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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 2.00PM

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

THE COMMISSIONER: Yes, Mr Ranken,

MR RANKEN: Thank you, Commissioner. Ms Andersen, just prior to the luncheon adjournment you were giving some evidence about a telephone conversation that you had with Mr Haron on the evening before he signed his statutory declaration, is that correct?---Yes.

10

And is this the situation that, had he provided you with some notes that he had made prior to you having that telephone conversation or was this a conversation you had - - -?---No, no.

No. You had a conversation with him prior to him providing you with some notes?---Yes.

And you say it was a lengthy conversation?---Well, it was more than 10 minutes.

20

And it was a conversation in which you went through the statutory declaration, is that what you're saying?---Not, not – certainly that was my intention.

Well, no, I want to know what the conversation involved.---Yes. I, firstly I wanted to check how it was going because I, I think he told me that, at some point, that his father had passed and then he started to talk about it and some of the - - -

30

When you say “talk about it” are you talking about the statutory declaration or about the fact that his father has passed?---Sorry. Yes. No, my apologies. Well, both actually but, but primarily the, the document and he started to tell me details that he wanted to change and I listened and then I said to him, “Glen, you’ve got to be happy with it and it’s probably better if you just send me your notes in writing.”

So you didn’t make any notes of that conversation?---No.

40

No, I’m not suggesting you were required to, but the fact of the matter is you didn’t make any notes yourself of that conversation?---No, no.

And is it also the case then that what you had asked him to do is to put whatever he wanted to say in terms of changes to the statutory declaration? ---As, as best as he could.

In writing.---Yeah. As best as he could, relative to what was already in front of him.

What do you mean by “Relative to what was already in front of him”?
---Well, he, he was, he, he had said a number of times to David, to myself
and I understand from his evidence to the, the lady solicitor from Mr Kazi’s
office that he wanted something to - - -

10 No, please, can I just hold you for a moment. I don’t want you to tell me
what you think he might have told somebody else when you were not
present when he told them. I’m only interested in what Mr Haron said to
you.---Okay. Yes, he, he had mentioned on at least one occasion with me - -
-

Well, which occasion was it?---Well, not this one.

Well, I’m - - -?---I’m sorry, that’s the best that I can do, that it wasn’t this
one.

Well, let’s start from the beginning, shall we? Leaving aside anything that
happened in mid-April 2021.---Yes, yes.

20 I assume that you’re directing your attention now to information that was
given to you after that period?---Yes.

And that must necessarily be so, because you hadn’t spoken to him before
28 April, correct?---Yeah, yes.

And when you spoke to him on 28 April, you had already drafted up that
document that I have described as being a draft statement.---Yes.

30 And I think you either had, or following having spoken to him, you had
made some changes to that draft statement with an intention of providing it
to Mr Kazi, but you didn’t attach anything to that.---No. Not that I can
recall.

So let’s deal with, shall we, the conversation that you had on 28 April, 2021.
---Okay.

Firstly, was there only one conversation on 28 April?---I, I think so, yeah.

40 And it was a conversation in the evening?---I don’t recall.

Well, if we go from the text messages between yourself and your husband,
which I took you to earlier, they refer to you asking for Glen’s number at
about 4.23pm.---Right.

And then at 7.08pm, suggesting to Dave, that’s your husband, “Would you
be okay to call Glen and ask the state of his statement.”---Oh, right, yes.

And then of course at 37 minutes past 5.00, your husband saying, “Can you write out for me what topic he is to address?”---Ah hmm.

But you say notwithstanding that exchange between your husband, in fact it wasn't your husband who spoke with him that evening, it was yourself.

---No. No.

Was it both of you who spoke to?---It, it could be that situation, yes. That makes more sense, actually.

10

And it would necessarily follow, would it not, that your conversation, any conversation you had with Mr Haron must necessarily have been after 5.37pm?---Oh, if that's how the texts are, I accept that.

THE COMMISSIONER: And you say you did speak to him. Whether your husband spoke to him - - -?---My, my, my recollection, Commissioner, is that it was David who called, but I was present, and that might have been the first time that I actually physically announced myself, having texted, I'm not sure, but I have a recollection of something like that.

20

MR RANKEN: Because that's quite similar in a sense to the circumstances you described in relation to mid-April, 2021, which is when the very first contact that, to your knowledge, your husband had with Mr Haron.---It could – yes, but I didn't say anything.

Well, in looking at the text messages and what's revealed from the timings of those, at 7.37, sorry, at 5.37pm, your husband is advising that he's, “I'm on my way,” suggesting he's on his way home.---Ah hmm.

30

And then asking you, “Can you write out for me what topic he is to address.”---Ah hmm.

And then at least at, by 5.52pm, you were telling or texting Mr Kazi, indicating that Mr Haron was happy for Mr Kazi to call him, and advising that he hadn't seen a solicitor about it but was happy to assist.---Yes, yes.

And also a few minutes later, you sent through that email that referred to the fact that Haron wants to assist with it, and purporting to attach a final draft of some document, but apparently did not.---Yes.

40

So we're talking about a conversation that happened at sometime within the hour and 20 minutes between those two messages.---Yes.

And given that it was a conversation that happened in the presence of your husband, it would follow that it had to have happened sometime after – it wouldn't have happened immediately after 5.37 because he had to get home, from the city.---Sure. Yeah, I - - -

Correct?---Yes, yeah, no, I agree with you, yes.

So we're not talking of a particularly – it's unlikely that there was a particularly lengthy conversation, or - - -?---No, no, no, it wasn't, I don't think so.

What can you say about what was the conversation that you were - - -?
---Just to the effect, following on from the idea that we needed to ask Mr Haron - - -

10

THE COMMISSIONER: Sorry, I can't – just keep your voice up.---I'm sorry. Yes. We needed to ask Mr Haron if he was willing to provide a statutory declaration regarding the chance meeting. And I do recall David saying something about seeing an independent solicitor if he wished, but, you know, I, I can't say a hundred per cent on that one, whether it was then or earlier.

20

MR RANKEN: So, but other than a mention of this is the topic that needs to be covered in the statement, and the suggestion of an independent solicitor, is that the extent of the conversation?---I think so.

So there was no conversation about the substance of the evidence that Mr Haron could give?---Oh, no, only, and about the, the fact that it, it related to the suggestion that Mr Sidoti had made up evidence on the last day.

Again, that's relating to, that's relating to the topic that you wanted him to give evidence about.---Right.

30

About the fact of this interaction - - -?---Okay, yes, yes.

- - - occurring, because it did – are you saying that it was suggested to him by either you or your husband that he needed to give some evidence about that because it's been suggested that John was lying about it? Is that - - -?
---I think that's the gist.

That's the gist?---I think so. I'm not, I'm not sure.

40

But there was – but is this the situation, though? That there was no discussion about the substance of what had occurred, the details of what had occurred during the course of the interaction about which your brother had given evidence about?---Only, look, not, not, not conversation, no.

No. Not the detail of what was, who said what by whom.---No.

No. Just the fact that it had occurred.---Oh, pretty much and that the timeline was a bit off.

So it was suggested to Mr Haron that - - -?---No, no, he suggested.

Right. Well - - -?---And, I'm sorry, Mr Ranken, the thing that I do recall is he, being as busy as he was, he said that he preferred that something was prepared for him to look at, comment, amend, et cetera.

And then as it happens, you had already done something to that effect.
---Well, his, the interactions with him were always operated on that premise.
That's - - -

10 That's the case, though, is it not?---Sure, sure.

Fortuitously. So that's the first conversation you've ever had, you'd ever had with him?---I think so, yeah.

Yes. Or been a party to.---Mmm.

Let's go to the next conversation that you had with him, and I'm talking, I now want to deal with just telephone conversations.---Okay.

