, that you yourself have a recollection of having seen the interaction occur?---Yes.

Yes. And you wouldn't yourself be able to give evidence about what actually occurred during the course of the interaction, but the mere fact of the interaction having occurred and having occurred on the Easter weekend was something that you had direct knowledge of, correct?---Yes.

And did you not immediately make contact with Mr Kazi in respect of that matter, that evidence, as it were?---Yes.

I wonder if we could go to page 67. And do you see that they're text messages from your phone to Mr Kazi. That is Bassam, is that right?---Yes.

And it's Tuesday, 27 April, and do you see there's a text message at 12.52pm?---Yes.

10

Where you have stated "I think you need to hand in a stat dec from Haron." ---Yes.

And Mr Kazi has responded, "I agree. We need Haron."---Yes.

So the idea of obtaining a stat dec from Mr Haron appears to have originated with you?---Oh, it's an obvious conclusion that that was going to happen.

20

That's not my question. My question is the idea about getting a statutory declaration from Haron originated from you?---Yes, okay.

And it did so at a point where, can I suggest to you, your brother was very near, but had not quite yet completed giving his evidence?---I think it was re-examination, I'm not sure.

Yes, it was in re-examination that the suggestion was made to him about his evidence about the interaction.---Oh, I'm sorry. Yes, yes, yes, yes.

30

So, is it the case that immediately following hearing the evidence you, as it were, sent the text suggesting that there stat dec should get obtained from Mr Haron?---Yes.

And just for your benefit, your brother was excused from giving his evidence at 12.58pm.---Okay.

There's then some further interaction between yourself and Mr Kazi later on in the evening in those text messages that I do not need to take you through.---Okay.

40

But can I just ask this though, up to that point, you hadn't yourself spoken directly with Mr Haron at any time?---On that day, no.

Well, no, at any time, up to this point that is, 12.52pm, when you've just heard the evidence of your brother, you hadn't actually spoken to or yourself communicated directly with Mr Haron?---No.

As I understand it, you had been present while your husband had had a brief telephone conversation with him, correct?---Yes.

But other than that, that you had had no direct communication?---No.

Thank you. And then if we could go to page 73 and do you see here you've written at the top of this "Wednesday 28.04.21." That's your handwriting, is that right?---Yeah.

10 And these are some messages between yourself and your husband.---Ah
hmm.

And this is at 4.23pm then on 28 April, 2021, is that right?---Yeah.

And you've asked, "Dave, what's Glen's number?" Now, is this the position then, that as at 4.23pm on 28 April, 2021, you still had not spoken with Mr Haron?---I think that would be safe to assume, yeah.

20 And your husband has responded with the contact number for Mr Haron,
and then wrote, "I imagine it is safe to tell him it has narrowed so the
statement would be short and he won't have to give evidence." Do you see
that?---Ah hmm.

And you've said "Yes."---Yes.

So did you anticipate that you would obtain a statutory declaration from Mr Haron and that he would not be required to give evidence?---Yeah, if it was just on that point of a meeting occurring.

30 And effectively, were you, by responding "Yes", did you have an
understanding that it was likely that your husband might convey that to Mr
Haron?---Yes.

And then if you scroll down a little bit further on that page, do you see at 5.08pm you've written "Dave, would you be okay to call Glen and ask the status of his statement? If he hasn't prepared one, whether he would be open to me emailing him a draft. I need his email. L."---Ah hmm.

40 And so do we take it, then, that as at 5.08pm you still hadn't spoken with Mr
Haron?---I don't think so.

No, and if we could then go further down the page. I think, sorry, we may have to go – yes, no, that's correct. Do you see that at 5.37pm, your husband has indicated, "I'm on my way"? I assume that's just to let you know that he's on his way home.---Yeah.

“Can you write out for me what topic he is to address?” And you’ve said, “Okay.” And did you do that? Did you write out topics for Mr Haron to address?---Don’t recall.

