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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 MONDAY 19 APRIL, 2021

AT 9.30AM

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: Mr Henderson, do you take an oath or an affirmation?

MR HENDERSON: Oath.

THE COMMISSIONER: Thank you. I'll just get my associate to administer the oath to you. There's a Bible there, I think. Thank you.

THE COMMISSIONER: Thank you, Mr Henderson. Just take a seat there. Mr Henderson, before we start, you are not legally represented here, is that right?---Correct.

10 I'll just explain to you the rights you have in respect of giving evidence under the Independent Commission Against Corruption Act. A witness is entitled to object to giving evidence or to produce a document or other item. The witness, however, must still answer all questions truthfully. The point of the objection being taken is that the evidence then cannot be used against a witness in any other proceedings in the future. The only exception being for an offence under the Independent Commission Against Corruption Act, for example, perjury. Aside from that, the taking of the objection and any declaration I make under section 38 does provide that protection that I've indicated. Do you wish to object to the evidence on that basis? That is to say, to provide a basis whereby I make a declaration under section 38. It's a matter for you entirely?---Yes, I'll take the 38, thank you.

20

You will. Yes. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Henderson, and all documents and things that may be produced by him during the course of his evidence at this public inquiry shall be taken to have been given or produced on objection. That being the case, it is not necessary for Mr Henderson to object to each answer or to the production of any document or thing.

30 **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 HENDERSON, AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY SHALL BE TAKEN TO HAVE BEEN GIVEN OR PRODUCED ON OBJECTION. THAT BEING THE CASE, IT IS NOT NECESSARY FOR MR HENDERSON TO OBJECT TO EACH ANSWER OR TO THE PRODUCTION OF ANY DOCUMENT OR THING.**

40

THE COMMISSIONER: Mr Henderson, Counsel Assisting Mr Ranken will ask you some questions now.---Thank you.

MR RANKEN: Yes, thank you, Commissioner. What is your full name?  
---Derek James David Henderson.

And what is your occupation?---A federal agent.

Is that with the Australian Federal Police, is it?---Correct.

And when did you join the Australian Federal Police?---May 2010.

Prior to being a member of the Australian Federal Police – or, sorry, I withdraw that. Prior to joining the Australian Federal Police, were you a member of the New South Wales Police Force?---Yes.

10 And did you commence with the New South Wales Police Force in 2005?  
---No.

Did you commence at an earlier date?---I did, yes. 1999.

1999. So from 1999 until two thousand and – what was it, 2010 or 2008?  
---2010.

2010. You were with the New South Wales Police Force, is that correct?  
---Correct.

20 Are you presently a member of the New South Wales Liberal Party?---Yes.

And were you a – when did you first join the New South Wales Liberal Party?---Early 2013.

And what branch of the Liberal Party are you a member with?  
---Drummoyne.

30 And was that the branch that you joined in 2013?---Yes.

Do you currently hold any positions, formal positions, within that branch of the Liberal Party?---Within that branch, no.

Do you hold any current positions within the Liberal Party more generally?  
---Treasurer of the Reid FEC.

Sorry, Treasurer of the Reid - - -?---FEC.

40 FEC. Is that the Federal Electorate, Electoral – what does FEC stand for?  
---Federal Election Conference, I believe.

Federal Election Conference. You are the treasurer?---Yes.

When did you take up the position as treasurer?---August 2018, I, I believe.

And going back to then the Drummoyne branch, in 2017 did you hold any positions within the Drummoyne branch?---For a period of time, I was Vice-President, I think, of Policy.

And was that the position you held, you think, in 2017?---I believe so.

So you were Vice-President of Policy, are there other vice-presidents within the branch? Or were there in 2017?---Yes. There's a vice, two vice-presidents in the branch.

And is there also a president?---Yes.

10 Firstly who was the other vice-president in 2017?---I, I honestly can't recall.

Was it Simon Fontana?---I, I, I can't recall.

Is he a person you know?---Yes.

And who was the – in terms of other officeholders within the Drummoyne branch, is there a president of the branch?---Yes.

20 Who was the president at that time, in 2017?---Believe that was Nick Yap.

And is there also a secretary?---Yes.

Secretary of the Drummoyne branch in 2017?---To the best of my recollection, Michael Megna.

And was there also a treasurer?---Yes.

30 And who was the treasurer?---Again, to the best of my recollection, it was Mirjana Cestar.

Now, those positions, do they make up effectively the executive of the branch?---Yes.

Are there any positions I've left out?---Mmm, branches have delegate positions as well.

40 And are delegate positions, are they appointed by – or how are they appointed by the branch?---People vote for, people put forward and people vote as to whether or not they wish for that person to hold the position.

THE COMMISSIONER: Mr Henderson, sorry to interrupt, could you just move slightly closer to the microphone and just keep your voice up? Thank you.---Certainly.

MR RANKEN: I think you said members put their name forward and then that's voted for by the branch, is that correct?---Yes.

Is that done on an annual basis or is it done in a different way?---I believe it's biannual.

Biannual.---(not transcribable)

And is it by popular vote amongst the members of the branch?---Yes.

10 And what about in terms of the other positions, that is the position of president, the two vice-presidents, the secretary, and the treasurer, is that also done by a popular vote of the members of the branch?---Yes.

And is that also done biannually?---Yes, I believe so, biannual, yep.

And in terms of your appointment to the position as Vice-President of Policy, when did that commence?---Possibly in 2016.

And whenabouts in 2016?---I couldn't put a month to it, I'm sorry.

20 Is there a particular date or time of the year when the party, sorry, when the branch meets to decide who is going to be members of the executive?---Not a particular time. There are timeframes set within which meetings must be held, and some branches might go early, others might go a bit later.

30 But I'm talking specifically in terms of meetings to decide each, every two years who is going to be on the executive.---Yes, as I said, some, there's a time frame in which those meetings must be held, which is put, you know, put out there. And then before that date comes about, then the meetings must be held. And some branches will do it earlier. Some might do it towards the end of that.

What's the time frame, generally?---Well, it, well, within, so you have, you have the election for the positions. Normally a year and a half or so elapses and then we start getting emails saying, look, you know, time's coming up for a change. You need to start planning for your, your meeting.

40 So is it not a uniform date each, date by which the elections need to be done each year or every two years?---For example, this year it's the end of this month, April. But in other years it might be a different month. So, no, you are correct, it's not a uniform date.

But is it usually in the first half of the year?---Well, no, because one of the elections for my position as treasurer occurred in August. As I recall, yeah.

So it just depends. It can be a little bit ad hoc in that sense in terms of the particular month in which these elections are held?---Yes.

You were talking about your election to the position as treasurer, though, in terms of the Federal Electoral Conference, correct?---Yes.

That's a slightly different matter than the branch. I was just dealing with the Drummoyne branch. Do you understand – you appreciate - - -?---I, I do understand the difference, and it is still the case that it's ad hoc, and the federal this year, like I said, is, I mean, it's occurring before the end of this month so it could occur in the first half of the year or the second half of the year.

10 Now, is it the case that by reason of being a member of the executive, if there was a need for there to be any preselection process in respect of nominations for council elections, local government elections, by virtue of holding the position of vice-president, you were a delegate?---I had voting rights.

So effectively you became a person who was entitled to vote on the preselection process, correct?---Correct.

20 But those voting rights were as a result of your position as the Vice-President of Policy with the Drummoyne branch, is that the case?---Yes, as I understand it.

Now, before we come to the – I want to ask some questions about the preselection process in 2017 for the local government elections in September of that year. But before I just do that, just rounding out a bit of background. After your period as Vice-President of Policy for two years, did you continue to hold that position for a longer period or did you cease holding any position on the executive?---Within Drummoyne?

30 Within Drummoyne.---No, they, I held it for one term.

One term. And in, subsequent to that term, did you hold any other positions within the Drummoyne branch?---Sorry, prior to that initial first term?

No, subsequent.---Subsequent. No.

So after you finished your term as the vice-president, did you move on to occupy another position or - - -?---No.

40 No, okay. And what about prior? Did you occupy any positions within the executive prior to taking up the position in about 2016?---No.

So as far as the Drummoyne branch is concerned, you've only ever held the one position in the executive, which was the Vice-President of Policy, between about 2016 and 2018, correct?---Yes.

And within that time, though, there was a preselection process that was undertaken in respect of the local government elections in September of

2017, in respect of the Liberal Party ticket for the City of Canada Bay, is that correct?---Yes.

And as part of that preselection, you were entitled to vote as one of the delegates, is that right?---Yes, I'm not certain about the word "delegate" but I was able, entitled to vote.

Well, you were a preselector. Would that be a better term to use?---I think that would fit.

10

Is the position – because I may not be as well informed as you about the internal workings of the Liberal Party – or is your unease about the term "delegate" because there is a person who is actually voted to occupy the position as being a delegate within the Drummoyne branch, is that - - -?  
---Yes.

Whereas your position or your entitlement to vote is because you were the Vice-President of Policy.---Yes.

20

So I'll use the term "preselector". So you were a preselector, correct?  
---Yes.

And there were other preselectors involved who were associated with other branches within the City of Canada Bay local government area, correct?  
---Correct.

30

Was the position that the number of preselectors from any branch within the City of Canada Bay local government area depended on the number of members that particular branch had, is that correct?---To be honest, I'm not sure of the machinations as, as to how the numbers came to be.

Are you aware though that in addition to preselectors who were associated with particular branches within the City of Canada Bay local government area, there were also a number of preselectors who were from the state executive?---No, I don't, I, no, I don't recall there being members from the state executive.

40

Do you remember that there was a representative for the acting state president?---No, I can't recall back on that night.

I think the acting state president at the time was Kent Johns but he may have been represented by Mr Charles Casuscelli, do you know that name?---I do know that name, yes.

Do you recall him being present on the night of the preselection?---Yes, but not – I didn't realise he was in the manner that you described as being a - - -



And was there also a person by the name of Alexander Dore who was a representative for, as the president of the Young Liberals?---I know of Alexander Dore. I can't recall specifically whether he was there at that night. I've met him at a number of functions, and I don't wish to confuse them.

And was there also a gentleman by the name of Christopher Rath, R-a-t-h? ---Again, similar to Alex, I know Chris Rath. I couldn't recall specifically he, if he was there on that night.

10

And was there also a Natalie Ward, do you know her?---Yes, I know of her, and I may have met her, but again I can't recall specifically if she was there on the night.

But to your knowledge, none of those persons are themselves members of any of the branches within the City of Canada Bay local government area? ---So, correct, to my knowledge they are not members of that local area.

Now, in 2017, it became necessary to hold a preselection event of the kind that you participated in because there were more persons putting their name forward for selection than there were places on the ticket. Is that correct? ---As I understand it, yes.

And would you agree that this was a fairly uncommon thing to have occurred within the City of Canada Bay?---Oh, I couldn't agree with that, because I simply don't know what had happened prior to that year.

So because you'd only joined the Liberal Party in 2013, you weren't around, as it were, at the time of any preselections or the formation of a ticket for the 2012 local government elections, that's the position?---Correct, yep.

30

So this was your first experience, as it were, of any preselection process or any local government election since you'd joined the Liberal Party, is that right?---Yes.

Were you aware though at the time that there were four sitting members of the City of Canada Bay Council who were Liberal Party members?---Yes.

And they were Mr Michael Megna, Ms Mirjana Cestar, Dr Tanveer Ahmed, and Ms Helen McCaffrey?---Yes.

40

And were you also aware that Helen McCaffrey by 2017 was in fact the Mayor of the City of Canada Bay?---Yes.