20 I don't want to deal with text messages or email communications, in respect of which we have.---Right.

We have the documents and they can speak for themselves.---I understand.

But what we don't have - - -?---Ah hmm.

- - - we don't have the communications that were done by way of a telephone conversation.---I understand.

30 Now, between that conversation and the signing of the statutory declaration, how many telephone conversations did you have with Mr Haron?---Well, that was that initial one and then there was one on the, the evening prior.

So just the two?---As far as I can recall, yes.

Was there not a conversation earlier on, the day before he signed his statement, the statutory declaration, where you were chasing him up just to see whether or not he'd done it?---I can't remember if that was a phone call or a text, sorry.

40 You think that may just have been in text messages?---I, I don't know.

Okay.---But, yeah, you're right, there, there was some chasing-up communication. I'm just not sure what the method was.

And then you've got a conversation in the evening.---Ah hmm.

I'm going to come to that conversation.---Okay.

Is there any other conversation that you had with Mr Haron prior to him signing his statutory declaration?---I don't think so, no.

Now, let's talk about – so that means that we've really just got the two conversations.---Okay. That seems to be right.

Well, are you quite clear in your mind that that's what we've got?---Yes.

10 By the time of the second conversation, were you aware that Mr Haron had been provided with a draft of a statutory declaration?---Yes.

And when you spoke with him, it was on the evening, correct?---That's right, that's right.

And do you know whether or not he had that copy of the statutory declaration before him?---I don't know if it was physically in front of him, no, I don't.

20 Well, did you go through the statutory declaration with him? Like, you had a copy of the draft statutory declaration.---Yeah, I had it in front of me.

Did you, you had that before you.---Yeah.

Did you go through it with him?---I don't know if it was point by point. He, he - - -

What was the conversation?---It, it was about primarily the stat dec.

30 When I say "What was the conversation?" to the best of your recollection, what did you say, what did he say?---Yes. Well, I can't, I'm afraid I can't do it in that form, other - - -

THE COMMISSIONER: Just give us as close as you can the effect, the effect.---Yes, thank you.

40 I appreciate you can't recall the exact words but - - -?---The, the essence was Mr Haron said that he hadn't seen any livestream evidence, that it was all through media or what other people had told him. He also mentioned he was equivocal about the date. So even though he could actually work it out, his recollection wasn't equal to that working out, so to speak. So, it became clear to me that it, it was really better, or more consistent with this recollection that it was early April, either weekend.

MR RANKEN: Did you express that to him during the course of this conversation?---I don't know. I think, I know I expressed it later.

THE COMMISSIONER: Sorry to interrupt you, just so we stay on course. You have been just asked to give as best you can the effect of this conversation. So let's try and dispose of that first and then there may be other issues. So back to where we were. I think you said he said that he hadn't seen any screen evidence, only what he had been told by others. ---No, he hadn't. That's right. And - - -

10 What did he say after that?---He started talking about the date that it occurred and how he'd worked it out when it was, but he wasn't actually sure that it was that weekend or the weekend after. Then he went into – I'm having trouble recalling. He started to go into other aspects that I, I can't recall at the moment and at that point I said, "Glen, you've got to be happy with this and what I recommend is rather than us toing and froing, why don't you just send through some written material that I can send to the solicitor and they can integrate it or at least look at it and help you express it correctly."

MR RANKEN: So you didn't take - - -?---Something along those lines.

20 And was that how the conversation ended at that point?---I think so. He got onto personal matters as well, so - - -

Sorry, yes. But as far as the statutory declaration was concerned, that was the total of it?---I would say the main tenets, yes.

THE COMMISSIONER: When you say he started talking about the date and that he worked it out, what did he actually say about that?---I, all I can recall is he said, "Oh, look, I've been able to backtrack and work out the date but I don't actually" – and I said, "Do you actually remember?" And 30 he said, "Well, not really. It's, it's either that weekend or the weekend after but I've worked it out." Something like that.

MR RANKEN: All right. But you suggested that he put it in writing to you, correct?---Yeah, yep.

You didn't yourself take a note of anything that he said?---No, I didn't. I didn't see - - -

40 And you can't now recall anything that he actually said to you in terms of the detail or the interaction or - - -?---Oh, no.

No. Is it the case that in fact he did not tell you any detail of the interaction, other than telling you that he remembers that it happened?---Oh, you mean of the – oh, I'm sorry. I thought you meant the interaction with me. Sorry. You mean with, with, on the occasion?

Yes.

THE COMMISSIONER: We're talking about the chance meeting.

MR RANKEN: The chance meeting - - -?---Oh, no, I understand. Sorry, I misunderstood.

That's okay.---Look, look, I, I don't, I don't recall, actually.

That's what I mean, you don't have a recollection of anything being told to you and you didn't make a note of anything that was told to you?---No, no.
10 Which is regretful.

So you've got no – sorry. I'm just saying, so you've got nothing to which you could refer that could prompt your memory as to “Oh no, in fact he said this.”---Right, yeah.

Correct, is that right?---Yeah. yeah, other than that it occurred and that they stopped where they stopped and that was pretty much it. I - - -

But what I want to be clear about, though, is that it wasn't a conversation
20 that descended into the detail of what was said by Mr Haron and what was said by your brother during the course of the interaction.---No, not with me, no.

And you didn't actually go through the statutory declaration with him?
---Not, not, not the transcript portions, no.

Are you saying you went through the balance of the - - -?---Not, not in a deliberate fashion. He, he was speaking - - -

30 No, no, just hold on, sorry. We're just talking across each other a little bit.
---Yes.

Did you go, because the first part of the statutory declaration deals with matters to deal with this chance encounter.---Ah hmm. Ah hmm.

But then the detail in the statutory declaration moves to other matters.
---Yes.

Concerned events and things that occurred in 2014.---Ah hmm.
40

Are you telling this Commission that you did go into the detail of those matters with Mr Haron during this telephone conversation?---No, not in, not in detail, no.

Well, did you go into them at all?---I just said, Glen, you have to be happy with it.

That's it?---Well, words to that effect. And he, he just said, "Yeah, this, this, this. I've got to change that and the timeline, and I didn't see any live evidence," and so he, he was, he seemed content with its general structure.

Again, I'm getting back to this issue, do you know whether or not he had the statutory declaration in front of him?---I don't know. I don't know.

10 So is it really that you're just saying that you were asking him to go through it?---Yeah, I was asking him to go through it, and it didn't become apparent to me that he had, he didn't have the transcripts until some time later, when he'd finally sent through some written material and he said something - - -

That's what I want to ask you.---Oh.

Does that not suggest, then, that he didn't have the statutory declaration in front of him? Because if he'd had the statutory declaration in front of him, it would have been apparent that there are references to transcript in it, correct?---Yeah.

20 And you would expect that he would have raised, well, I don't know anything about these transcripts because I haven't seen - - -?---Yeah. Yeah, he, he was sent something, though. I, I know that he was sent something.

I'm talking, we're talking about the evening of 11 May, 2021.---Ah hmm. Right. Yeah.

And you've got a recollection of sending him - - -?---No, not me. Not me.

30 Oh, somebody else sent him the transcript.---I thought, I thought he, he - no, not the transcript, sorry, no. I thought that he was part of the chain of emails that included myself that had the stat dec.

Yes, okay, you understand there's a difference between someone being sent and provided with a document - - -?---Yeah, yeah.

- - - and whether or not they actually have the document in front of them. ---Yes, correct, yes, understand.

40 Because at the conclusion of your telephone conversation with him, is this the position? You were unaware that he did not actually have copies of the transcript?---That's correct, yes.

And that was not something that he raised with you - - -?---Not at that point, no.