No, okay. And he’s also provided you with, further down the page, with Mr Haron’s email address.---Ah hmm.

Now can we go then – and I’m sorry to jump a little bit back and forth in time – but I wonder if we could go back to page 69.---Yes.

10

This is an email sent by you to Mr Kazi - - -?---Yes.

- - - at 7.50am on April 28.---Yes.

See that? That is the morning after your brother had completed giving his evidence, correct?---Yes, that’s correct.

And prior to you, certainly prior to you having any conversation with Mr Haron.---Yeah.

20

And do you see it says, “Baz, a draft for Glen Haron attached. I think we should jump on this ASAP. Lisa.”---Yes.

Yes. And then if we go to the next page.---Ah hmm.

Do you see it appears that you have taken it upon yourself to draft up a form of statutory declaration for Mr Haron?---That’s not a stat dec. That’s, that’s glorified. They’re glorified notes.

30

Okay, I’m sorry. I withdraw that. A statement. A statement.---I wouldn’t even put it that high. I’ve used the formalised form.

Could you read out the first line of the document, please?---“I, Glen Haron, of,” blank, “Great North Road, Five Dock, make this statement.”

Yes, so you were typing up a form of statement.---I’d already spoken to Bassam before this was done and I said I’m going to send through some draft ideas that we could use to check with Mr Haron his recollection and also based on stuff that had come before in matters that we still didn’t have any instructions on.

40

THE COMMISSIONER: Sorry, is the answer to the question “yes”?---That it says “statement”, yes.

MR RANKEN: Yes. This was a draft statement you had prepared for Glen Haron.---Not to give to him, no.

Well, let’s go back to page 69, shall we?---Ah hmm.

“A draft for Glen Haron attached.” That’s pretty plain in its meaning, isn’t it?---Just on the face of the words. But I’d spoken to Mr Kazi as to the nature of what was coming his way.

Not “Here are some thoughts that you might want to include or topics to address”?---Well, that would have been a better way, of course, that would have been a better way to put it.

10 And let’s go to it, go to the draft statement, and I use that word intentionally.---Okay.

It says that “I, Glen Haron, make this statement.” And then, would you agree, it follows the format and the kind of detail that you would expect to see in a statement of evidence?---Yeah, yeah, sure.

And you had not spoken to Mr Haron.---No.

20 You did not know what evidence he could give about anything, correct?
---About then – sorry, I missed that last word.

What evidence you could give about anything. You hadn’t spoken with him.---No, but I, I had that material that we spent the entire morning looking at, so I did, I did have some thoughts already. And then there were other thoughts that needed to be explored.

30 So are you saying that in order to prepare this statement, draft statement, you had regard, you went and you found out the manila folder with that document in and you took it out and you went through that document and you included information from that document onto this?---I’m just guessing. It - - -

Well, I don’t want you to guess. I want you to tell us.---Yeah, okay. It looks that way.

40 We’re not talking about something that happened years and years ago, remember, Ms Andersen. We’re talking about something that happened only a few months ago. Tell us about the information and the process by which you typed up this draft statement.---Okay. Well, firstly, I’ll start with the second part first. The process was that having heard the last bit of evidence on April 27 where you accused my brother of false evidence, I thought that I would assist by suggesting to the legal team that they needed to get a, a stat dec or something to rebut the suggestion as I knew that it was a false one. That was agreed. When I spoke to Mr Kazi, either late that day or I just can’t remember but it was very soon afterwards, I said, “I, I’ll get some material to you,” and he, he was encouraging of that. He said, “Yeah, put something together and then we’ll approach Mr Haron and see what his

recollection is.” So it’s a combination of notes and thoughts and stuff that we already had and obviously material that needed instructions.

Well, let’s go down through that.---Okay.

From where did you get the information that Mr Haron could say that a Chamber of Commerce meeting took place in early April 2014 concerning the Five Dock town centre, amongst other things?---From, from that earlier material that you referred to.