And no doubt you also came to know that each of those four persons had put their names forward for selection on the Liberal Party ticket for the local government elections in 2017, correct?---Yes.

And had you had any contact with any of those persons prior to the preselection process?---When you say process, are you referring specifically to the night on which the vote occurred or - - -

Yes, thank you. I should perhaps be a little bit more precise. Nominations I think opened in respect of the process in April, on 24 April, 2017. Does that accord with your general recollection?---Look, I, I don't know when they opened because I, look, I wasn't myself interested in putting my hand up and so I'm not aware of what dates they opened.

10

But certainly by early July 2017, there was a list of nominees?---Look, I, I can't talk to the, the month but, yes, towards the middle, second half of 2017, I was aware of a list of people that have put their names forward.

And of course the preselection event itself took place on 6 August, 2017. ---I can't recall a specific date but - - -

Well, would you accept from me that that is the date that it occurred, Sunday, 6 August, 2017?---Yes.

20

Does that broadly accord with your recollection in circumstances where, ultimately, the local government elections took place in early September of 2017?---Yes, yeah.

Does that kind of timeline, month before, month before and month before - - -?---Yeah. And going to your - - -

- - - does that sound about right?---Yes.

30

So prior to learning that each of those persons had nominated to again be considered on the Liberal Party ticket for the council elections, had you had any dealings with them?

MR NEIL: Could I object. That question imports that, for example, Councillor McCaffrey had nominated. But I understood her evidence was she'd erroneously failed to nominate, but the state executive in effect put her in.

40

THE COMMISSIONER: Yes, I think that's my recollection of the evidence. So she didn't nominate. Technically she had made a mistake, didn't nominate herself, but she was by some other process put into the situation as being a candidate.

MR NEIL: Yes, yes, that's as I understood it. Although she did nominate for mayor but not for the other positions, which, as you pointed out, Commissioner, I thought her evidence was that the head office did something to put her back in.

THE COMMISSIONER: Yes. Yes, thanks, Mr Neil. That's right, isn't it?

MR RANKEN: My question was actually directed to you being aware that they had been nominated for the or were nominated for those positions.

THE COMMISSIONER: Well - - -

10 MR RANKEN: There was a, there was a point - - -

THE COMMISSIONER: Being aware, I suppose, Mr Ranken. I think Mr Neil's point is that technically, perhaps, Ms McCaffrey didn't nominate, so by whatever process she got to the starting barrier.

MR RANKEN: Perhaps I'll deal with it this way. If we could bring up page 1492 in Exhibit 24. Sorry, Commissioner, I understand we might be having some technical difficulties.

20 THE COMMISSIONER: Sorry, can't hear.

MR RANKEN: We might be having some technical difficulties with sound.

THE COMMISSIONER: Okay. Ready to go?

MR RANKEN: I'm not sure. Now, Mr Henderson, you can see on the screen what is part of an email that was sent by Mr Simon McInnes on 4 July of 2017. Do you see that?---I do.

30 And it's sent to a candidate but it includes a final list of nominations received, and it lists them in the positions. Do you see that?---I do.

And so at least by 4 July, 2017, the list of nominations for those positions, as accepted by the head office of the Liberal Party, is set out there. Do you see that?---I do. For the first time.

Sorry?---I've never seen this before.

40 No, I accept that, Mr Henderson, but it's likely, though, that either around this time – or very shortly afterward – you would have seen this list of persons, is that correct?---No.

Why is that?---I have not seen a list like this.

You've never seen a list like this?---Correct.

Even as someone who was to be a preselector, you were never provided with a list of here are the persons who have been accepted as being nominees for these various positions?

MR NEIL: Well, Commissioner, could I object on the basis that it's not addressed to preselectors. It's addressed to candidates.

THE COMMISSIONER: Yes, well, that's - - -

10 MR RANKEN: But I wasn't asking about the email, with respect, Commissioner. I was asking about a list like this.

THE COMMISSIONER: A list, yes.

MR RANKEN: Yes.

THE COMMISSIONER: Or a record of some description, not necessarily being 1492.

20 MR RANKEN: No.

THE COMMISSIONER: Yes, all right.

MR RANKEN: Yes, yes.

THE COMMISSIONER: Let's proceed on that basis.

30 THE WITNESS: Proceeding on that basis, I don't recall seeing a list. Going to your earlier question, I was aware of persons that were in contention.

MR RANKEN: Yes. But were you not provided with any information as to the positions for which they were in contention?---As I recall, I did not get written advice.

THE COMMISSIONER: Not what? Not what's on the screen?---No, no, I, I'm going to the question about any, any form, any, any written list.

40 Thank you.---No.

MR RANKEN: No. So you weren't necessarily aware that multiple people were contesting the number one position, for example, on the ticket?---I was aware of that, yes.

How did you become aware of that?---So candidates, or potential candidates, can make a case to preselectors verbally and/or letter, and that is how I became aware of it because candidates approached me and said, "Hi, Derek. I'd like to put my case forward. I'd, you know, like to be

considered for this position.” That’s how I became aware of those who were in contention and where they would like, you know, where they saw themselves.

THE COMMISSIONER: Just, again, keep your voice up, please.---Sorry.

10 MR RANKEN: I wonder if we could go to 1493. And do you see that about the middle of the page there’s a reference to clause 26.1.2 of the constitution of the Liberal Party Constitution?---Sorry, what page – where has this document come from?

This is part of that email that I’ve just shown you in 1492. This is the next page.---Okay, thank you.

I’m not suggesting you’ve seen this document. I just want to draw your attention to something in it. Do you understand?---I do, thank you.

20 So I’m just drawing your attention to the reference to clause 26.1.2. Do you see that?---Yes.

Of the constitution. And then it talks about the fact that “Where more than one person nominates for endorsement as a Liberal candidate for election to an office in local government, a selection committee must be formed.” And that the clause sets out that the selection committee comprises, and then it indicates the kinds of persons who comprise the selection committee. Do you see that?---I do, yes.

30 And we can see the reference to the president, vice-president, secretary and treasurer, and the additional delegate or delegates from each branch allocated to the LGC elected under clause 7.6.1. See that?---Yes.

But notwithstanding that, that you were, by reason of that, going to be a member of the selection committee, or a preselector as I have referred to it, you never received a list of the candidates that identified the particular positions that they were seeking selection for?---I, I don’t recall ever receiving – and, sorry, you’re referring to in writing?

In writing, yes.---A list of candidates in the particular position they wanted.

40 And are you saying the only way that you became aware of the particular position any one or other of the candidates was seeking was if that candidate had sent you some correspondence saying that they would like to be considered for this position or that position or what have you?---Or spoken to me, yeah.

Or spoken to you about that.---Via phone or in person.

But you were aware, were you not, though that there were more candidates than there were positions on the ticket?---Yes.

And you were aware as well that each of the four existing sitting councillors had essentially applied for reselection?---Well, not aware of Ms McCaffrey's position, from recollection, but certainly with, in regards to Mr Ahmed, Mirjana Cestar, and Michael Megna, yes.

10 So I'm not sure exactly what you meant by Ms McCaffrey's position.  
---Well, you, you indicated that I'd, I, if I was aware if they'd applied.

Yes.---I wasn't aware about Ms McCaffrey.

What do you mean you weren't aware of – you weren't aware that she had actually applied for, put her name forward for any position?---Well, I don't recall. I may have assumed that because she was already in council that she would have.

20 But she was not only - - -?---But she never – well, I, I don't recall her saying, "Derek, I'm," you know, or, "I'm going again," or to that effect.

You don't recall ever receiving any advice ever that she was seeking preselection?---Well, at some point I became aware that she was.

Well, when was that?---Specifically I don't recall, but yeah, I – certainly in the lead up to the preselection voting night.

30 Do we take it then that you weren't aware of this issue that has just been referred to a short while ago about some problem with Ms McCaffrey's form or the fact that she may have initially nominated only for the mayoralty position?---Yes, I, look, I'm not aware of the, the means by which Helen became a person on the, on the ticket. Yeah, I, I've got no knowledge about her, as it's been put before the court or Commission, sorry, forgetting to do something or being then placed by HQ.

40 THE COMMISSIONER: Can I ask you, did you have any political or personal relationship with any of those four, that's the four then-sitting members of council?---Well, yes, that, that, that's a broad-ranging question, sir, and certainly the answer to it would be yes, through involvement in the party, going to functions, assisting each other on election days, handing out how to vote cards, and the like.

So that would include in particular Mr Megna, Ms McCaffrey, Ms Cestar, Dr Tanveer Ahmed, would it?---Yes, yes. Yeah.

MR RANKEN: Mr Ahmed, sorry, Dr Ahmed, he was a member of the Drummoynne branch?---Um - - -

You don't remember that?---I, I don't remember. Sorry, but yes, I, I remember he was part of the Liberal Party, and as I mentioned to sir, you know, we'd attend events and participate in Liberal Party activities together.

Ms Cestar, though, was treasurer of the Drummoyne branch the same time that you were the Vice-President of Policy, correct?---Correct.

10 So do we take it then that you probably had a little, a fair bit to do with Ms Cestar in her role as treasurer?---Yeah, so we, we had meetings and there was a function that we arranged together, although predominantly by herself and Nick Yap at the time. But yes, in, in the role, in the, in the specific function.

So she was quite active in that role?---As active as one can be. It's, it's a, a part-time volunteer role. I, I couldn't attest to what she did outside of when I was with her.

20 There is a fair bit of work involved in being the treasurer of the branch, would you not agree?---It depends on how active the branch is.

Would you consider it to be a relatively active branch, the Drummoyne branch?---Look, back then, yes, we, we had a number of functions on and we were considered, I guess we would be considered active, based on my experience.

So there would have been a fair bit of work then for someone in the position of treasurer, such as Ms Cestar?---It depends on what your benchmark is for "a fair bit".

30 Are you really saying that you just can't really - - -?---I can't - - -

- - - assess? You can't really assess whether or not she did a lot of work in her role as treasurer of the Drummoyne branch at the time or not? You're just not in a position to be able to assess one way or the other?---That is correct.

Yes, that's fine.---I, I – yes.

40 And Mr Yap obviously, as the president, did you have a fair bit to do with him, being as he was the president of the Drummoyne branch at the time? ---Yes.

And Mr Megna as the secretary.---Less time than with Mr Yap.

And Ms McCaffrey was not a member of the Drummoyne branch. She was a member of the Concord West branch. What can you say as to the nature of your relationship – political or otherwise – with Ms McCaffrey prior to the preselection process in 2017?---It was cordial. We would meet at

Liberal Party functions and talk in a friendly manner and discuss the party and activities that were going on.

And again you knew she was the mayor of the City of Canada Bay leading up to the preselection process?---Yes.

Now, did you have any conversations or communications with persons other than the candidates themselves regarding a possible ticket to be considered?---Yes, I did.

10

And with whom did you have those conversations?---A gentleman by the name of Mr Joseph Tannous.

Mr Joseph Tannous, was he somebody who you had prior knowledge or knew prior to speaking with him?---Yes, I, I would consider him, you know, a friend within the party and someone that I'd known for, for many years through the party.

20

Only through the party?---Yes.

So when you say "many years", since 2017?---Yeah, I, it was, would have been after that - - -

Sorry, since 2013. I misspoke.---Yes. 2013. I can't recall exactly when it was after that point in time, but - - -

But you didn't know him prior to joining the party in 2013?---Correct.

30

So you met him some time between 2013 and 2017, correct?---Yes.