- - - in the course of that conversation.---No.

Now, can I just take you then to some text messages.---Ah hmm.

This at page 89, please. Oh, actually, if we could go to page, in the three-page document that I have previously referred to, could we bring that document up and go to page 2 of it? At 8.13pm, you've sent an email, sorry, a message to Mr Haron with your email address and said, "Please note the E in Andersen. When you've finished, please email it and I will redraft. Cheers, Lisa."---Yes.

10 And then, can I just ask, was that email or, sorry, that message sent before or after you'd had this conversation?---It was after. That is a reference specifically, when you've finished looking at the material, send through whatever and - - -

And so then when we go to the next message, we see it's from Mr Haron. ---Ah hmm.

"Lisa, who would have sent me the email? Get a few hundred a day and I've lost this one in the traffic."---Oh, I see.

20 "No worries. I will send it to you." That's you at 8.39pm. And then he says he's found it at 8.41pm.---Okay, yes.

Now, that would seem to suggest, would it not, that he didn't have the draft statutory declaration before him, when the two of you spoke.---No. That, that's correct, yes.

30 So it's unlikely that he was, you went – you didn't go through in detail through the paragraphs, any of the paragraphs of the statutory declaration, correct?---No. No, no.

And you didn't have a conversation with Mr Haron after he provided you with the notes, correct?---No, just by email.

Yes, I'm talking about telephone conversations.---Oh, sorry, no, no.

40 Yes, you didn't, okay. So the evidence you gave before lunch about having a lengthy telephone conversation with Mr Haron in which you went through the detail of the statutory declaration was not correct.---Oh, was an overstatement, obviously.

THE COMMISSIONER: I'm sorry, I can't hear.---Overstatement. What I meant was we, we spoke about it in general. It wasn't that I went through point by point.

MR RANKEN: So you perhaps overreached with your answer.---Not intentionally, no.

That wasn't my question. I was just – you're accepting that you overreached with the answer.---Yes. Thank you.

Thank you. So then, because I do want to proceed further, you did ultimately receive detail from Mr Haron.---Yes.

If we could go to page 93.---Ah hmm.

10 Now, that's the email that you received from Mr Haron about an hour after the text message exchange.---Yes.

Perhaps a little over an hour afterwards.---Ah hmm.

And he has effectively written out, as you had suggested he should do, his version of in particular the interaction that he had with your brother, if we can continue onto page 94 as well.---Ah hmm. Yes.

20 And you understood that he was asking you to replace certain parts of the draft statutory declaration with those particular portions.---Yes, and also he wanted to elaborate or whatever he wanted to do.

And what we can see – you know that from the evidence that Mr Haron has given this Commission – if we go up, sorry, to the bottom of page 93, please. He has stated first that, "See below, which replaces item 1 and 2," and did you understand that meant to replace paragraphs 1 and 2 of the draft statutory declaration?---I, I, I think so, yes.

30 "Not sure about 3." Now, this draft statutory declaration had been provided to him by KPL Lawyers, correct?---Ah hmm.

But you had been the one to chase him up about finalising it, correct?---Yes.

And rather than say, send it through to KPL, he sent it – you asked him to send it through to you, correct?---He, he offered it that way and I, I was happy to take it.

You didn't think to suggest, well, maybe it should go through to the solicitors?---Well, it would, it was going to via me anyway, so - - -

40 You didn't speak to the solicitors between your conversation with him and then him providing this email to you?---No.

And not meaning to be critical of you at all, but time was of the essence at this point, correct?---Yes, and it was late at night, so - - -

Exactly, it was late at night. You had become aware that Mr Haron's father had passed away and he needed to organise a funeral, correct?---Yes, and that he'd - - -

And that he was going to be away later that week, correct?---Yeah, yep.

And is this the position, you wanted to make sure that this was dealt with in a timely manner, so you were happy to receive it and for you to do the next draft, as it were, to incorporate what he wanted to put into it.---Well, it was more in the nature of an admin – in the end, if it, if, if Mr Haron wasn't happy, then that's how it is, that's how the cookie crumbles, so we just did the best we could.

10

Do you see that firstly it says, "I read and was told of various statements made to ICAC over the hearing which started on 29 March, 2021, in particular those made by council staff regarding development and approval of local planning controls. Over Easter, I believe, that I subsequently saw John Sidoti whilst I was driving my car along The Parade in Drummoyne. He was walking his dog, I stopped him to talk and subsequently suggested we move any discussion around the corner in Moore Street so I could park my car in a safer location." Now, regardless of any doubts he might have expressed to you during the course of your conversation, it appears that by the time he came to write this and sent it to you, he has stated positively that it was over Easter, correct.---I don't know if, if that's positive but it's inconsistent with what he told me earlier.

20

Well, did he tell you earlier that – as I understood what he told you was he wasn't entirely sure whether it was that weekend or the following, that it the Easter weekend or the following?---Something like that, yeah,

But when he came to write it at least, it was over Easter.---Yeah.

30

Now, if we scroll down, please, to the top of page 94. "When we restarted our discussion, I asked how he was going with the pressure of the ICAC hearing and I reminded him of some of the processes we were both involved in over a long period as the Five Dock plan developed." Now that's something that he's saying about the substance of what occurred between himself and your brother.---Ah hmm.

40

"In particular I reminded him he had facilitated the organisation of a meeting between the Five Dock Chamber of Commerce" there's a misspelling of Mr di Giacomo's name "and myself and the Liberal councillors that could vote on the plan. The business chamber believed that meeting with councillors was required as the two councillors, Megan and Faesamella" again, they're typographical errors, "who were aware of the details and issues surrounding the plan had pecuniary interests in Five Dock and could not vote on the plan." Now, you're aware, are you not, that Mr Haron has said that that was evidence of matters that were part of the interaction that he had with your brother?---Yes.

Those three paragraphs that I have just gone through.---So, I don't know about the "business chamber believed".

Well, the evidence that Mr Haron has given this Commission is that that was something that he said to your brother during the course of the interaction.---Yeah, I don't recall it that way but I'll take your word for it.

You don't recall Mr Haron's evidence that way, you mean?---No.

10 But this is in direct response to you suggesting that he should put down in writing whatever it was that he thought should be in the statement, correct? ---Yeah.

And you were then to go – and then if we scroll down further through the page, sorry. Paragraph 2, "I am unaware of any evidence John gave to ICAC except that was seen via Sydney Morning Herald reports or free-to-air TV reports." See that?---Ah hmm, yeah.

20 And then "4, 5, 6, 7, 8, 9, 10, all okay." You then set about drafting or redrafting parts of the statutory declaration to reflect the material that Mr Haron had provided, correct?---Right.

Was that correct?---Yes.

Could we then go to page 101? This is a further draft of the statement and you can see that it's in a format that is commonly referred to as tracked changes.---Yes.

30 And we see that the tracked changes are in red with underlining.---Ah hmm.

So that is the additions and there are some portions that are deleted.---Right.

40 And do you see that it includes a reference to "Following the commencement of the public inquiry on Monday, 29 March, 2021, I have read about various statements made to ICAC during the hearing in the print media. I had also heard of certain statements made at the public inquiry through friends and associates." And it's not word for word but that reflects some of what Mr Haron had said in his email about the source of knowledge about what had gone on in the inquiry, correct?---Yes.

Sources. "And in particular, statements by Liberal councillors and council staff regarding the development and approval of local planning controls for the Five Dock Town Centre." And that is almost a direct lift from the first substantive paragraph in his email, I'd suggest to you.---Okay.

Of part of that. You then go to say, "Over the Easter weekend," and you've got the dates for Saturday and Sunday.---Ah hmm.