10

Well, of course, as it was recorded on the typed notes, he didn’t have a recollection, it would appear, as to when it occurred other than it could have occurred in 2014 or 2015.---Well, I was going from the amendments, so I don’t know.

Amendments that you and your husband had made.---Not all of them, no.

Let’s go to paragraph 5. “This chamber meeting was more controversial than usual as there was heated debate about the future of Five Dock.”

20

---Yes.

Where did you get the – in the context of the town centre proposals to come before council. Where did you get the information that the chamber meeting was more controversial than usual as there was heated debate about the future of Five Dock in the context of the town centre proposals to come before council?---Well, that, that original material that the KPL solicitors had taken from Mr Haron is quite lengthy about the matters that were dealt with at that chamber meeting. And I think the term “heated debate” stuck in my mind from the evidence. It’s just what came out.

30

So you took the reference to the heated debate from something that you’d heard during the evidence of this inquiry?---More than likely, yeah.

But that was likely to be evidence that was not Mr Haron’s recollection because he hadn’t actually given evidence at the inquiry. Correct?---No. But he has now and he said “friction”. Friction, heat, it’s all the same thing.

I’m asking about how you came to make this statement.---Okay. Yeah. As I mentioned, Mr Ranken, it is a combination of material that we had, material that we wanted to have - - -

40

Sorry. Please can you just wait until I’ve asked the question.---I thought you did. Sorry.

So whose evidence was it that you used to form the basis of what we see in paragraph 5 that it was a heated debate?---A heated debate? Both Mr Haron’s preliminary statement or notes, whatever, and what I’d heard that phrase, I think my brother used that phrase.

Yes, your brother used that phrase in his evidence.---I think so, yeah.

THE COMMISSIONER: But Mr Haron didn't mention it in his preliminary statement.---No.

Well, why did you put in "heated debate" when you heard the man here in the witness box you're now in saying heated is not, he disowned that?
---Well, not fully, Commissioner. He said "friction".

10

Why did you so describe it as a heated debate?---That's what came to mind at the time.

But it was not based on Mr Haron's statement to suggest that he had said that.---No. This was never an intention to be exactly what he said.

These were your words?---Yes.

20

And you were asked about the earlier phrasing at paragraph 5, the "chamber meeting was more controversial than usual".---Yes.

That didn't come from Mr Haron's preliminary statement, either, did it?---I, I deduced that from the way he went through at quite length what was dealt with there.

I'll just put it again.---Okay.

30

There's nothing in his statement - - -?---He hasn't used that word, Commissioner.

Just let me finish. There's nothing in his preliminary statement that was taken by the solicitor that said that the particular meeting was more controversial than usual. That's so, isn't it?---The words were not used, that's so.

No, they were your choice of words.---Yes. They were my choice, yes.

40

MR RANKEN: See, it was no place for you really, was it, to draft a statement for a witness who you hadn't even spoken to?---These are glorified notes, Mr Ranken. I don't know how many times I have to tell you.

Well, anyone can see from reading them that they're more than glorified notes, Ms Andersen. They are the form of a draft statement that was prepared for Mr Haron.---It, it was done at the, with the permission of the solicitor. I was assisting.

Do you agree that it's a draft statement prepared for Mr Haron or not? You just don't agree with that?---No, I don't.

It was prepared before Mr Haron had even been spoken to about providing this draft statement, this statutory declaration.---Well, a large part of the material had already been dealt with, it's the, it's the material at the end.

Could you answer my – could you say whether you agree or disagree with what I've said?---Yes, okay.

10

It was prepared before anyone had even spoken with Mr Haron about providing a statutory declaration.---Yes. That's correct.

What I'm suggesting to you, Ms Andersen, is that from a very early stage following the conclusion of the public inquiry, you took particular steps to maintain control over the form of the evidence and the statement that would be given by Mr Haron. What do you say to that?---Oh, it's nonsense.

20

And that this draft statement is part of the process that you took in order to keep a control over the information that he would provide as part of his statutory declaration.---No. Nothing was ever done without the solicitor's involvement. That's just not right. I'm effectively acting as assisting here. I'm not, I'm not the driver.