And this contact or communication you had with Mr Tannous, was it initiated by you or was it initiated by Mr Tannous?---Which specific contact?

Were there a number of conversations or communications you had with Mr Tannous regarding the preselection process in 2017?---We would have had a couple, and I believe that specifically – like, your, your question was initially broad and - - -

40

I understand that.---So specifically to the matter of preselection, it would have been initiated by Mr Tannous.

That is, is that your recollection it was initiated by Mr Tannous?---That, that is my recollection.

Now, in terms of your knowledge of Mr Tannous, did he occupy any positions within the Liberal Party? Formal positions, that is.---I'm not sure what position he held back at that time.



He wasn't a member of any branches within the City of Canada Bay local government area, is that correct?---I don't believe so.

But he initiated some communication with you to discuss the preselection process that was to be undertaken in respect of the local government elections coming up in 2017, is that the case?---Yes.

10 And was it a telephone call or was it some other communications?---I recall it was by telephone.

It was a telephone call. And could you assist us with what the substance of the telephone conversation you had with Mr Tannous was?---Look, people, we were coming up for council elections. It was put to me perhaps we could have some changes occur within the Liberal Party councillors. I, myself, was of the view that we needed some fresh blood and perhaps young, a young face that was, you know, that were going to be active. And it was put to me that perhaps those persons could be Nick Yap and Stephanie and that, as I recall, it was to the effect of Mirjana and Tanveer  
20 had not been productive on the, on the council. So, you know, in line with my view that we needed some fresh faces and some young blood, perhaps it was time for them, you know, we'd swap them out and put in Yap and Di Pasqua.

So the suggestion was made to you by Mr Tannous that Ms Cestar and Dr Ahmed had not been productive whilst they were councillors on the council, is that correct?---That's how I recall it, yes.

30 But that was an opinion expressed by Mr Tannous to you, is that right?  
---Yes.

Mr Tannous was not a person who was a member if any branch within the City of Canada Bay local government area, correct?---As I understand it.

Were you curious as to understand from Mr Tannous from where he got that opinion of Ms Cestar and Dr Ahmed?---I can't talk to how formed that opinion.

40 I didn't ask that. I said, were you curious to find that out?---Curious. Well, we're all part of the party as a whole and I have a vested interest. Did I question it, was I curious to it? I would have to say no, like - - -

Well, what role, if any, did Mr Tannous have, in your mind, when it came to discussing matters about the City of Canada Bay local government area and its preselection processes?---As I, I approach, took, I took it at the time that he, he was being an advocate for a, a ticket and the changes in order to ensure, because, to ensure that things ran smoothly on preselection. I, I, it was my understanding that, you know, there are discussions held and, and

positions and, above my pay grade, for want of a better term, and Mr Tannous rang me to put forward a point of view. I honestly couldn't talk to be on, like, why and, and to that question what position he held.

So I'm interested as what you've referred to as discussions that were occurring above your pay grade. Are you talking about discussions at a broader, higher party level, is that correct?---Yes. Like, I, whilst I hold a position, I am but, to, for want, you know, was a bit - - -

10 Mr Tannous didn't hold any positions as far as you were concerned?---All I can say is that I believe him to be an advocate on behalf of others.

Is that because you understood Mr Tannous to be what's been referred to a powerbroker within the Liberal Party?---Look, I've, I've heard that term put out there.

THE COMMISSIONER: What, in relation to Mr Tannous or - - -?---Yes. I mean, it would be fair to say that is correct. I, I - - -

20 MR RANKEN: And so you understood that he was contacting you, did you, in his role as a powerbroker to discuss the way you should consider exercising your vote at the preselection?---Yes.

THE COMMISSIONER: Could I just take you back to that contact? You say he contacted you by telephone?---Yes.

And when he rang of course you knew who he was, you had previously met him?---Yes.

30 And do you remember where you were when you got the call?---No.

And you, as a serving police officer and formerly of New South Wales Police, understand how evidence is taken in the criminal courts in terms of trying to reconstruct, as best one can in the first person, what the conversation was about?---Yes.

40 Are you able to do that for me now in relation to that contact, that is to say the contact by telephone, Mr Tannous to yourself? How did it start and how did it proceed?---Well, it would have started with introductions, just, "Hi, how are you?" I recall there was discussion about putting the nature of the conversation in context, you know, ringing in regards to the upcoming preselection. There was discussion about what I would like to see in candidates, and as I mentioned before, new blood, fresh face, you know, the younger person.

Sorry, again, if you'd just try and put that in reconstructed, direct speech to the extent that you are able to do that.---Oh.

He said, what about that matter?---Oh. Well, “What are you, what are you looking for in candidates?” I said, “Well, I’m, you know, I’m, I’m interested in seeing fresh, some fresh faces, some new, young blood.” And, and he said, “Well, look,” words to the effect of, “Nick Yap and Stephanie are, are interested in, in being put forward, and I think they would be good, good persons.” It’d, it’d be, just words to the effect of, oh, you know, “Mirjana and Tanveer haven’t, haven’t been productive, you know, if, if you’re looking for some new blood and, and, and fresh faces then, you know, I, I could suggest that Nick Yap and Stephanie be put forward and, and you vote, vote for them. Michael Megna has good corporate knowledge and experience on council, so he’s, he’s a good person to, to stay where he is.” And that, that is, I guess, the, the gist or the, the extent of discussions around, oh, you know, the, the way the ticket would look in regards to Michael – I, I do recall it was, you know, “It would be good if Michael Megna was number 1, Stephanie was 2, Nick Yap 3,” and look, I, I can’t recall a mention of Helen but, in the conversation.

MR RANKEN: Was there – sorry.

20 THE COMMISSIONER: Can you recall saying something to him after he had said that to you?---Oh, and I, look, I said, “Well, that, you know, I’m not averse,” words to the effect of, “I’m not averse to that, given that it meets the criteria that I have in my mind for how the ticket should, should look with regards to, to the people being put forward.” Yeah.

MR RANKEN: Can I ask you this – your criteria, new blood, fresh faces, or young blood and fresh faces, what informed that criteria in your mind? ---Well, I was aware that we’d had the same councillors for some time, and from a, from my perspective, we hadn’t had much of a, put much of a dint on, on Labor, and there seemed to be, I guess, not a malaise, but people were comfortable in their role, and I, I believed that if we were to be more successful as a party, we would, you know, some fresh blood would help reinvigorate council from a Liberal perspective.

Well, were you aware though that Dr Ahmed had only served one term as a councillor?---No.

Were you aware that Ms Cestar had served only two terms as a councillor? ---No. But I still - - -

40

And also, but were you aware that Ms McCaffrey had served three terms as a councillor on the City of Canada Bay Council?---No.

And Mr Megna had served I think four terms.---No. But I’m aware that Mr Megna had been mayor previously when it was I think Drummoynes.

So when it comes to persons who have been on the council for a long time, the two persons who were suggested to you that might be removed were the

two who'd served the least amount of time of the councillors that had been on the council?---That's apparent now, yes.

But you didn't bother to find that out at the time, whether or not in fact they had been on council for too long?---Well, no, I - - -

10 Were you also aware that at the commencement of that most recent term of councillors – that is from 2012 – that the council was in fact dominated by Labor because there was a Labor mayor?---I'm aware that there was a Labor mayor, yes.

Are you aware, though, that by the time it came to 2017, the balance of power had shifted significantly, such that it was now held by Liberals?---I was aware we had a Liberal mayor.

20 Were you aware that the balance of power favoured the Liberals because, with the mayor's casting vote, there were four Liberals versus four non-Liberals, and so the balance of power rested with the Liberal Party?---No, I was not, not - - -

So it wouldn't be correct, then, would it, to say that there hadn't been any dint in Labor that the Liberal Party had achieved over the period of that last term?---Well, when you put it that way, you can argue that.

So were these views that you had views that essentially were not based so much on any research that you had done, but rather just your general feel of things?---Yes.

30 And so you mentioned that part of the discussion you had with Mr Tannous included a mention by Mr Tannous that it would be good if Mr Megna was number 1, Ms Di Pasqua was number 2 and Mr Yap was number 3. And you mentioned something about Helen McCaffrey but then you seemed to – you weren't, it seemed you weren't sure about what you were going to say about that. Was there some suggestion that she should be number 4?---As I mentioned earlier, I don't recall how she came to be on the ticket. But I do recall that when she was to be on the ticket, it was at position 4.

40 Sorry, do you mean to say that you recall that, in the wash-up of the preselection process, she ended up being on the number 4 spot, but as to what the position was as far as anything communicated to you beforehand, you weren't aware of that?---Yes. Yeah.

So the ticket that was presented to you by Mr Tannous was Michael Megna 1, Stephanie Di Pasqua 2, Nick Yap 3, and no mention of anybody else in terms of number 4?---If there – look, I'm, I'm firm on the first three. I can't be certain as to, to 4 and when Helen became in the mix for number 4.

So is it possible that there were some other discussions later on that you had with Mr Tannous where that topic was raised about who might be in the number 4 spot?---I - - -

You don't know.--- - - - genuinely can't recall that.

Would you agree that it would be a little odd not to have the person who is being put forward, or potentially put forward as a mayoral candidate, in a position that was not 1, 2 or 3 on the ticket?---Yeah, that does seem odd.

10

Did you not seek to raise that with Mr Tannous?---No, I – no.

And that conversation, how long in advance of the actual meeting was it?---I think it would have been in July. Towards - - -

In July. And can I ask you this, in terms of your communications with Mr Tannous over this period of time – and I'm just talking about July through to 6 August, 2017 – were all of your communications with him about this preselection issue?---As I recall.

20

There were no other issues that you were discussing with him over that time?---General party business but nothing that really - - -

And the communications that you had with him, we've only spoken about the first communication so far, were they generally initiated by Mr Tannous or did you initiate some of the communications?---That – look, I have communicated with him and initiated at times, and I – in that specific period I can't recall backing the fourth. I don't wish to confuse times, times that were separate from them.

30

But as far as the initial communication where it was first raised, that was a communication that was initiated by Mr Tannous, not yourself?---Yes.

And that was a telephone call. Did you also have SMS communications with him over that period?---It is quite possible that we communicated by SMS.

40

Do you recall any SMSs that you might have received from Mr Tannous relating to the preselection process?---No. Look, not, not this many years later.

Do you recall any other conversation, telephone or otherwise, that you had with Mr Tannous about the preselection process?---I recall that there was more than one but it was the first one that sticks in my mind more specifically than any of the others that – so there may have been, there were, I believe at, well, there was at least one follow-up call just to say, “Hey look,” words to the effect of, “Are we still on track? Are we still looking for that voting pattern?”

THE COMMISSIONER: At the time of this first contact with Mr Tannous, he as you've already said, did not have any direct ties with the Drummoyne electorate in terms of him, is that right?---As I understand.

And in what capacity did you believe he was making contact with you on that occasion? Did you give that any thought?---As mentioned, as an advocate on behalf of some of the other persons, other candidates.

10 And did you query in your mind as to why he has chosen to ring you?  
---Well, I, I didn't think I needed to query because he'd chosen to ring me as someone that was, was a voter.

All right, thank you. Yes, Mr Ranken.

MR RANKEN: Yes, thank you. So you were then aware, as a result of that initial communication though, that there was a ticket being organised, which effectively would end the positions of Dr Ahmed and Ms Cestar on the ticket?---Yes.

20 And you were aware that Mr Tannous had some role in at least promoting such a ticket?---Yes.

Do you know whether or not he had any role in actually coming up with the ticket?---No.