“I saw John Sidoti whilst I was driving my car along the parade in Drummoyne.” And I want to suggest that that is a direct lift from the email.---Yes.

And then, “He was walking his dog.” And I want to suggest that is also a direct lift from Mr Haron’s email.---Yes.

10 “I stopped him to talk and subsequently suggested we move any discussion around the corner in Moore Street so I could park my car in a safer location. We continued our conversation.”---Right.

And can I suggest that the words, “I stopped him to talk and subsequently suggested we move any discussion around the corner in Moore Street so I could park my car in a safer location,” is also a direct lift from the email? ---Okay.

Okay. And then it just goes straight into paragraph 4, which was what already existed in the draft, correct?---Right. Right, yes.

20 Referring to the transcripts of John Sidoti’s evidence at the public inquiry. ---Ah hmm.

What you haven’t included is the detail, any of the detail, that Mr Haron had given in his email about the substance of his interaction with your brother. ---Yeah.

30 And at this stage you did not know – sorry, do you say that at this stage you did not know that Mr Haron did not have copies of the transcript?---No, I didn’t.

Well, then, if we go back to the email, and if we could go to the email, sorry, the email from Mr Haron to you at page 93.---Right. Ah hmm.

And if we go to the very first line of the email. Do you see how it says, “Not sure about 3”?---Yep.

40 Okay, well, “Not sure about 3” is a reference to Mr Haron not being sure about what was paragraph 3 in the draft statutory declaration.---That’s not how I read it, actually, but, but I can see that that’s its intent.

Well, it flows naturally from the fact that the first sentence refers to replacing items 1 and 2, which you read as being paragraphs 1 and 2.---Yep. Yep.

And in fact, then did in fact action, by replacing paragraphs 1 and 2 with information that’s taken from what follows.---Right.

“Not sure about 3.” And you say you just didn’t think that that 3 could be a reference to paragraph 3 of the draft statutory declaration that had been provided to Mr Haron.---No, I wasn’t, I wasn’t sure what he meant by “not sure”, so - - -

Well, what clarification did you seek of that?---I didn’t. I left it in the hands of the solicitors to - - -

10 So you just left paragraph 3 in there?---Well, this wasn’t, the original draft was done by the legal team. It wasn’t for me to substantially muck around with it.

Well, that’s exactly what you were doing because of the need to get things done, because there was a time pressure. It was late, it needed to be changed. You were going to work on it and you were going to redraft, correct?---As best as I could, yes.

Yes, and when you came to redraft, you chose, you chose - - -?---Right.

20 - - - that was a decision you made - - -?---Ah hmm.

- - - you chose not to include in the draft the detail of the interaction that Mr Haron said he had with your brother.---Because I thought that the way, the thing had - - -

Am I correct, though? You chose not to include that detail.---Yeah, I thought, I thought that it was meant, that it was meant to be left as is, and then Glen would look at that and say, yes, I agree with that or, no, I don’t.

30 Mrs Andersen, your evidence just doesn’t make sense. On the one hand you are saying that you spoke to Mr Haron and you impressed upon him that it needs to be what you want, needs to reflect - - -?---Yeah.

- - - so you put it in writing what you want to be included, and we’ll make the changes, correct?---Yeah, yeah.

He does so and then you selectively pull out some bits, but then when it gets to the actual substance of the interaction and what he has to say about that - - -?---Ah hmm.

40 - - - you don’t bother to put that in, you just leave it out.---Well, no, the gist of what he was saying was already contained in some aspect.

Well, see that’s just the problem, Ms Andersen. You understood that this evidence was being obtained for the purposes of providing some evidence to the Commission that would support your brother’s version of events to this Commission, correct?---Ah hmm. Yeah, and we wanted Glen to comment on that.

But what he's put in here is a version of events that is not entirely on all fours with what your brother said - - -?---It's substantially.

But it is not entirely on all fours. It's not – his version is not entirely consistent with your brother's version.---Right, okay. Look, I, I did the best I could. I sent the draft - - -

Well, as best you could – with respect.---Yes.

10

The best you could would have been to cut and paste that which Mr Haron has put in this email into the statutory declaration, in place of paragraph 3. Wouldn't that have been the best way to go about it? That's the best you could have done?---No. The best I did was send it to the solicitor with the tracked version, his comments and the original and then we had a conversation about how best to integrate so that it reflected exactly what he was trying to say in a proper format. They were not my decisions.

20

What I'm suggesting to you is what you have done is you sought to control the version that was being given by Mr Haron to make sure that it would remain consistent with the version that your brother gave in evidence before this Commission.---I didn't prepare that draft.

Well, sorry, let's go back to page 101, I think it was. Are you suggesting that those changes that we see on this document are not made by you?---No.

30

So you had version control at this point, did you not?---You're using the term loosely. I am acting almost in a secretarial function. Everything went through the eyes of people far smarter and more experienced than I. No decisions were made by me, and if I've presented an idea and then I had a conversation with Mr Kazi about the changes, he thought that he preferred that, who am I to question that?

There is a decision you have made. You have made a decision, a deliberate decision not to include the material that Mr Haron had included about his interaction with your brother.---That has not been hidden from anybody, and what a foolish endeavour it would be to try to do something, pull the wool over this Commission. How stupid do you think we are?

40

Well, when the final statutory declaration was provided to this Commission, do you have some understanding that the Commission was also provided with the email from Mr Haron that set out his version of what occurred. Is that your evidence?---I don't know. Sorry, say that again?

Did you have an understanding that this Commission was also provided with the email from Mr Haron to you that actually set out what he said occurred?---No. Why would it be?

So it was hidden from the Commission.---Oh, don't be ridiculous. No more than you hide your investigative transcripts of witnesses that you bring up here. That's absurd.

THE COMMISSIONER: Ms Andersen, please don't abuse Counsel. But more to the point, you may, when you were dealing with Mr Haron and all this email exchange going back and forth and he's saying I'm not sure about that and so on, didn't it become evident that firstly this was probably the worst possible time for Mr Haron to be dealing with this matter?---Yes.

10

For all the reasons we know, his father had just died and he was organising a funeral, his office was being transferred and he was taking some time off, you know all of this. Didn't it become apparent by this time that this man was able to give some useful evidence, that you just simply turn him over to the officers of the ICAC to interview him rather than all of this cutting and pasting and trying to put together a statutory declaration? Didn't it become apparent that you had identified a witness, you'd identified he could give useful evidence and it was appropriate to turn him over to the Commission to deal with rather than you and some of the others all involving themselves in an important function of providing this Commission with worthwhile evidence?---No, Commissioner.

20

Was that never discussed?---No.

Never at all?---Not, not to me, no.

Well, all I can say is it's an absolutely amazing state of affairs, that you've got here a serious and significant inquiry going on, that this man was identified by you in the course of the public hearing, and nothing was done to bring him to the attention of the Commission before the inquiry ended. It is rather extraordinary, isn't it?---Yes.

30

But - - ?---Except for this point, Commissioner, if I may help you.

Yes, go on.---This is a person that had, his name had come up, if you check the transcript, over 100 times. And Mr Ranken knew very well where he lived, who he was. It's not incumbent on the person alleged or accused to go and do the job for Counsel Assisting. If these matters were so important, he had four weeks to approach him. In fact, he had – from the time he made the allegation of - - -

40

Madam, just stop there. I'm not talking about Mr Ranken. I'm talking about you and the others - - ?---I agree.

- - - who were dealing with this witness to get his story, to get his evidence, to put before this Commission - - ?---Yes, yes, right.

- - - without contacting the Commission, knowing that he could give some useful evidence to allow - - -?---That wasn't my decision.

- - - Commission officers in the normal course of events to interview him, take a statement from him, or some other form of procedure could be adopted to ensure the cogency of his evidence. That must have occurred to you at some point.---To me? Me personally?