Well, you do agree, though, that you were the first person to raise the prospect of getting a statutory declaration from him, correct?---The first person to - - -

30

To raise the prospect of getting a statutory declaration from Mr Haron following the public inquiry.---The first person to raise it with whom?

At all.---No. I don't. Because - - -

You raised it with Mr Kazi before your brother had even stepped out of the witness box.---And I suspect if you ask the legal team, that's exactly what they were thinking when you uttered that, that reckless accusation.

40

THE COMMISSIONER: Look, madam, just confine yourself to the question, please. Who do you say proposed, after the hearing, to obtain a statutory declaration from Mr Haron?---I can only say what I proposed, Commissioner. I don't know what the others did or didn't do.

MR RANKEN: And you took it upon yourself to draft the first draft of the stat - - -?---If you want to call it a draft, then go ahead. I told you it's not a, it's not meant in that vein.

THE COMMISSIONER: What was it meant for, then? That is, and we're talking about the document that we just looked at a while ago.---Yes. I - - -

Just to be sure, just a moment, what page is it again – page 70. That’s the document, the draft for Glen Haron attached in the email of 28 April.---Yes.

“I think we should jump on this ASAP.”---Yes.

That’s the document at page 70.---Correct. Yes, Commissioner.

10 If that wasn’t intended to be used for the purpose of a statutory declaration, what purpose was to be served by that?---Oh no, I didn’t say it wasn’t intended at some point, but having spoken to Mr Kazi, he said, could you throw something together, some notes and thoughts and ideas, because they were still here at the – oh, sorry, not here, they, they had just finished a very lengthy hearing, and everybody was exhausted.

And that was for the purpose of a statutory declaration.---Well, Mr Kazi would approach Mr Haron.

20 No, no, please, just answer my question. The draft we see on page 70 was prepared by you to be used for constructing the statutory declaration which Mr Haron eventually did complete.---Yes. Yes, Commissioner, yes.

MR RANKEN: Now, could we then go to page 72?---Ah hmm.

Just at the top of that page – sorry, if we could scroll down. Yes, thank you. So, do you see at 6.52pm you appear to have sent Mr Haron’s contact details to Mr Kazi?---Yes.

30 And above it there’s a message, “Glen Haron, happy for you to call. Has not seen solicitor about this but happy to assist.”---Yes.

So that’s at 6.52pm on 28 April, 2021.---Yes.

40 And then if we could go then to 74, we have an email from you of firstly – there’s an email there at 8.13pm that same day, but if we could, that’s an email from Mr Kazi to you and others. If we could scroll down a little further though, there’s an email from you to Mr Kazi of 28 April at 6.58pm confirming that he wants to assist, that is Mr Haron wants to assist. And then it states, “A final draft attached. He doesn’t need an independent solicitor. It’s a sworn statement. If ICAC want to interview him, they can.” So it would seem that you had, in contemplation, at least at 6.58pm, the possibility that Mr Haron, as a result of making any statement, might have to come and appear before this Commission.---I didn’t think he would have to appear. I wasn’t, I, I just assumed that once something came here, the Commissioner would make a determination as to whether he would look at it, and if so, then you would investigate it and determine whatever it is that you determine.

If that was so, why did you give your husband the impression that he wouldn't have to give evidence?---I didn't think he would. I thought it was a question of informing you in particular that you, you made an erroneous accusation and you could simply ring Mr Haron up and say, "Look, did it occur, did it not?" and then I don't know, move from there, but it's now turned into bigger than Ben-Hur.

Do you see how it says "a final draft attached"?---Yeah.

10 And you'd already sent a draft in the morning.---Yes.

Had you made further changes to that draft and then intended to attach that draft to this email?---Oh, I don't know. I, I couldn't, I couldn't find anything attached to this email.

That's what I wanted to ask. Is this the case that you have done a search and you haven't been able to find any final draft that you may have attached to that email?---Yeah.