Did you have any discussions with him about that or, "Where is this coming from?" Something along those lines?---No.

30 Did you have any communications with Mr John Sidoti about the preselection process?---I have no recollection of discussing that with Mr John Sidoti.

Or any communications with him about that?---I don't have any recollection of - - -

He is a member of the Drummoyne branch, correct?---Yes.

40 And would you ordinarily have communications from time to time with Mr Sidoti or what?---Back at that time I didn't know him well, but if we were to see each other at a how-to-vote or a street stall or campaign-type activity, we, we would say hello.

But you didn't generally have much contact with him around that time?  
---Outside of party?

Outside of – well, when you say outside of party, you mean outside of face-to-face functions or events where you were present with him. Is that what you mean?---Yes.

So you didn't have telephone communication or email communications with him generally?---In 2017, I don't recall, recollect that being, being the case.

10 And you told us that you received written correspondence from the potential candidates in the lead up to the actual preselection event. Do you recall which candidates you received that from or was it from all of them?---I definitely recall Mr Megna. Stephanie I believe sent me a letter and I definitely had a phone call with Stephanie in which she pitched her case. I, I couldn't, can't recall as to the other candidates. I know I'd had discussions. I definitely had discussions with Mr Yap. He, he told me that he was interested and that he was wanting to put his hand up to be, to be a councillor. I don't think, I don't know that he sent me any written correspondence, but we had verbal.

20 THE COMMISSIONER: Sorry, did you say you had verbal contact with - - -?---With Mr Yap.

Mr Yap.---Yes.

MR RANKEN: And in terms of your contact with Mr Tannous, going back to that contact again, did he ask you at any time – either in the first conversation or possibly the second conversation – for you to speak with other preselectors about getting them on board with the ticket that he was supporting?---No.

30 Did he indicate to you whether or not he would be contacting such other persons?---No.

40 Did you have any conversations about the preselection with other preselectors in terms of the ticket that you thought should be the one that was supported?---I could be confusing conversations that I had with candidates themselves, because I – the words that I used before in relation to fresh face, fresh face/new blood, I utilised, I used with them too, when, when they called and they said, you know, “Derek, what are you looking for?” and pitched their case, and I said, “Well, you know, this is what I'm looking for,” and people (not transcribable). I don't wish to confuse conversations that I had with them with other people, but it is possible that I spoke with other persons and sort of gave an overview of what I'm looking for. I couldn't recall specifically if that other, conversations I had with other preselectors.

Well, insofar as you may have had conversations with other preselectors, do you say that those conversations would most likely have been limited to you

telling them what you are looking for in a candidate rather than specifics as to - - -?---How we're going to vote.

- - - who should be 1, 2 or 3?---Yes.

Now, prior to the preselection event itself, did you have an awareness that Ms Di Pasqua had nominated for not only positions 1, 2, 3 and 4, but also the mayoralty position?---I have some recollection of that, yes.

10 And did you come to learn, possibly on the day itself, that Ms Di Pasqua actually withdrew her nomination for that position?---That I can't recall.

Well, do you recall that, in the event, the position for who would be the Liberal candidate for the mayoralty was unopposed and it was Ms McCaffrey?---That does ring a bell.

Is your memory perhaps a little bit unclear on that because, by reason of the fact that she was not opposed as a result of Ms Di Pasqua withdrawing, there was no need for there to be a vote on the matter?---That could account  
20 for it.

In those circumstances, then, did you turn your mind to the question as to whether or not the mayoral candidate should not be higher up the ticket?---I do recall thinking it was odd, but it, but I didn't take that further.

You did understand, though, that the further down the ticket a person was, the less likely that person would actually be successful in getting elected to council?---Yes.

30 And ordinarily a person who's being put forward by the party as being the mayoral candidate is one that the party would be endorsing for one of the positions higher up on the ticket?---This was my first preselection process.

I understand that.---Yes. So I couldn't say ordinarily because I wasn't aware of what was ordinary.

But even so, it did seem a little bit strange.---As I mentioned, it seemed odd but, again, I'm not aware of what is ordinary because it was my first.

40 Now, you said that there was a follow-up call from Mr Tannous to confirm that you were still right to go with the order that he had suggested. Was there some further communication perhaps with Mr Tannous shortly prior the date itself, possibly the day before?---Well, that conversation you referred to could have been – I, I can't, I can't recall exactly when it was. It could have been the day before.

Could that have been by way of text messages?---No, I don't believe it was in written format.



Why do you say that?---Because I, I, I recall conversations as opposed to text messages.

I wonder if we might be able to bring up a document. I'm just going to bring up a document. Now, you may recognise this form of document but it's an extract information taken from call charge records for the mobile service of Mr Joseph Tannous. Do you see that?---I do.

- 10 You've probably seen information of this kind or in a similar format in your days as either an Australian Federal Police officer or a member of the New South Wales Police. I wonder if we could go to a date in time which is 15 July, 2017. No, we need to go back. Sorry, Commissioner, I wonder if we could just take a brief, five-minute adjournment.

THE COMMISSIONER: Yes, all right.

MR RANKEN: Just so I can make sure we have the right document.

- 20 THE COMMISSIONER: Yes, all right. I'll adjourn for five minutes or so to sort out the problem. I'll adjourn.

#### **SHORT ADJOURNMENT**

**[10.44am]**

MR RANKEN: Thank you for the indulgence, Commissioner. I think we're now in a position to proceed with the technology.

- 30 THE COMMISSIONER: Yes, thank you.

MR RANKEN: I wonder if we could then bring up the record that I sought to bring up. This is an extract from certain call charge records for the service used by Mr Joseph Tannous, and it includes details as to the user of particular telecommunication services that Mr Tannous contacted. So, do you understand they're calls and text messages made by Mr Tannous or by the service of Mr Tannous to other persons?---I understand that.

- 40 If I could draw your attention then to, you can see there's some entries that are shaded in a light kind of orangey type colour that commence at about 6.27pm on 15 July of 2017. It may not be – is it clear on your monitor? Can you see the date clearly?---I can, it appears as yellow on mine, and - - -

And it indicates that there was a telephone call of approximately 42 minutes and 51 seconds at 6.27pm on that date between Mr Tannous and yourself.  
---Yes.

You told us before that the first conversation you had with Mr Tannous about the preselection happened in about July of 2017. Does that sit with your recollection as to being the most likely conversation or record of that conversation having occurred?---Yes.

And then it appears that it was followed up with a number of text messages from Mr Tannous to you between 7.59pm and 8.01pm, three text messages. ---Correct.

10 And you don't have a recollection as to what the substance of those text messages actually was, is that the position?---Correct.

We then see that the following day there's a further telephone conversation initiated by Mr Tannous to yourself at 6.48pm that went for about 10 minutes.---I see that, yes.

Was that again likely to have been a conversation about the preselection process?---It could have been and, or could have also been about, well, other things.

20

What other things were you discussing with Mr Tannous around this time? ---General party activity. I, I, I, so I, I, what I'm getting to, sir, is that I couldn't talk to the specifics.

You can't say. If we could go to a date of 23 July of 2017, you can see that on your screen there are two similarly-coloured entries which indicate that at 11.21 and 11.23 on that date, Mr Tannous sent you two text messages. ---I see that, yes.

30 Again, you don't recall the detail or content of those text messages? ---Correct, I, I don't recall the specific detail.

Is it likely that they related to the preselection process?---As likely as, as before.

Going to 1 August, 2017, do you see on the screen you can actually see that there are two entries for 1 August, and two entries for 3 August.---Yes.

40 Now, just dealing with 1 August, it would appear that there was initially a telephone conversation which had no time, so it's likely that it was simply not answered or was going to voicemail, so Mr Tannous hung up. But then there is a text, sorry, it's followed up with a further conversation at 4.40pm that was for eight minutes and 47 seconds.---I see that.

Now, that is a date that is five days prior to the preselection event itself. Are you able to assist us with what you'd discussed with Mr Tannous on that occasion?---In that time frame I, look, I, I can't recall specifics, but I, it is likely that it would have been with regards to the upcoming preselection.

And in any of his communications with you over this period, did he ever change the position insofar as the ticket that he was promoting, and the order, et cetera?---Not to my recollection.

And then on 3 August, the first communication at 12.07 would appear to be possibly something that went to a voicemail, because it's only six seconds. And then there was followed up about eight minutes later with a text message from Mr Tannous to yourself.---That's what the records show.

You don't recall the detail of that?---I, and I, sorry, the records show that, and I don't recall the detail.

- 10 And then just finally, if I could take you to 5 August, which is the date immediately prior to the preselection event itself, you can see there are four entries in relation to contact with your service, and with the exception of one which would appear to be possibly a missed call because it's only six seconds, there are three text messages that Mr Tannous sent to your service that evening.---Yes, there are recorded, yeah.

But you don't recall the substance of them.---Correct, I don't recall the substance.

- 20 But is it likely that, given the timing and that the preselection event was the next day, it's likely that it related to that?---In the context, in the timeframe, it is likely that it would relate to that.

Yes, thank you. They're my questions of Mr Henderson.

THE COMMISSIONER: Yes, thank you. Yes, Mr Neil, do you want to cross-examine?

MR NEIL: I would apply, Commissioner.

30

THE COMMISSIONER: Yes, I grant leave.

MR NEIL: Thank you, Commissioner. Mr Henderson, I act for Mr John Sidoti.---Certainly.

I just want to ask you a few questions. When you were the Vice-President of Policy of the Drummoyne branch, you have told the Commission that the president was Mr Yap, secretary Mr Megna, treasurer Ms Cestar, correct? ---That's how I recall it.

40

Thank you. And I think you've said you worked more with Mr Yap than say with Mr Megna, is that right?---I believe so, yes.

But you did work with Mr Yap in the branch. Did you form a favourable opinion of him?---Yes.

Did you think he would make a councillor?---Yes.

Did you think he was fresh blood?---Yes.

Did you think he was active?---Yes.

And did you form an opinion about Ms Cestar in the time you worked with her?---Yes.

10 Did you form the opinion that she was not as impressing as Mr Yap in terms of council service?---I'm sorry, sir, you're asking about her council service but you're comparing her to Mr Yap who was not a councillor.

THE COMMISSIONER: Well, you worked with – I withdraw that. You would have had contact with, I take it, Ms Helen McCaffrey and Ms Cestar on a large number of occasions about council matters?---Yes, I, I - - -

Did you?---About council specifically?

20 Yes. Just ordinary business associated with either the council or the Liberal Party but firstly just dealing with the council. Did you have contact with those two councillors in relation to council matters?---There, there were discussions had but I, I, correct me if I'm wrong, I believe the question was getting at to whether I formed an opinion in relation to how perhaps - - -

In relation to - - -?---Cestar and Yap.

Their candidacy.---And the work they did within the branch. Would that be correct, sir?

30 MR NEIL: Well, I'll ask a different question. Did you form a view that, in terms of merit at the preselection, you would prefer Mr Yap to Ms Cestar? ---Yes.

And did you know, prior to the preselection, Ms Di Pasqua?---I don't recall having much to do with her prior.

Were you, as a preselector, present when she made a speech to the preselectors?---Yes, I was.

40 Were you impressed with her speech?---Yes. As I was with the phone call she made to me putting her case forward.

Thank you. Did you form a view that she would be a good councillor? ---Yes.

And did Mr Yap, prior to the preselection, put himself forward to you, either in person or telephone or by correspondence?---Yes.

And were you impressed with his presentations to you?---Yes.

Did Ms Di Pasqua put herself forward to you in any of those modes?---Yes.  
As I indicated before, she phoned me.