Yes, you - - -?---No, Commissioner.

10

- - - as a lawyer, would have had appreciation.---No. No, not at all.

And you say neither you, nor your brother, nor your lawyers, no-one. ---They're not my lawyers, and I'm not privy to their decisions. They're, they're matters for Counsel and the legal team.

Quite right, it's your brother's lawyers, yes.---So as far as I'm aware, at the early stages, in the mid, mid-hearing, time was running out. Mr Haron was, Mr, Mr Ranken was already crossing off witnesses left, right, and centre.

20

You had obtained the statement from KPL Lawyers on or about 15 April, had you not?---Yes. Yes.

And you knew what this man was alleged to have said in that statement. ---Yes, sir. Not, not my decision.

Yes, and you passed that onto others, involving your brother amongst others.---Yes.

30 And yet you didn't involve this Commission.---It is not my decision.

Yes, Mr Ranken.

MR RANKEN: They're all my questions, thank you.

THE COMMISSIONER: Thank you. Mr Neil, do you have any questions for this witness?

MR NEIL: No, thank you, Commissioner.

40

THE COMMISSIONER: Thank you. Thank you, you may step down. ---Thank you.

THE WITNESS EXCUSED

[2.52pm]

THE COMMISSIONER: Yes.

MR RANKEN: Yes, I call John Sidoti.

THE COMMISSIONER: Now, Mr Sidoti, could you remind me, do you take an oath or an affirmation?

MR SIDOTI: An oath, please.

THE COMMISSIONER: Sorry?

10

MR SIDOTI: The Bible. Oath.

THE COMMISSIONER: Thank you.

THE COMMISSIONER: Thank you. Just take a seat there. Mr Neil, before we start with Mr Sidoti, you have an application to make of relevance?

MR NEIL: Perhaps to renew or grant another certificate if you would, Commissioner.

10

THE COMMISSIONER: Mr Sidoti, you're aware of the provisions of the Act that entitle you to object to giving evidence, and the reason for that has been explained to you on the previous occasion. Do you recall all of that? ---I do.

And you have an understanding of the provisions I'm just referring to? ---Yes.

20

And do you wish to give evidence to this Commission in the public inquiry on objection?---Yes.

You appreciate – and I've no doubt told you this, but I'll remind you – that the effect of the taking of the objection is that although you must of course answer all questions truthfully, produce any documents or items you might be required to produce, the evidence though can't be used in other proceedings in the future, such as criminal, civil, administrative proceedings, nonetheless can be used if there were a prosecution for an offence under the Independent Commission Against Corruption Act. You understand that, do you?---Yes.

30

You do. An example is if a witness gives wilfully false or misleading evidence to the Commission, that can constitute an offence under the Act and a prosecution for such an offence, which carries a penalty of up to five years. Such evidence could be admitted in those proceedings, but not in general other proceedings. Do you understand?---Yes.

40

Thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Sidoti, all documents or things that may be produced to him during the course of his evidence in this public inquiry are to be regarded as having been given on objection, and that being the case, there is no need for Mr Sidoti to take objection to individual answers or particular documents or things that may be 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, MR SIDOTI, ALL DOCUMENTS OR THINGS THAT MAY BE PRODUCED TO HIM DURING THE COURSE OF HIS EVIDENCE IN THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN ON OBJECTION, AND THAT BEING THE CASE, THERE IS NO NEED FOR MR SIDOTI TO TAKE OBJECTION TO INDIVIDUAL ANSWERS OR PARTICULAR DOCUMENTS OR THINGS THAT MAY BE PRODUCED.

10

THE COMMISSIONER: Yes, Mr Ranken.

MR RANKEN: Thank you. Now, sir, just for the record, your full name.
---Anthony John Sidoti.

You are generally known as John Sidoti, is that correct?---Yes.

20

Now, I won't go into further details in relation to your background. The Commission has plenty of evidence in respect of that. There are just a few matters I want to cover with you in this further public hearing. Firstly, you gave some evidence on the last occasion about a conversation that you had with Mr Glen Haron in the early stages of the public inquiry. You remember that evidence?---I do.

Yes. And when you gave that evidence about the interaction, the interaction itself had occurred some three weeks or so prior to you giving that evidence, correct?---Correct.

30

And even though it was a relatively brief period between the interaction occurring and you giving your evidence, you accept that there were some aspects of the evidence that were plainly incorrect?---Yes.

In particular, insofar as you attributed to him words to the effect that he said that he had seen what answers you gave about you not recalling that a meeting between yourself and, sorry, between him and the councillors hadn't taken place. That was something that Mr Haron had not said.
---Sorry, you have to say that again.

40

One of the things you had attributed to him in the conversation was that he had said that he had seen the answers you had given about not recalling the meeting that took place.---That's not correct. Yeah.

Yes, that's correct, yes, you accept that was plainly not correct?---Yes.

Because in fact he could never have said that given the date on which the interaction occurred.---Yes, that's right.

So, now, is it possible that there are other aspects, then, of the conversation that you also got wrong in your evidence?---No.

Well, Mr Haron has told the Commission that he did not know whether the Liberal councillors had been invited to the meeting of the Chamber of Commerce in early April 2014. Do you recall him giving that evidence?
---Oh, look, I've, yeah, to that extent, yes.

10 He's also told this Commission that he had no recollection of telling you, during this interaction that you had, that the Liberal Party councillors or elected representatives had been sent invitations to attend that meeting.
---That's what he said.

That's the evidence he's given.---That's the evidence he's given.

You recall giving that evidence?---Correct.

20 And do you say that he's incorrect in that evidence, is that what you say?
---No, it was a long, it was, it was a wide conversation. I, I do recall, you know I was very emotional and, and I was trying to figure out and my lawyers were trying to figure out time frames for everything, and I was trying to organise, to the best of my knowledge, and I was under a lot of pressure, and a lot of things happening in my life. And so, yes, I, I concede that I, I made some comments there that weren't correct. But with regards to specific to what you're saying there, it's obvious.

Can you answer my question?---No, I, I, I - - -

30 Are you saying that he's incorrect when he says that he does, that - - -?
---I'm not saying he's incorrect. I think he may, he may not remember.

Well, he's also told this Commission that given his lack of knowledge as to whether they were in fact invited, it is probably unlikely that he said invitations had gone out to all elected representatives. Do you say, then, that he is wrong?---No, I, I say to that, that, that that's the whole reason I organised the meeting for the Chamber of Commerce with the Liberal councillors in my office. It was for that exact reason.

40 THE COMMISSIONER: No, but I think we're just dealing with the conversation at the moment to try and clarify, that's all, Mr Sidoti.---Yeah, I, I can't, I can't give you exact words.

MR RANKEN: You don't recall the words he used?---For that particular item?

Yes. You don't recall the words he used during the course of your interaction with him?---I do recall a lot of words.

No, but you don't recall him actually telling you that the Liberal Party councillors had been invited to that specific Chamber of Commerce meeting?---No, I thought it was a given. That, that's why I organised the meeting.

Sorry, that's something you assumed?---More than likely, yes.

10 Sorry, okay, well, just on that, though, when you spoke with Mr Haron, wasn't it the case that you didn't actually have any recollection of the meeting that had been organised?---I was confirming 'cause I was trying to remember. To assume and to know 100 per cent are two different things, and that, and that conversation came up and he, he refreshed my memory. So I was always of the opinion I organised the meeting, despite what other, those present had said.