20 All right. Can you now, as you sit in the witness box, can you search in your recollection, can you recall what changes you think you may have made?---I have no idea, I'm sorry.

That's okay. Certainly if they were changes that you had made, they would have been changes you made of your own accord in the sense that it wasn't as a result of any conversation you had with Mr Haron?---I can't remember if I'd already spoken to Mr Haron at this time or if David had, I don't, I don't recall.

30 Well, you didn't speak to Mr Haron about the – at this point in the process, you didn't speak with Mr Haron about the detail of what he could say, any information he could give or evidence he could give?---I don't, I don't think so. I think David contacted him.

Well, you didn't have any conversation – your husband didn't tell you his information to include in the statutory declaration that Mr Haron has just told me, did he?---I think, other than, yeah, "I bumped into John" and something to do with seeing a report in the media and that he mucked up his timeline or something, but it was very cursory.

40 Oh, so you're saying that you are aware of a conversation that your husband had that led to him being in a position where he could relay that detail about the substance of what Mr Haron was saying?---I, I think so. I just became aware of it and - - -

When did you become aware of this?---I don't know. It was somewhere in that period. Everybody was frantic, Mr Ranken, so I, my recollection is somewhat jaded by the stress of the time.

If we were to, in order for us to understand what information Mr Haron imparted to your husband, we would need to speak with either Mr Haron or your husband, is that correct?---Yeah, you've already spoken to Mr Haron, so - - -

10 So you are aware that Mr Haron has told this Commission he doesn't believe he spoke to your husband about the substance of what information he could provide this Commission at any time?---It would have been a cursory point, not, not a huge amount of detail, no, because they were very short conversations, I understand. So - - -

Are you saying though that you then did make changes to the draft statement you prepared earlier to reflect that which your husband had told you?---No, I don't know. Sorry.

20 Now, I just briefly want to take you to a document at – if we could start at page 75. This is an email of 3 May, 2021. You are one of the recipients, as is your brother and Mr Kazi.---Yes.

And the attachment is described as Haron Statutory Declaration.---Ah hmm.

And do you see that in the body of the email there is a reference to an attached statutory declaration, although it appears that Rani Narayan has incorrectly described it as being of John Sidoti.---Yeah.

But would you accept that it was in fact the statutory declaration that had been prepared for Mr Haron?---Yes.

30 If we go down to that draft, which appears on the next – now, firstly, do you see that at the top of it, it says “I, Glen Haron, of” blank, blank, blank, blank, blank “Great North Road, Five Dock, make this statement”?---Yes.

And that, I want to suggest to you, is something that has been taken directly from the draft that you had prepared.---Okay.

Okay?---Yeah.

40 You know that that actually does contain an error in it?---Yeah, I understand it's actually a different suburb.

And if we - - ?---I think we, I think we might have been confusing his business address with his home address.

Who, you might have been confusing?---Confusing. Possibly, I don't recall.

Well, you wouldn't know because you hadn't spoken to him.---No.

So, if we scroll down a bit further, do you see that it records there at paragraph 1, “I watched some of the recent hearings which were part of the ICAC public inquiry into John Sidoti through the video streaming of those hearings.”---Yes.

To your knowledge, that information actually, as it turns out, is incorrect?
---Yes.

10 So this, it would appear, immediately, one can see that there’s information and detail in this draft statutory declaration that plainly wasn’t obtained from speaking with Mr Haron?---No.

And the detail where it says, “When I saw John, I greeted him and then said words to the effect ‘I saw some of the evidence in the public inquiry. Don’t you remember you organised that meeting with the Liberal councillors? It was held in your office. I can’t believe they said they don’t recall. You organised the meeting because they hadn’t attended the Chamber of Commerce meeting and you were there at the start of the meeting but then left.”---Okay.