Thank you. To what extent did Ms McCaffrey campaign to you prior to the preselection?---I have no real recollection of Ms McCaffrey campaigning to me.

10 What about Ms Cestar?---I recall that, I recall her speech on the night of the preselection.

Did you have an opinion of the speech at the time?---Yes.

What was it?---I formed the opinion that she was taking it for granted and perhaps just expecting to, to go in. There was less enthusiasm perhaps than some of the other candidates.

20 And did she contact you to put her case forward to you during the period before the preselection, before the actual date?---I honestly can't recall if I received correspondence to her prior. I - - -

Can we take it, even if you did, it made no impression on you?---That would be a fair point.

Now, did Mr Ahmed campaign to you prior to the preselection?---I believe he had made mention in a conversation about it, but again, akin to the prior answer, not much impression was made.

30 Did you have the view that incumbents did not have a monopoly on their positions?---Could you please rephrase that?

Well, did you have a view that simply because a person was an incumbent member of the council, that didn't guarantee them being returned, that didn't guarantee them preselection?---Definitely.

They had to earn preselection on merit, correct?---That was my view, yes.

40 And I think you said something about it was possibly, I think you said, somewhat odd if Ms McCaffrey wasn't on number 3 on some proposed alignment or ticket, but had you been provided any information to the effect that she didn't want to be on number 3, she wanted to be on a higher position?---That, now that with you mentioning it, sir, I, I have, look, I, I, I can't really recall, to be honest. I, that period of time was a while back and I, as, as mentioned before, I'm not a hundred per cent certain as to Ms McCaffrey came to be on the position that she was on.

All right, thank you. In the event – might the witness, Commissioner, be shown page 1492. In the event, Ms McCaffrey’s name was put forward at the preselection for all four of the ordinary positions, correct?---Sir, are you asking me to comment on this document before me in relation to - - -

I just want to ask you this. If you look at that document, it shows that Ms McCaffrey’s name appears in all 1, 2, 3, 4 of the ordinary positions for selection, correct?---It is correct that that document is as it is with her name in those positions.

10

And assuming she was on the nominations for each of those four positions, it was open to preselectors to vote for her if they wished, correct?---Correct.

So any preselector, if he or she wished, could vote for Ms McCaffrey for 1, 2, 3 or 4, or only any one of them, correct?---Correct.

Now, did you vote for the candidates that you considered were in the best interests of the party?---Yes.

20

Did you vote for candidates who you considered would be, if elected, persons that would best represent the people of Canada Bay?---Yes.

Can you recall if you worked on any polling booth on the day of the actual election?---Yes.

Did you work at all on the Abbotsford Public polling place?---No, I, I don’t recall that I was at Abbotsford.

30

All right. Thank you.---Unless - - -

Thank you. Yes, those are my questions, thank you, Commissioner.

THE COMMISSIONER: Thank you, Mr Neil. No other applicant? Yes.

MR STANTON: Yes. By leave, Commissioner, can I just note our position for Mr Tannous. We have no questions of this witness, thank you.

THE COMMISSIONER: Thank you. Anything from - - -

40

MR RANKEN: No, I have no questions arising.

THE COMMISSIONER: Thank you for your attendance here today, Mr Henderson. You are now excused.---Thank you, sir.

**THE WITNESS EXCUSED**

**[11.20am]**

MR RANKEN: The next witness is Stephanie Di Pasqua.

THE COMMISSIONER: Thank you.

MR RANKEN: And Ms Di Pasqua, I think, is represented today.

10 THE COMMISSIONER: I see the time. Sorry, just before we come to that.  
Sorry, is there an application here?

MR BAZOUNI: Application for leave to appear, Commissioner, for Ms Di Pasqua. My name is initial A, surname Bazouni, B-a-z-o-u-n-i.

THE COMMISSIONER: Yes, I grant leave.

MR BAZOUNI: Thank you, Commissioner.

20 THE COMMISSIONER: Thank you. Will start with Ms Di Pasqua and  
then take a morning tea adjournment?

MR RANKEN: Yes, perhaps if we can start for - - -

THE COMMISSIONER: Yes, come forward. Thank you. Do you wish to give an oath or affirmation to give evidence?

MS DI PASQUA: An oath, Commissioner.

30 THE COMMISSIONER: There is a bible there, if you just take that and my  
associate will administer the oath.



THE COMMISSIONER: Yes, very well. Is there any application?

MR BAZOUNI: Commissioner, Ms Di Pasqua will seek the benefit of a section 38 declaration.

10 THE COMMISSIONER: And you've explained the provisions to your client, have you?

MR BAZOUNI: I have, Commissioner.

THE COMMISSIONER: Yes, very well. It is still your wish to have that declaration made?---Yes, is it.

You understand that witnesses, whether they take the benefit of a declaration, must answer all questions truthfully?---Yes, Commissioner.

20 Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Ms Di Pasqua, and all documents or things, if any, produced by her during the course of this public inquiry are to be regarded as having been given on objection. Accordingly, there is no requirement for Ms Di Pasqua to object to individual answers or documents or things produced.

30 **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 DI PASQUA, AND ALL DOCUMENTS OR THINGS, IF ANY, PRODUCED BY HER DURING THE COURSE OF THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN ON OBJECTION. ACCORDINGLY, THERE IS NO REQUIREMENT FOR MS DI PASQUA TO OBJECT TO INDIVIDUAL ANSWERS OR DOCUMENTS OR THINGS PRODUCED.**

40 THE COMMISSIONER: Yes.

MR RANKEN: Yes, thank you. What is your full name?---Stephanie Marie Di Pasqua.

And what is your occupation?---I am an electorate officer and I am a councillor at the City of Canada Bay Council.

And for whom are you an electorate officer?---I work in the office of the member for Drummoyne.

That is the office of Mr John Sidoti, is that correct?---Yes, that's correct.

And for how long have you worked as an electorate officer for the member for Drummoyne?---I began working in the electorate office in 2014.

10 When you first commenced working in the electoral office, what was your role?---It was called an additional temporary staff.

And how often did you work at that time?---Once or twice a week and I covered holidays if they - - -

And what sort of tasks did you do in that role?---I would assist constituents, answer the phone, admin, ad hoc admin tasks that arose.

20 And at that stage, 2014, when you commenced working for Mr Sidoti, were you reasonably freshly out of high school?---Yes.

When did you complete your high school?---2013.

And were you also, in 2014, studying?---Yes.

And what were you studying in 2014?---A Bachelor of Commerce.

And have you completed that degree?---I subsequently added Arts to my degree so I am studying that at the moment.

30 THE COMMISSIONER: Could you just keep your voice up, so that - - -?---Sorry, Commissioner.

- - - it's magnified in the microphone.---Apologies.

That's all right.

MR RANKEN: That's better.---Sorry, I'll sit forward.

40 I understand. So you added a Bachelor of Arts and was that majoring in a particular area?---Yes, majoring in marketing and public relations and social media.

And is it the case that you are continuing to study those courses even at today's date, is that correct?---Yes, that's correct.

And have you been studying them on a part-time basis for some time?---Yes.

You mentioned that you were working one day a week when you initially commenced working for Mr Sidoti. At some stage did that change?---Yes, I believe that changed in 2017.

In what part of 2017 did that change?---The beginning of the year, may have been February or March, from memory.

So up to that point, you'd been working once a week and covering some holidays, is that correct?---Yeah, once or twice a week, it varied.

10

But then in early 2017, did you take up a more significant position with Mr Sidoti's office?---Yes, I did.

And what was that position?---Electorate officer.

So that's when you actually took up the position as an electorate officer?  
---Correct.

20

And was that on a five-days-a-week, Monday-to-Friday basis?---I believe it was three days a week.

So initially for three days a week. At some stage, did it change so that it was five days a week?---Yes, I now work five days a week.

And for how long have you been working five days a week as an electorate officer?---Oh, I can't recall. It, it's about, I think it was – I, I was working three days, then it gradually became four days, and now it's five days.

30

Oh, so it's been a gradual process to move up to five days.---Yes.

And are you employed anywhere else?---Yes, I'm a councillor on the City of Canada Bay Council.

Are you paid for that position?---Yes.

And you've been a councillor on the City of Canada Bay Council since September 2017, is that correct?---Yes, that's correct.

40

And prior to taking up that position, you had put your name forward to be considered for preselection, is that correct?---Yes.

To be on the Liberal Party ticket, is that correct?---Yes.

When did you first join the Liberal Party?---I joined in 2015.

So after you'd already commenced working for Mr Sidoti, is that correct?  
---Yes.

And did you join a particular branch?---Yes, I did.

Which branch was that?---The Ashfield Young Liberals.

So that was a Young Liberals branch.---Yes.

Are you still a member of the Ashfield Young Liberals?---I'm a secondary member of that branch.

- 10 And are you a member of another branch as well?---Yes, my primary membership is the Drummoyne Central branch.

And Drummoyne Central branch is one of, is it five branches within the City of Canada Bay local government area?---Could be four.

Or just four. So there's Drummoyne Central, correct?---Yes.

There's Drummoyne.---Yes.

- 20 And then there's Concord West, correct?---Yes.

And Five Dock. Are they the four branches within the area?---Yes, that's correct.

Are the members of your family also members of the Drummoyne Central branch?---Yes, they are.

Mr Sidoti is not a member of that branch.---No.

- 30 He's a member of the Drummoyne branch, is that correct?---Yes, I believe so.

And in addition to yourself, does your mother also work for Mr Sidoti in his electoral office?---Yes.

Prior to 2017, had you had any experience as a councillor in local government?---No.

- 40 And had you had any experience in planning matters prior to 2017?---Can you define that?

Did you have any knowledge about the planning process or had you ever had to deal with planning matters?---No, but as part of my role working as an electorate officer, from time to time constituents would come in seeking assistance perhaps with a development application or something like that.

On those occasions, did you do anything with the development applications themselves, or was it more a matter of you referring them onto the council because that was the appropriate place to deal with it?---That's correct.

So you were aware of the fact that there are things such as development applications and the like.---Yes.

10 And you were aware that they were matters that were, at least in 2017, matters appropriately lodged with the council, correct?---Yes.

But as to any experience with development applications, you didn't have any, with actually the substance of them or the process at all?---No. No.

Other than just simply referring them onto the council.---That's right.

20 And were you aware, as in, this is prior to becoming a member of the council in September 2017, were you aware that the City of Canada Bay Council had, since about 2012 or 2013, been looking at planning proposals and studying the Five Dock Town Centre?---Not at the time, no.

You had no knowledge of that fact at all?---I don't believe so. Not that I can recall.

And in terms of where you actually performed your duties first as a temporary staff, additional staff, and then as an electoral officer working for Mr Sidoti, were those duties performed at his electoral office in Five Dock? ---Yes, mostly.

30 And is this the case, then, that prior to 2017 – sorry, I withdraw that. At least prior to you becoming a councillor with the City of Canada Bay Council in September 2017, you didn't have any discussions with Mr Sidoti about the Five Dock Town Centre Study and associated planning proposals?---No.

He never raised them with you at any time prior to that?---Not that I can recall.

40 And in fact you weren't actually aware that there was such a process that was being undertaken by the council?---No.

Commissioner, I'm about to move onto a new topic. I've just noticed - - -

THE COMMISSIONER: We'll take the morning tea adjournment. We'll resume in about 15 minutes. I'll adjourn.

**SHORT ADJOURNMENT**

**[11.31am]**

THE COMMISSIONER: Yes, Mr Ranken.