Just hold on one moment, Mr Sidoti. The evidence you gave on the last occasion - - -?---On the, yeah. On the - - -

20 At 1758, it's the famous page of transcript. If we just get to it. It said, he said, he came out and said, he said, "He saw the answer that I gave, that I didn't recall the meeting that took place." And do you recall that you gave evidence, in fact, in this Commission that you didn't recall that meeting with the councillors and the Chamber of Commerce taking place?---I can't, no, I do recall the meeting taking place, but I couldn't 100 per cent definitively. All the emails led to it, but I couldn't put hand on heart to say yes, yes, 100 per cent and that I did organise it.

30 Well, hang on, this is what he says, "Have you lost your," he said, "'Are you silly or something? Have you lost your memory? You organised the meeting for us.' And then I said to him, 'But was I there? I just don't recall.' He says, 'Of course you were there. You organised it and then you stayed in your own office.'"---Correct. You didn't come in. I remember that. That's what refreshed my memory.

40 And you said, though, told this Commission, that you only became aware or were reminded of the fact that the councillors had been invited to the Chamber of Commerce meeting as a result of this interaction with Mr Haron, didn't you?---Sorry, you're referring to evidence on the last day here?

Yes. Your - - -?---Or you're referring to evidence in private meetings or anything else?

Your evidence, your evidence before this Commission - - -?---Yes.

- - - at the public inquiry was to the effect that you only, you first became aware or – sorry, I withdraw that. That you were reminded of the fact that the Liberal councillors had been invited to the meeting of the Chamber of

Commerce when you had this interaction with Mr Haron.---No, I think I might have had that earlier.

Well, that was the whole purpose of you raising this interaction with Mr Haron.---No, the reason I raised it, because you called me a liar on the last day, that I made up evidence. And that, that's, that's horrible for someone's reputation - - -

10 Mr - - -?--- - - - when you come to an integrity body that's meant to, with the presumption of innocence. You accused me of making something up, which is just unacceptable.

THE COMMISSIONER: Mr Sidoti.

MR RANKEN: Mr Sidoti - - -?---Unacceptable.

THE COMMISSIONER: Mr Sidoti.

20 MR RANKEN: Mr Sidoti, could I ask you just to calm down. I appreciate that - - -?---I don't think you do.

I appreciate that you're - - -?---People have reputations and you destroy them.

THE COMMISSIONER: Mr Sidoti. Mr Sidoti.---He can defend himself, Commissioner.

Mr Sidoti, you're not here for making speeches.---I'm not making a speech.

30 All we're doing is trying to get the facts crystal - - -?---Impugning people's reputations. It's not good.

Mr Sidoti.

MR RANKEN: Mr Sidoti.

THE COMMISSIONER: We're just trying to get the evidence clear. That's why Counsel is now putting it to you - - -?---You've had two years to get it clear.

40 No, would you please not talk over me. I'll start again. The purpose of this exercise was to clarify evidence you've given and Mr Haron's given so that the Commission can make an assessment as to what are the facts. The only purpose of these questions being put to you now is to clarify that matter. ---So the facts are a meeting took place.

MR RANKEN: Hang on, no, no, please, Mr Sidoti, I haven't asked, Mr Sidoti - - -?---A meeting took place, and you said it didn't. That's the fact.

Mr Sidoti, please. The first mention of this meeting that you made in your evidence was at page 1758 of the transcript.---Is this on the last day?

This is on the last day.---Yes.

Correct? And that's before I suggested to you that the evidence you gave about that meeting was false. Correct? That must necessarily follow.---No, no, I don't understand that.

10

THE COMMISSIONER: Just put it again so that you're following what he's saying to you.

MR RANKEN: The time you gave evidence before this Commission about an interaction that you had with Mr Haron in early April 2021 was during the course of your evidence at the public inquiry, correct?---Yes.

And it was during the course of the very final day of your evidence in the public inquiry, correct?---Yes.

20

And it was prior to me making any suggestion to you that the evidence you gave about that, it was false?---Yes.

That must necessarily follow because you hadn't given the -- I couldn't have made that suggestion beforehand?---Yeah, oh yes, we'd already, we'd already crossed that path.

So I'm just asking about that part of your evidence, before I asked you any further questions about it.---Yes.

30

And what I was suggesting to you was that the reason why you spoke of that interaction with Mr Haron was because you wanted to make the point that was that is what reminded you that they had been invited to the Chamber of Commerce meeting? That was the purpose for you bringing up the conversation, to say that "I had been reminded that they were invited to that council meeting because Mr Haron told me."---Yes.

Mr Haron, however, has told this Commission that firstly he had no recollection of saying those words to you, correct?---Well, no, I, I disagree with that. I, I, recall - - -

40

No, no. Is it correct that he has given that evidence before this Commission, you've seen him give that evidence before this Commission?---Well, I, I, I did in a room a kilometre away from here - - -

I understand that.---Yeah, yeah, parts of it, yes.

Was it difficult for you to actually follow what he was saying, is that what you're saying?---Well, it's difficult with a mask and glasses fogging up and so forth, yes.

I understand that, as well as you could. But you understand though that he had said that he doesn't recall actually saying those words?---Sure and, and ---

10 And – hang on. And you also understand that he has said that it's unlikely that he said those words to you?---Well, I, I take your word that that's what he said.

I'm just asking you for your answer to this. Given that you ---

THE COMMISSIONER: Mr Sidoti, you can assume for the purpose of this questioning that what's being put to you is in fact accurate, on the transcript. We will of course be looking at the transcript at a later stage.---Sure.

20 MR RANKEN: And what I'm just suggesting to you is that given that there are other aspects of the conversation that you got wrong in your evidence, is it not quite possible that you also got wrong the fact that Mr Haron told you that the Liberal Party councillors had been invited to ---I, I don't accept that.

That's all I wanted.---Sure.

30 Now, I wonder if we could bring up page 61 of the tender bundle. Now, you've no doubt possibly seen this document recently, or have you seen this document?---Yes.

When did you first see this document?---In the last couple of days.

So prior to that, do you recognise any part of this document as something you may have seen previously?---Prior to the last couple of days?

Yes.---No.

40 So you've never seen, for example, a document that had the types words "Meeting with Glen Haron" and what follows?---No, I don't know. Doesn't ring a bell at all.

Does it follow then that you don't recognise any of the handwriting on this document to be yours?---Yeah, that's correct.

Do you know who Bryan Belling is?---No.

And if we could just – just for completeness, we'll just scroll through the document.---I've actually seen it, I just ran through it before.

You've seen it and looked at it over the last couple of days, is that the position?---I've heard the evidence and, and - - -

I just want to confirm that having seen and looked at the document and examined it, you're comfortable and satisfied yourself that none of the handwriting on it is your handwriting?---Correct.

10 And do you recognise the handwriting of others on it?---Not particularly. I, I, yeah, I can't say 100 per cent, no.

You have heard some evidence from your sister that some of the handwriting is hers and some of the handwriting is her husband's correct? ---Yes.

But you wouldn't even be able to necessarily say which is which?---No.

20 No, that's okay.---All I know is that the small writing resembles my brother-in-law's writing.

But what you can say is that one of the handwriting is yours, first?---Yes.

Secondly, prior to seeing this document in the last couple of days, you had never seen it. Correct?---I don't recall ever seeing it, no.

And, also, that you had never seen a version of this document that did not have handwriting on it, as in, was just plain type?---No, I don't recall ever seeing it.

30 And does it follow that you had no role to play in the creation or development of this document, either the handwriting or the - - -?---Correct.

40 Thank you. And the evidence that this Commission has heard is that the typed document was apparently prepared following this in time, following a brief conference that Mr Haron had with a female solicitor from the offices of KPL Lawyers, that occurred at his office, that is, Mr Haron's office, in the city in mid-April 2021, just so you're aware of that evidence. Did you have any role in the circumstances that led to Mr Haron participating in such a conference?---No.