20

Paragraph 3, “I have also now been shown pages 1758, 1781 and 1782 of the transcript of John Sidoti’s evidence at the public inquiry.” Now, that is referring to, or was it contemplated that what would be done was that Mr Haron would be provided with a copy of the transcripts of the evidence that your brother had given and asked if he was happy to agree that that was what was said?---I imagine so. I, I didn’t draft that.

30 But what’s also drafted though is that “I agree that I said what he said to him except that I did not say anything about seeing the answers John Sidoti gave.” Now, do you accept though that this doesn’t appear to have been drafted on the basis of anything that Mr Haron had said to anybody?---Well, any, to me. I don’t know what he may have said to them.

So nobody – well, are you saying that you believe that somebody had spoken to him already about this?---I don’t know. I mean, this doesn’t come from my office, I don’t know.

40 Well, you’ve heard the evidence of Mr Haron, and he has told this Commission that he did not speak with anybody from KPL about the substance of the statutory declaration. The only person he spoke with was either yourself or your husband to make arrangements for it to be prepared and then for him to sign it. Correct?---I think I, yes, right, I appreciate I heard that, but I think he’s mistaken.

How could you say he was mistaken if you were not privy to or present at any conferences or discussions that - - -?---Because I had a - - -

Just wait till I finish.---Okay.

That Mr Haron had with the lawyers.---Because on the night before he signed and prior, just prior to him sending through his typed notes, which were later integrated into the final draft, we had a lengthy conversation on the telephone. So I knew that he had spoken to somebody at that stage, he told me.

Who did he say he spoke to?---KPL. But I don't, I don't know - - -

10 Who at KPL did he say he spoke to?---Oh, I don't know. We spoke, oh, it was, it was about, I was going through the stat dec with him to make sure he was happy with it. So - - -

That's not the evidence that he's given. He's given the evidence that you had only a very brief conversation.---You can check my phone. I've got it outside.

THE COMMISSIONER: What's the source of your information about this?---About - - -

20

As to what he told KPL.---Just, just, I don't know what he told KPL, other than that he'd had some sort of telephone conference or discussion sometime in that week.

MR RANKEN: Are you saying then, are you telling this Commission on your oath, that it would be incorrect to suggest that you had only a very brief conversation with him on the evening before he signed his statutory declaration?---My understanding is we, we - - -

30 No, please, could you answer my question?---Right. Yeah, I, I, I recall - - -

Are you saying that that would be incorrect evidence?---By, by whom?

By anybody.---Oh.

40 Whether it was you who suggested that, or if it was Mr Haron. If you had ever suggested that there was only a very brief telephone conversation on the evening before he signed his statutory declaration, that would be incorrect evidence, wouldn't it? That's what you're suggesting now, isn't it?---It would be incorrect from my point of view, yes.

Incorrect. And are you saying that – and you know that to be incorrect, do you not?---Oh, I, I certainly have a recollection of talking to him at length that, that night.

But that – sorry?---I, I recall talking to him.

I know you say you spoke to him, but I'm talking about it being a lengthy conversation.---Well, lengthy as in at least 10 minutes.

10 Well, you say you went through the statutory declaration. Is that what you're saying? You actually went through the statutory declaration with him.---Yes, and I said, "Glen, if, you have to be happy with it," and it occurred to me then that he, that KPL had omitted the transcript. I had been working on the mistaken assumption that they sent through a draft with transcript. And it was only then at that point I realised that he didn't have the transcript.

Did you provide him with the transcript immediately then?--- I don't, I don't think so, I think - - -

20 No, you didn't. Why didn't you provide him with the transcript immediately, whilst you were having the conversation with him about this, so that he could then review it while you were apparently going through his statutory declaration?---Oh, I don't recall. It's not that simple. I have to download it, scan it in. Everybody was asleep. I'm, I'm as, as tech savvy as my generation is, and - - -

THE COMMISSIONER: We're going to take the luncheon adjournment, Mr Ranken. I'll resume at 2 o'clock.

MR RANKEN: Yes, thank you.

LUNCHEON ADJOURNMENT

[1.03pm]