MR RANKEN: Yes, thank you, Commissioner. Now, Ms Di Pasqua, I want just to ask you some questions about the preselection process and the particular preselection process that occurred in 2017. Now, firstly, there was a point in time in 2017 when nominations were open for persons who wished to put their name forward to be considered for the Liberal Party ticker in the September 2017 local government elections. Is that correct?  
10 ---Yes.

And did that occur around about late April, possibly about 24 April, 2017? Does that sit well with your memory or - - -?---Around about that time.

And had you given consideration to putting your name forward prior to the nominations opening or was it something that you considered only once the nominations had opened?---I, I guess, I always had an interest and showed an interest in politics and it was something that I would have considered prior to nominations opening.  
20

Did you speak to anybody prior to nominations opening about the possibility of putting your name forward?---Not prior. It would have been when the nominations opened.

So once the nominations opened, you gave further thought, did you, to putting your name forward and spoke with other persons about the prospect of putting your name forward. Is that the position?---Yes.

And who did you speak with?---I spoke with Mr Sidoti.  
30

He was your boss at the time?---That's correct.

And he was the local member for Drummoyne, correct?---Yes.

And no doubt there was a particular reason why you spoke with Mr Sidoti?  
---Yes.

And that was partly because you saw him as a fairly senior person within the party, correct?---Well, I worked for him at the time as well.  
40

Yes, so you also had a pre-existing relationship and knowledge of him and you were comfortable with raising the issue with him. Is that correct?  
---Yes.

And did he encourage you to put your name forward?---He said he would support me if I put my name forward.

Did you have a conversation with him about how the process works?---Not at the – I don't believe so. I can't really recall.

I mean, at that time, there were already four sitting members of council who were Liberal Party members, correct?---Yes.

10 And when the nominations opened for preselection, was there an indication from the party as to how many persons would be on the ticket?---Yes. I believe the party deemed that there were four winnable spots on the ticket, plus the mayor.

Plus the mayoralty.---Yes.

So, given that there were four persons who were already sitting councillors, did you consider that there might be a bit of an uphill battle for you to get on the ticket in a position that meant you would be successful to get onto council?---Well, at the time I hadn't spoken to the sitting councillors so I didn't know if they were nominating.

20 Did you expect that they might nominate?---Maybe but that didn't, that didn't sway my decision as to whether or not to nominate.

So, it didn't feature in your considerations as to whether to nominate, whether or not they might actually also wish to nominate?---Not at the time, no.

30 In your discussions with Mr Sidoti about putting your name forward in which he expressed his support, did the topic of the other sitting councillors come up at all?---I don't recall but I don't believe so, no.

And what sort of support did Mr Sidoti suggest he could offer you?---I believe I asked if Mr Sidoti would like to write a reference for me that I could include in my nomination form.

Sorry, if Mr Sidoti could write – or did you say Mr or Mrs Sidoti?---Mr, my apologies.

40 Mr, sorry. Mr Sidoti could write a reference to support your nomination, is that right?---Yes.

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

And did you submit that together with your nomination form, did you? ---Yes, I did.

And was that reference addressed to the state director?---It would have, I believe so. I can't recall but I imagine so.

And did Mr Sidoti indicate to you whether or not he was providing a reference in support of any other candidates?---No, I don't believe the topic came up. I can't recall.

Would you have thought it strange if he had, if he was supporting your candidacy but also supporting others?---Not particularly. There's four winnable spots.

10 Did you have any discussion with Mr Sidoti about what positions you should nominate for?---When I put in my form?

Yes, when you put in your form.---I don't believe so. I may have mentioned that I nominated for everything but that's about it.

But as I understand it, you had a conversation with Mr Sidoti after the nominations had opened, but before you actually put in your nomination form, correct?---Correct.

20 And do I take it that you may have, after putting in your nomination form, had a further conversation with Mr Sidoti in which you had told him that you had put your name forward for every position?---That's likely, yes.

But you don't recall the details of any such conversation?---No.

Did you ever have a conversation with Mr Sidoti about possibly coming to an arrangement with any of the other candidates in relation to what could be described as a ticket?---No.

30 Are you saying you positively recall that you never had such a conversation with Mr Sidoti?---At the time that I put in my nomination form? Or that I was - - -

Well, firstly at the time when you put in your nomination form.---No, I don't believe so.

At some later time did you have a conversation with Mr Sidoti about that topic?---Perhaps, yes.

40 When you say perhaps, is that - - -?---Well, I can't recall, but it's probably likely.

And likely that, what was the likely effect of that conversation then, to the best of your recollection?---I recall that I went to Mr Sidoti for some advice, because I believed that, I believe that there were some candidates that were telling me things, but perhaps telling others other things. So I sought his advice on that.



Well, I'll come to that in a moment, but before I move away from it, and I'll come back to it, was that a conversation that you had with Mr Sidoti at a later point in the preselection process, that is, closer to the preselection event itself, or was it - - -?---That's correct.

And are you able to assist with how close to the preselection it was that you had that conversation?---I wouldn't be able to recall when.

10 Was it a matter of days or was it a week, or - - -?---I can't recall.

And was it a conversation you had with Mr Sidoti in person, or was it one that you had over the telephone?---Not sure.

I wonder if we could bring up page 1492. Now, Ms Di Pasqua, this is part of an email chain. The email chain does not actually involve you, but we can see that part of the email chain includes an email from Mr McInnes dated 4 July, and it's addressed, well, the salutation is, "Dear Candidate." Do you see that?---Yes.

20 And it goes on to say, "The final list of nominations received is as follows," and then there's a list of the nominations for each of the four positions on the ticket, and the position of mayor. Correct?---Yes.

And we can see that you have nominated yourself or you have been nominated or are recorded as being nominated for all positions including the mayor.---Yes, that's correct.

At least at this point in time, 4 July.---Yes.

30 Now, is it likely that you would have received an email similar to the email that we see commencing at this page?---Yes.

And I'll come back to this page, but if we could go to page 1493, the next page, can you see that? Does that refresh your memory as to the likelihood that you would have received possibly an identical email such as this? ---Yes.

40 Thank you. And could we then go back to page 1492. So I directed your attention to the fact that this email was actually just on 4 July. But do you see underneath the table that lists all the positions that people have nominated for, there's a paragraph that says, "This list now includes Helen McCaffrey in ticket positions 1 to 4. Ms McCaffrey did not nominate a ticket position on her nomination form and should have been included in all positions in my email of 26 June, 2017. I apologise for any confusion this may have caused." Do you see that?---Yes.

So it appears that in fact there was an earlier email of 26 June, 2017. Is that right?---Yes.

But then there had to be an update of the list to reflect the fact that Ms McCaffrey – do you recall any of this?---Yes, I do.

And what do you recall of the issue that had arisen there?---As, as you've explained to me, there was an initial email on 26 June - - -

Yes.--- - - - that omitted Mrs McCaffrey from positions 1, 2, 3 and 4, and she was only noted as having nominated for the position of mayor.

10

Was that information that had been conveyed in the original email, 26 June?---Yes.

So she had only – a similar table as the one we see here on page 1492 was there, except it only had Ms McCaffrey in the position, going for the position of mayor, is that?---Yes, that's what I recall.

20

And that was effectively the end of it, was it, that she ended up being on that – as we see, she continued to be nominated for those four positions as well as the mayoralty.---Yes.

And that didn't cause any problems in terms of your perspective?---I submit, I made a submission to the state director following the receipt of this email.

Tell us about that.---I contested Mrs McCaffrey's eligibility on the basis that she'd only ticked the mayoral on her form.

30

As a result of receiving this email on 4 July, is that right?---Yes.

When did you submit that?---I can't recall the exact date, but it would have been a couple of, maybe two weeks afterwards, something like that.

And what made you think to challenge Ms McCaffrey's nomination?  
---Well, at the time I didn't think it was fair that the party had made that ruling because I, in my mind I thought that she nominated for the position of mayor and she was only nominating for that.

40

Did you have any discussions with anybody about that, about challenging her nomination?---Yes, I did.

And who did you speak with about that?---I recall a specific conversation that I had with Mr Tannous about this matter.

Is that Mr Joseph Tannous?---Yes, that's correct.

When did you speak with Mr Joseph Tannous about it?---I saw Mr Tannous at a Liberal Party conference in around about July, around about the time

that I received this email. I didn't, I, I sought some advice from him because I wasn't really sure how I would go about submitting a challenge.

THE COMMISSIONER: Did somebody suggest he's the man to speak to? ---Mmm, I don't believe so. I saw him and mentioned it to him on the day because I thought he'd be across this kind of – he may have more information than what I would have at this point in time.

10 Why did you think he'd be across it?---Well, my understanding is that he has been in the party for a long time and he, as a former councillor, may have gone through a nomination period, so I, I approached him and thought, I asked him for his advice.

Were there many people at this Liberal Party conference?---Yes, it was a weekend conference.

How many would have been there?---Probably in the hundreds, maybe.

20 Sorry, how many?---Probably in the hundreds. Like, I couldn't give you the exact number.

And why was it, of all the people there at the conference, you chose Mr Tannous to speak to?---I'm not sure. I went to Mr Tannous for his advice.

I know that. That's what you've said. But why did you decide to choose him out of all the others present to seek advice from?---I didn't know a lot of the – it was a statewide conference, so I didn't know a lot of people there.

30 Had you met Mr Tannous before this day?---Yes, I believe so.

I'm sorry?---Yes, I believe so.

In what circumstances?---I can't recall, but it would have been party-related.

Are you saying to the Commission, on your oath, that it was of your own initiative that you approached Mr Tannous on this occasion?---Yes.

40 Nobody suggested that you speak to him?---Not that I can recall. It was – no, not that I can recall.

MR RANKEN: Well, did you have any conversations with Mr Sidoti about the challenge you were contemplating making to Ms McCaffrey's nomination?---I can't really recall but I, it would be likely that I would have told him that I felt it was unfair.

Is it likely that you told him before you spoke with Mr Tannous at this function?---Probably. I can't really recall, I'm sorry.

Well, prior to this function, had you ever had cause to seek out Mr Tannous for his advice?---No.

Had you spoken with Mr Tannous at all, prior to this function, about the preselection process?---No.

Had he ever contacted you in relation to the preselection process prior to this function?---No.

10 Is that true?---Yes.

Did he ever contact you to discuss the preselection process?---Prior to having met with him or - - -

At any time between the time that you nominated the date of the preselection event itself?---Yes.

20 Was that a telephone conversation or was that a conversation in person?---I had that initial conversation with him at the conference. I believe he sent me some assistance via text message, some lines perhaps that I could include in the challenge. I read up the constitutional challenge and emailed it to him and I believe he called me to give me some feedback on the, on the challenge.

But you say, do you, that this challenge was something that was entirely your own decision to make?---Yes.

30 THE COMMISSIONER: Was it your own idea unaffected by anything anyone said to you, to challenge Ms McCaffrey's eligibility?---Well, I thought that it was unfair and I shared that - - -

But just answer my question.---I'm sorry?

Would you answer my question?---Are you able to repeat the question, sorry, Commissioner?

40 Did you decide to challenge Ms McCaffrey's eligibility wholly and solely based on your own thought and processes without speaking to anyone? ---What I'm saying is that I sought advice - - -

No, just did you or did you not?---No. I sought advice and then made the decision to submit the challenge.

So, you sought advice on what?---On whether or not others felt the same way as me, that it was fair that this ruling had been made and whether I was being unreasonable insofar as thinking that if you nominated for the mayoralty and only the mayoralty, then that is what you should be eligible to nominate for.