Because the position was that at the conclusion of your, as we understand it and tell us if we're wrong, at the conclusion of your chance encounter with Mr Haron, there was some exchange in which Mr Haron said, "Look, if there's anything I can help, let me know." And he says that you responded as you were walking away to the effect of, "Can I get my solicitor to get in contact?" Correct?---Spot on. I remember that, almost word for word.

Then you, do we take it, communicated at some point to your solicitors that Mr Haron may have some information?---To my legal team, yes.

But information that could be relevant to the matters that are being investigated?---Yeah, it contradicts some of the matters and evidence that was brought to the Commission.

10 So, in particular, you consider it to be material that could potentially be exculpatory in terms of explaining and providing an innocent explanation for what might at first appear to be inculpatory?---Yes.

Do you understand what I mean?---Yes.

And you considered that would be something that was important, particularly as far as your interests were concerned in this investigation. Correct?---Yes.

20 And it's because it would be important that the Commission not have a distorted view about the events that have occurred. Correct?---Well, it, it actually confirms what you said on the last day, that I made up evidence, which is not correct, that an event actually took place.

Please, I'm not talking - - -?---That's why we're here. Otherwise we wouldn't be here now.

30 Please, Mr Sidoti, could you just calm down for a moment. Just take a deep breath and we'll go through it slowly. What I'm talking about is that period of time during the course of the inquiry. We're in the middle of April. ---Yes.

We're not talking about what's happened after. I'm just talking about April 2021.---The encounter between myself and Mr Haron.

I'm talking about some events that occurred after the encounter but before you've even given evidence.---Yes. Yes.

40 And the fact is, though, is that you became aware as a result of your encounter or you considered, at least, as a result of your encounter with Mr Haron that he's someone who might be able to assist with evidence that was exculpatory.---I, I didn't think of it that way. I just brought that, the encounter to the attention of my legal team. And then they went off and did what they had to do. And that's the extent of my knowledge of what, everything that's been happening in the last couple of days.

So for what purpose did you bring it to the attention of your legal team? ---'Cause he confirmed what I was always thinking, that I organised the meeting in my office with the three Liberal councillors and I didn't participate in that meeting. He confirmed that.

And that's evidence that you saw as providing an innocent explanation for what the documents disclosed in the evidence that was being brought before the Commission?---Mmm. Yes.

So it was exculpatory material, exculpatory of your role?---Yeah.

10 And so you did consider it to be, the reason why you did bring it up to your solicitors and your legal team was because you considered that was important information that properly qualified the way someone might view the events that are being explored by the Commission?---Well, that, that's not up to me to decide that. I'm not a lawyer.

No, but you could see that it had that potential.---Well, no, I don't look into those sorts of things.

20 But that's why you brought it to their attention, is it not?---No, please, it, we, we're in the middle of a, a Commission. I've been waiting for two years. I've got my mother who's psychiatrically not well. My wife's a wreck, my life's a wreck, and you think that I'm going to sit down there twiddling my thumbs thinking oh, well, is this expatriate or is this, is this relevant? No, I don't. I just told about the encounter that I had to my legal team, and then whatever happened would happen. Now, my understanding was that nothing was going to happen until you called me a liar on the last day.

30 I'm not being critical of the fact that you provided it to your solicitors.---No, I don't go into that critical thinking of something that happened, I just brought it to the attention - - -

THE COMMISSIONER: Mr Sidoti, if you keep talking, we'll be here for a long time.---I've got plenty of time, Commissioner.

You're talking over Mr Ranken, Mr Ranken's talking over you. It's just, it gets chaotic. Let's see if we can just get it back on track, so that we can deal with the point that's trying to be ventilated here, and it's – yes, go on, Mr Ranken.

40 MR RANKEN: The point is just that you were aware or considered that Mr Haron had information or evidence that he could give to this Commission, that would be relevant to the Commission's assessment of the events that it was investigating. Correct?---Oh, I think, I think, yes, but I don't think I went to that level of thinking, but yes.

And there was no – you did not determine to bring that to the attention of the Commission.---But I brought it to the attention of my legal team.

Okay. Did you tell your legal team that they should hold onto that information and perhaps deploy it at some later point?---Nah.

Why did you not tell your legal team that you thought that this material should be brought to the attention of the Commission?

MR NEIL: I object.

10 THE COMMISSIONER: All right, Mr Neil, I don't think we'll have that question.

MR RANKEN: No. Sorry, I withdraw the question. Now, there's one other matter that I wanted to just raise with you. You gave some evidence on the last occasion about the manner in which your electoral office recorded complaints or views that were expressed to you about issues affecting the local constituency. Do you recall that?---Yes.

20 And there is an electronic database I think that is operated in your electoral office, and indeed the electoral office of all Liberal Party members, is that correct?---That's my understanding, yes.

And I think the evidence is or to the effect that the main focus of that database is to identify voter intentions, pretty simply, correct?---Yes. Oh, that's, that's a small part of it. Recording information and data, about constituents and correspondence with constituents and so forth.

30 And you saw that as a tool, as I understand it, to record when constituents would raise particular issues or views they had about matters that were affecting the community, correct?---Yes.

And one such matter obviously was the Urban Design Study.---Yes.

And I think you gave evidence on the last occasion that you had received views about the Urban Design Study from a range of constituents, correct? ---Correct.

And sometimes that was recorded at your stalls that you'd conducted on the weekend.---Yes.

40 And in that instance it would be recorded manually, correct? Is that (not transcribable) - -?---Well, it'd be recorded manually at the street stall, and then programmed into the - - -

And then programmed into it.---Correct. Under the name of the person, the address, and so forth.

And you hadn't, prior to giving evidence, interrogated that system yourself to identify any concerns or views that had been expressed to you about the

Urban Design Study to see what was recorded within the database?---Prior to?

Prior to you giving your evidence.---Oh, I'm not sure. Possibly.

I think on the last occasion, you said that you had not yourself interrogated it.---Yeah. I, I don't - - -

10 But you believed that there would be recorded in there.---It's possible, because if someone made a, a written complaint, correspondence would be fed in. The problem I think with the system it's not as advanced in retrieving it. So, if I put a keyword in of "Five Dock Town Centre", one would hope it would come up with all the names of people that have done it, but it's, it's not that sophisticated unless I type in "Mr Ranken complaining about" – unless I, I actually type in your name and then look into it. And to do that, to go through 65,000-odd constituents, would be virtually impossible.

20 You are aware, are you not, that there was an order for production of all records or documents recording such views of constituents regarding the Urban Design Study?---Yes.

And as a result of that, a search was conducted, an interrogation was conducted of the system, correct?---By?

By members of your staff.---Yes.

And no such records were able to be identified, correct?---Yes. Correct.

30 And you are aware as well that there was, for some period, a brief, a very brief period, there was a manual book in which such information was recorded at your electoral office?---It's standard practice that every member has a book, as I do when I go on a street stall, like a pad. Whether you hold onto them for years and years, that's another story, once they're full. It's just in the hope if someone comes back in a week or two or three, you could just dig up your notes.

40 But no such documents, no such books or documents recording anything in relation to the Urban Design Study had been produced?---Yeah, I asked my staff. I asked my staff and I reported back to my lawyers about that.

And there are no such records?---No. Not at that time.

Yes, thank you, they're my only questions of Mr Sidoti.

THE COMMISSIONER: Thank you. Mr Neil, anything?

MR NEIL: Commissioner, can I again ask for a very short adjournment and indulgence just to have a conference. And we have to get the solicitor on the telephone because he's in a remote location.

THE COMMISSIONER: Yes, certainly. Very well, Mr Neil. How long do you want?

MR NEIL: 10 minutes.

10 THE COMMISSIONER: Sorry?

MR NEIL: 10 minutes.