And did you discuss with somebody who you should seek advice from?  
---Not that I can recall and I'm, by memory it just – there were - - -

MR RANKEN: Can I ask you though about this approach you made to Mr Tannous at the convention?---Yes.

You said it was a statewide convention in July of 2017. Is that correct?  
---Yes.

10

And you sought out Mr Tannous, is that the position?---I may have bumped into him and then mentioned it to him.

And at that time you were obviously contemplating putting a submission of some sort or a request for a review of the decision, is that correct?---Yes.

And had you already drafted a possible document to submit?---No, not at that time.

20

Well, what was the advice you were seeking from Mr Tannous? Was it just simply to see whether or not he agreed with you that it was unfair, as you told the Commissioner just now? Or was it something more?---I went to Mr Tannous because I thought that he would have had a bit more of an understanding about the Liberal Party Constitution and whether or not there was a provision in the constitution that would cover this type of scenario.

30 So if I could hold you there. When you approached, when you spoke to him about it – whether or not it was because you bumped into him and it was a fortuitous chance, or you actually sought him out – you had in your mind that he had, he would have some detailed knowledge of the Liberal Party Constitution that might assist you, correct?---Yes.

And you also referred earlier that you were aware of the fact that he had previously been a councillor.---Yes.

And what council did you know him to have been a member of or a councillor on?---Burwood.

40 Where did you get that information, that he was a councillor at the Burwood Council?---Could have come from Joe himself in, in conversations.

In that conversation or in some earlier conversations you'd had with him?  
---It would have, I knew that before I spoke to him on that day. So it would be an earlier conversation.

THE COMMISSIONER: Can I just interrupt for a moment. Ms Di Pasqua, I can't see you.---Oh, I'm sorry.

Could you just move up towards the other microphone? I think that - - -?  
---That's probably easier.

Just tap it to see if it's working.---Can you hear me? Hi.

Yes, that's better. Thank you.

MR RANKEN: And if you could just - - -?---Sorry, I was just - - -

10 No, that's fine. It's much more important for the Commissioner to be able to see you than for you to be able to see me.---Sure.

If you could just listen to me for the time being in terms of my questions. So you were aware that your boss, Mr Sidoti, had previously been a member of the Burwood Council, correct?---Yes.

And were you also aware that Mr Tannous had been Mr Sidoti's campaign manager when he ran for council in 2008?---Yes.

20 And were you also aware that Mr Tannous had been Mr Sidoti's campaign manager when he ran for election to the seat of Drummoyne in 2011?---Yes.

And was that information that came from Mr Sidoti?---It's information that came, I came to know from working in the office.

THE COMMISSIONER: Sorry, came to know from what?---From working in the electorate office.

That would include Mr Sidoti?---Yes.

30 Discussing it at some stage or other?---Yes.

MR RANKEN: Because you commenced in 2014, correct?---Yes.

Some three years after Mr Sidoti had been elected.---Yes.

40 So you say it's something you came to know from your time working in Mr Sidoti's office, but you cannot say from whom you learned that?---That's correct, because the senior electorate officer that was working in the office at the time, I understood her to also have worked on the 2011 campaign.

And who was that?---Sarah Lawrence.

And Sarah Lawrence, she was a preselector at the 2017 preselection event, is that correct?---Yes.

And she works for Mr Sidoti as well, does she not?---She does not work with him now, at the moment.

But in 2017 did she work for Mr Sidoti?---I believe she moved on in perhaps February or March of that year.

Of 2017.---'17, yes.

So she was no longer working for Mr Sidoti by the time you took up the permanent position or the more, the position as the electorate officer.  
---That's correct.

10

But going back to this conversation you had with Mr Tannous, so you had a belief or an understanding that he would have detailed knowledge of the constitution of the Liberal Party, and might assist you, what, with being able to direct your attention to a provision that allowed you to lodge such a review, or - - -?---Yeah. I, at the time, this was the first preselection that I was going through, so I, I needed advice. I didn't know - - -

20

THE COMMISSIONER: Did you, before you sought this advice, raise it with Mr Sidoti, for whom you worked, to get his view?---Yes, it's likely I would have asked him what, or his, what his thoughts were about that, yes.

So doing the best you can, what sort of - - -?---I would have asked - - -

- - - what sort of query would you have raised – no, just let me finish.  
---Apologies.

30

How would, how did you raise it with Mr Sidoti, you feeling strongly about this matter, I take it, that you thought it was unfair?---I, I would have shown him the, this new email, and asked him what his thoughts were about that.

When you say emails you're talking about the one that's on the screen now?  
---Correct.

That's 1492.---Or, yeah, or explained it to him, what I'd received.

Did he explain or respond to your query?---I can't recall if he responded, but I believe that he shared the same view that I did, or - - -

40

And what view did he express?---I think that he agreed that it wasn't fair.

That it?---He agreed with me, when I asked him, when I told him that I didn't think it was fair.

So did you raise it with him because he's a person known to you to have considerable experience in Liberal Party matters and he may be able to provide guidance?---Yes.

All right. Yes, Mr Ranken.

MR RANKEN: Did you not ask him about whether or not he could direct you to the relevant parts of the constitution that might give you a basis for seeking a review?---I'm, I'm not sure if he would have known.

But did you ask him?---No, I don't believe I did.

Because he was a senior member of the party, correct?---He was a member of parliament, yes.

10

Not only that, he was a minister at the time, was he not?---In 2017?

Yes.---I don't believe so.

Was he a parliamentary secretary?---To the best of my recollection, yes.

So he was relatively senior, if not a minister, he was a parliamentary secretary, correct?---Yes.

20 He'd been a member, to your knowledge, of the Liberal Party for some time, correct?---Yes.

He had been a councillor for a term before becoming a member of parliament, correct?---Yes.

So on any view, you must have considered that he would have at least as much knowledge of the constitution of the Liberal Party as Mr Tannous. ---Yes.

30 So is there a particular reason why you sought out Mr Tannous rather than Mr Sidoti to raise these queries?---I'm not sure why I did that.

Did you have any understanding as to whether or not Mr Tannous occupied any particular official position within the Liberal Party at that time?---I knew that he had previously been on the state executive, and so I guess that's why I would have thought that he would have had more knowledge.

And where did that information come from? Was that information that you'd got from Mr Sidoti?---That Mr Tannous was on the state executive?

40

Had been on the state executive.---I don't believe that's, that's information from Mr Sidoti.

Where did you get that information from?---It's possible I got that from Mr Tannous himself. It was also widely reported in the media.

Is this the position, that you understood that Mr Tannous was a powerbroker within the Liberal Party?---Yes.



And was that the reason why you raised it with Mr Tannous, because you understood him to be someone who was a man who could exercise some influence within the Liberal Party?---Yes.

10 And one of the things you told the Commissioner was one of the things you were seeking advice from him was to see whether or not he would agree with you, or there would be other members who might also consider that it was unfair in the way that you considered it to be unfair, that is the decision to allow Ms McCaffrey to be on all the positions in the preselection, correct?---Yes.

So were you seeking to enlist his support to perhaps gather likeminded persons who might also feel that same way?---No. My understanding is that constitutional challenges are reviewed by the state director.

And from where did you get that understanding?---Well, because I addressed the challenge to the state director and - - -

20 Yes, but you must have got the understanding that you needed to address it to him from somewhere. So from where did you get that?---It would have been in the constitution perhaps.

So did you read the constitution or did Mr Tannous give you that advice that you would need to submit it to the state director?---It was likely from Mr Tannous.

30 So Mr Tannous assisted you with advice as to whom you would need to write in order to seek the review?---That's right.

Did he also give you advice as to what matters you would need to raise in order to support your argument?---Yes.

And what matters did he suggest you should raise in support of your argument?---As I have explained, when we were of the view that Helen, sorry, Mrs McCaffrey did nominate a ticket position and that ticket position was the mayoral position.

40 When you say, "We were of the view," do you mean you and Mr Tannous? ---Well, I shared that view and he agreed, so yes.

I'm just wanting to query your use of the word "we." That was a shared view of the two of you, is that correct?---Yes.

And do you say that was view that was independent of any discussions you had with Mr Sidoti?---As I said, I, I spoke to Mr Sidoti about this matter and he agreed.

So he agreed with your view that it was unfair, correct?---Yes,

And he understood, did you communicate to Mr Sidoti, that you were considering putting forward a challenge or a request for a review?---Yeah. It's likely that I would have.

And he expressed agreement with that course?---Yes.

10 THE COMMISSIONER: And was the next step that you took after he expressed his agreement to seek the advice from Mr Tannous at the conference?---Sorry, Commissioner, are you saying did I speak to Mr Sidoti first or - - -

No, I'm saying, step one, you spoke to Mr Sidoti about it and he agreed with you about the unfairness of it?---Yes.

Is step two the occasion when you took up the issue with Mr Tannous at the conference?---Yes.

20 And did Mr Sidoti indicate to you the people who would be likely to be able to help you on this and mentioned Mr Tannous as perhaps one of them? ---He may have said, "Speak to Mr Tannous," but I can't, I can't - - -

Sorry, he may have said what?---He may have said to speak to Mr Tannous but I can't recall a specific direction.

Do I understand then sometime after the conference, Mr Tannous sent you some material for a particular purpose, is that right, on this issue?---Yes.

30 And do you remember what the material was?---It, it was the specific points in the constitution that would cover a situation like this.

Is this the document he had created or is he just copying something and sending it to you?---I'm not sure. He sent it to me via text message.

You're not sure, what?---I'm not sure if he created it or he sought advice. I'm not sure.

40 Then you did look at the material and I think you said you sent something then to Mr Tannous at a later point, is that right?---Yes.

What did you send back to Mr Tannous?---I inserted that material into my own constitutional challenge, and I asked Mr Tannous to look at it.

Did you have any assistance in putting that document together?---Besides the lines that I'd received? I recall that I also spoke to a friend in the Liberal Party who helped me as well. But I wrote it and sent it and asked him for his advice as well.

MR RANKEN: Who was that friend?---His name is Dimitry Palmer.

THE COMMISSIONER: Why did you choose that person to send the material to?---At the time I considered him a, a friend. He was studying law at the time, so I thought he may have an opinion. I just wanted to make sure that I made a compelling case.

10 Did you show Mr Sidoti the material before you sent it on to Mr Tannous?  
---No.

MR RANKEN: Did you show Mr Sidoti the material before you sent it on to the state director?---I can't recall. But it's, it's likely, perhaps I did.

It's likely?---Yes.

20 And for what purpose would you communicate that to Mr Sidoti?---Seek, again seeking his advice on whether or not it made, made sense, it was a compelling case.

Apart from those three persons – that is Mr Sidoti, Mr Tannous and your friend Dimitry – was there anybody else within the Liberal Party you spoke to about putting forward the submission?---I would have spoken to my mum about it as well.

But was that in the context of speaking with your mother - - -?---Yeah, that's right.

30 - - - rather than in the context of speaking with someone who happened to also be a member of the Liberal Party, is that right?---Yes. To the best of my recollection, they're the people that I spoke to, yes.

And is this the case, that Mr Tannous really gave you the substance of the legal basis, as it were, for the submission?---Yes.

And perhaps some suggestions as to points, particular points to make, correct?---Yes.

40 And your friend, Dimitry, assisted to some extent with, what, the wording because you considered it to be a legal document. Is that the position?---I just, yeah, I asked him to have a look at it, after I'd put it into a document, to see what he thought about it.