THE COMMISSIONER: Yes, very well. We'll resume in 10 minutes.

MR NEIL: Thank you.

THE COMMISSIONER: I'll adjourn.

20

SHORT ADJOURNMENT

[3.21pm]

MR NEIL: Commissioner, can I once again thank you for the indulgence and can I indicate that I do not seek leave to ask any questions.

THE COMMISSIONER: Thank you, Mr Neil. Mr Sidoti then can be excused from his summons. Thank you for your attendance, Mr Sidoti.

30

THE WITNESS EXCUSED

[3.37pm]

MR RANKEN: Now, Commissioner, before we move onto matters of a more administrative nature, I should tender some material that has been referred to during the course of this public hearing. Firstly, there is what I would refer to as the statutory declaration tender bundle. I tender that bundle. That, I think will be Exhibit 48.

40 THE COMMISSIONER: Yes. That will become Exhibit 48.

**#EXH-048 – BUNDLE OF DOCUMENTS CONCERNING G HARON
STATUTORY DECLARATION**

MR RANKEN: I also tender then, there were three pages of text messages that have been produced by Lisa Andersen pursuant to a section 22 notice

that was tab 1 of her response to that. I tender those three pages. They have also been referred to during the course of this hearing.

THE COMMISSIONER: Yes. The text messages produced by Ms Andersen under a section 22 notice will be admitted and become Exhibit 49.

#EXH-049 – TEXT MESSAGES FROM LISA ANDERSEN

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MR RANKEN: And then finally, Commissioner, there is – although I have not taken any particular witnesses to it, there is a separate tender bundle relating to what I might call the feedback database and records relating to constituents' views about the Five Dock Urban Design Study. I tender that tender bundle.

THE COMMISSIONER: Yes. The database records in respect of constituents' issues will be admitted and become Exhibit 50.

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#EXH-050 – BUNDLE OF DOCUMENTS CONCERNING THE FEEDBACK DATABASE

MR RANKEN: If we could just – and then that completes the material and the evidence in the public inquiry.

THE COMMISSIONER: Mr Ranken, because I've left my document in chambers, I just wanted to have the dates that we have discussed on submissions if you would?

30

MR RANKEN: Sorry. I'll need to bring that document up, I'm afraid. Yes. So what is proposed, Commissioner, is that the submissions of Counsel Assisting be provided by close of business on 22 October, 2021, and that the submissions of interested parties be due by the close of business on 26 November, 2021, which would allow, in effect, five weeks from receipt of the submissions of Counsel Assisting. In that regard, can I indicate that the particular persons in mind are obviously Mr John Sidoti, Ms Helen McCaffrey, Ms Mirjana Cestar, Mr Tanveer Ahmed, Michael Megna, Lisa Andersen and Glen Haron. I understand that there has also been a request on behalf of Mr Gary Sawyer, who was the General Manager of the City of Canada Bay Council, for him to be able to provide submissions.

40

THE COMMISSIONER: Well, what's the date?

MR RANKEN: That will be 26 November, 2021.

THE COMMISSIONER: The 26th for all of those parties. What about cross submissions?

MR RANKEN: So for cross submissions - - -

THE COMMISSIONER: If there are any?

MR RANKEN: If there are to be any cross submissions that, well,
particularly Mr Sidoti, may wish to make or I would anticipate possibly the
10 three Liberal councillors, that they be made by close of business on 10
December, 2021, which allow each of those parties two weeks from the
interested parties' submissions being provided, and then any, a further week
after that for Counsel Assisting, that's myself, to provide any submissions in
reply, which would be in reply to both the submissions of interested parties
and anything that might arise in the cross-party submissions that may
require comments from Counsel Assisting.

THE COMMISSIONER: By what date?

20 MR RANKEN: By 17 December, 2021.

THE COMMISSIONER: Yes. Thank you.

MR RANKEN: That would result in all submissions being before the
Commission prior to the end of the law term.

THE COMMISSIONER: Yes. Very well. Thank you. Mr Neil, you've
been given, I understand, just been given recently some idea of what's
proposed by way of a submissions program. I would like to think that it
30 could be a tighter program than that but I think having given it some
thought, practically speaking, it's probably almost impossible to do justice
to those who want to make submissions to reduce the periods available
under the timetable Mr Ranken's just outlined.

MR NEIL: Yes.

THE COMMISSIONER: But I thought I'd allow you to comment upon it
before anything's settled. I will have, of course, the Commission will send
40 to the interested parties a document that sets out the actual dates that we are
now talking about just to confirm that, but is there anything you want to be
heard on in that regard?

MR NEIL: Only very briefly, Commissioner, that we appreciate Counsel
Assisting putting forward this program because it does have the very
considerable advantage of the submissions program finishing during this
calendar year.

THE COMMISSIONER: Yes.

MR NEIL: And we will do all the work necessary to be able to respond within the time limit of 26 November.

THE COMMISSIONER: Very good.

MR NEIL: Thank you, Commissioner.

10 THE COMMISSIONER: Before I adjourn then, let me say this. The investigations into this matter, including in particular, the public hearings, have extended over a period of time, the length of which is much greater than I had ever anticipated. It is highly regrettable. The COVID-19 pandemic, that has affected the lives of fairly well everyone, has prevented the Commission from being able to reprogram the additional public hearing that has taken place before this week. The Commission was unable to develop a public hearing protocol without having consulted with all the relevant authorities, including NSW Health, and have been unable to proceed to a public inquiry, and indeed, this is the first public inquiry since the new COVID protocol has been established. This is the first
20 investigation under that protocol.

I am very conscious of the impact of the delay to everyone, including Mr Sidoti, and those others who may in some way be affected by the proceedings and in particular a drawn-out set of proceedings. I have discussed with Counsel the timetable for submissions in order to try and at least confine the period of time that's absolutely necessary without doing injustice to anyone, to enable submissions on any issue they wish to raise to be put before the Commission. I will be assisted by the submissions of all interested parties, as well as Counsel Assisting.
30

And I think the last observation I care to make is this that it should not be thought that although the pandemic has prevented the public inquiries to reconvene until just recently, it should not be thought that there has been nothing else going on, as it were, behind the scenes with a view to endeavouring to put the Commission into a position to deliver a report in this matter at the earliest possible opportunity. That is not the case. Things have been happening under my supervision to ensure that whatever work can be done to bring the investigation forward, it has and is being done. So it's not as if nothing has been done or will be done until submissions come in. It's important, I think, that I make everyone aware of that, given that
40 there is a lot of concern, especially when there's uncertainty, in these COVID days, as to the future. So it is my intention to have a report of the Commission done in the early part of the next calendar year. It's not possible for me to say at this stage exactly when that will be.

So just to confirm, the proposed timetable, which will be confirmed in writing to all interested parties, is that Counsel Assisting submissions are to be provided to interested parties on or before close of business on 22

October, 2021. But the interested parties, including Mr Sidoti, have approximately five weeks, that is to say, up till close of business on 26 November, 2021, to provide their submissions. In the event that parties wish to make cross-submissions, they'll have until 10 December, 2021. And Counsel Assisting may submit what will be limited submissions in reply to either of the submissions to any of the parties I've referred to by on or before 17 December, 2021.

Mr Ranken, anything else?

10

MR RANKEN: No, there is nothing else, not from my part, Commissioner.

THE COMMISSIONER: All right. Mr Ranken, I take the opportunity of thanking you for your assistance, Mr Neil, and your instructing solicitors, and Mr Tyson, for your assistance throughout this hearing. And having said that, I'll reserve on the report of course. I'll adjourn.

AT 3.49PM THE MATTER WAS ADJOURNED ACCORDINGLY

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[3.49pm]