And Mr Sidoti was – there was a conversation early on when you indicated your views about the decision that had been made that you wished to have reviewed, correct?---Yes.

And was there some further conversation with Mr Sidoti after you'd received advice from Mr Tannous but before you forwarded it on?---It's likely, yes.

It's likely?---Yes.

Is there a particular reason why you say it's likely?---Well, I probably would have shared with him that others agreed with my view that it was unfair.

10

So you would have shared with him that you'd spoken with Mr Sidoti? Sorry, with Mr Tannous.---Most likely, yes.

Well, the only other person you spoke to in the Liberal Party about it was Mr Tannous, other than Mr Dimitry.---Yes.

So in terms of reporting back to Mr Sidoti that there were others who felt the same way as you and Mr Sidoti, the only other person, really, was Mr Tannous, correct?---Yes.

20

Because Dimitry really only just assisted with some of the drafting, correct?---Yes.

He didn't express any view one way or the other, did he?---I believe he told me something along the lines that I should put it in, give it a go, that kind of thing.

So in any event, if you were telling Mr Sidoti about other persons who agreed with you, they would be Mr Tannous and Dimitry and no one else? ---Yes.

30

And you told us that Mr Tannous provided the information that you were to include in the submission, or he suggested in the submission, by text message.---Yes, I recall it was a text message.

Was it a fairly lengthy text message that had the detail in it?---It would have been.

I wonder if we could bring up a document which is the spreadsheet of telephone calls. If we could go to the tab which is Calls of Interest. And if we could go to the date of 24 July of 2017, can you see that there are a series of text messages all at 2.54pm, they are shaded in a pink hue, if I could call it that, from Mr Tannous to your mobile telephone service? Do you see those, at about 2.54?---Yes, I do.

40

And can you see that there's a series of four text messages, and they're all a second apart?---Yes.

Now, I'll suggest to you that that is likely to be a single text message possibly broken down as it was sent because of its length over four text messages. Would that accord with the likelihood of that being the communication in which Mr Tannous communicated the information for your review?---Yes, I will accept that.

Can you see a little further down the page, at 9.33am the following day, that is 25 July of 2017, there is a text message from Mr Tannous to you as well? ---Yes, I see that.

10

Then that is followed later on that day, sorry, that morning at 11.43 with a telephone conversation taking four minutes and 46 seconds, do you see that? ---Yes.

Now, I want to bring up a separate document, and in that separate document if we could go to page 8, now do you see there this is part of an email chain, but the email at the bottom is an email from yourself to joe@[REDACTED], subject Constitutional Challenge, do you see that?---Yes.

20 "Hi Joe. Please find attached letter addressed to the state director. Thank you." Do you see that?---Yes.

And that's at 9.56am on 25 July, correct?---Yes. Yes.

So less than half an hour after Mr Tannous had forwarded you that text message that morning at 9.33.---Yes.

30 And then following that email, we saw the telephone conversation that you had with him at 11.43, for four minutes, 56 seconds or something along those lines.---Yes.

Then we see a further email from yourself to Mr – or to that email address, joe@[REDACTED], and it says, "Edited to include suggested changes." ---Yes.

So the position was, I think as you've described, initially you'd had this conversation with him. Was that conversation only a few days before he sent you the text messages, or – just in terms of working out the time frame. ---Yes, I believe so, just by the dates that I'm going off.

40

So this is a Tuesday.---Yes.

The 25<sup>th</sup>, so the Monday was the 24<sup>th</sup>, when he sent you the text message that appears to have been broken into four?---Yes.

So it was the event that you attended and had spoken with him about it, was that the previous weekend?---Yes.

So that means it was either the 22<sup>nd</sup> or the 23<sup>rd</sup>?---Yes.

Of July, correct?---Yes.

Some two weeks after you had received the initial email?---Yes.

And within that relatively brief time you drafted a letter, had Mr Dimitry have a look at it and then forward it onto Mr Tannous, is that the way it worked?---Yes.

10

And then he's had a conversation with you, you've discussed some suggested changes that he has suggested, is that correct?---Yes.

You were happy to incorporate them, I take it?---Yes.

And then you forwarded it onto him, is that right?---Forwarded it onto - - -

To Mr Tannous.---With the changes you mean?

20 Yes.---Yes.

Now, if I could go to then page 7 in that document. Do you see this is the rest of that chain, but I just want to draw your attention to the email at about a third of the way down the page, which is from Mr Tannous to you, of 24 July at 4.00pm. Do you see that?---Sorry?

So, "Stephanie, that's fine. Send it to him and keep me posted."---Yes.

30 MR STANTON: Commissioner, just a correction, sir. That's the 25<sup>th</sup>, not the 24<sup>th</sup>.

THE WITNESS: Yes.

MR RANKEN: Sorry, did I say 24<sup>th</sup>? I meant to say 25<sup>th</sup>, I do apologise.

MR STANTON: Just for the record, sir, that's all.

40 MR RANKEN: I'm grateful to my friend, 25 July at 4.00pm.---Yes, at 4.00pm.

So, essentially he's suggesting that he's looked over the changes that you've made as a result of your conversation and he's happy with it and when he says, "Sent it to him," to whom did you understand that to be?---The state director.

And then, "To keep him posted," what did you understand that to be a reference to?---To let him know when I, for the, perhaps what the ruling would be when he made it.

Did you understand what his interests might be in any ruling that was made?---No.

Because Mr Tannous wasn't a member of any branch within the City of Canada Bay local government area, correct?---Yes.

10 So, there was no reason he ought show, to your knowledge, any particular interest in the preselection process?---I can only say what I took it to mean and I took it to mean that he was saying, "Keep me posted," as a, as a friendly thing to me.

As a way of just general supporting having given you some assistance in relation to the matter, just to, you know, interested to see how it turns out, that kind of thing, is that how you took it?---Yes, that's how I took it, yes.

You didn't understand him to have any other interests at the time in the preselection process of the City of Canada Bay?---(No Audible Reply)

20 None whatsoever?---Only to, only that he was supportive of me.

So where did you get that information from?---Well, if he wasn't supportive he wouldn't have helped me do this, so I assumed he was supportive of me.

So, that's an assumption that you made, is it?---Yes.

30 So, apart from this assistance with you in respect of this issue of the challenge, was there any other discussions you had with Mr Tannous about your candidacy, for preselection. I'm talking?---After 25 July?

Before or after.---It's likely I would have spoken to him after 25 July about the preselection.

Why do you say likely?---Say likely 'cause I can't recall either way.

Well, did you have a conversation with Mr Tannous about a possible ticket involving yourself, Mr Yap and Mr Megna?---Not a, not a, not a possible ticket. I would have shared that I was aiming for position 2.

40 THE COMMISSIONER: Sorry, I can't hear you.---Apologies. I - - -

I would have what?---I would have shared that I was aiming for position 2. Perhaps that I, yeah, that I was aiming for that position.

MR RANKEN: So did you speak to, did you have a conversation with Mr Tannous where you told him that you would like to get the number 2 position?---Yes.

And did that conversation involve Mr Tannous providing you with any advice or suggestions as to how you might achieve that position?---Yes.

Now, did you contact Mr Tannous to ask for that advice or did Mr Tannous contact you?---I, I'm not, I can't recall who initiated that, that conversation.

Are you sure about that?---Yeah, I, I'm not really, I'm not sure who, where that came from, whether it came from me or came from him.

10 Well, you had put your name down for every position, correct?---That's right.

Including the mayoralty, correct?---Yes.

And positions number 1 through to 4.---Yes.

THE COMMISSIONER: But you were interested in getting position 2, I think you said, did you not?---Yes By that stage I had come to know who had nominated for other positions as well, and so I settled on position 2.

20

Well, did you get some advice about position 2 being a position you should direct your efforts towards?---No, that would have come from my own understanding that position 2, that the candidate in position 2 had a very good chance of being elected.

Who gave you that advice?---Well, that's knowledge that I had.

Where did you derive that knowledge from?---Well, the, I, I take a keen interest in politics. In 2004, there was at least two people that had been elected. 2008, there was three. 2012, there was four. So - - -

30

You're not saying, are you, that you did not discuss the desirability of focusing upon position 2, are you?---No, that's not what I'm saying.

No. Well, who did you discuss that matter – that is, aiming for position 2 – with?---I would have discussed that with Mr Sidoti and, perhaps in separate conversations, with Mr Tannous.

40 In what context was that a matter you would have discussed with Mr Sidoti?---It would be in the context of where I would have fit in, on the ticket.

Well, in that respect, what in essence was his view or advice as expressed to you?---I would have asked him if he thought position 2 was a good place to position myself. And if he would support that, me being in that spot. And I believe he did support me in that spot and said, "If that's what you want, do that."



Do you recall, in essence, what he said on that subject?---He would have not, not in – I can't recall the exact conversation, but it would have been something like, "Don't let them put you further down on the ticket if you want position 4," sorry, "Don't let them put you down in say, position 4 or further down the ticket if you want position 2." And he supported me in position 2.

10 When you said he would have, to the best of your recollection that's the essence of what he said, but not perhaps all of the words he used, but that's the essence?---Yes. Yes, that is the essence of the conversation that I would have had. Yes.

MR RANKEN: Now, the reason why you were pushing for position 2 though was because it was higher up the ticket so had a greater chance of you getting in, correct?---Yes.

Well, position 1 has an even greater chance than position 2, correct?---Yes.

20 Did you have a conversation with Mr Sidoti about position 1?---Yes.

But were you aware that Mr Megna had only nominated for position 1?  
---Yes.

So was there a discussion with – did Mr Sidoti point out that that would, could make it more difficult for Mr Megna if you were in position 1?---Yes.

And he was supportive of Mr Megna securing the position 1, as you understood it?---I believe so, yes.

30 And that's something that he'd expressed to you, was it?---Yes, it was also a view that was expressed by the preselectors that I spoke to.

And which preselectors in particular expressed the view that they wanted Mr Megna at number 1?---I couldn't recall the exact names, but I called every preselector, and it was the feedback that I'd received.

40 And what about Mr Tannous, did he express a view to you about Mr Megna being in number 1 and you being in number 2?---I don't believe it would have gotten that far, because as I said I had spoken to preselectors, so I, I, I wasn't really considering myself in position 1.

Was it not Mr Tannous who suggested to you that you should remove yourself from the number 1 position so that Mr Megna can get that position?  
---There was a conversation with Mr Tannous about whether, about how I could shore up the position 2 spot. And it was suggested to me, well, because I wasn't interested in that spot to remove myself so that – it just made sense – my apologies – to remove myself from position 1.

Sorry, so he suggested that you should shore up your position by removing yourself from position 1?---Yes.

And how would that shore up your position in respect of position 2?---Well, it would split the votes.

It wouldn't split the votes for position 1. You would be removed from position 1, correct?---If I removed myself from position 1, yes.

10 So that would shore up the position of Mr Megna.---Yes.

So how would it shore up the position for you in number 2?---Because it would show that I was serious about position 2.

So there would be, what, some support that would come to you for – how would that come to you?---Not sure how.

20 Were you expecting Mr Tannous would speak to people in support of you being in the number 2 position and Mr Megna being in the number 1?---No, I spoke to every preselector myself.

I appreciate that you spoke to everyone. But did you understand that Mr Tannous would also speak to people on your behalf in support of your application, as it were, to be on the number 2 position?---I, I, I don't know if I can comment on Mr Tannous did.

30 No, I'm not asking what he did, but did you have an understanding that that's what he would do as a result of your conversation where he advised you to remove your name from contention for the number 1 position, to shore up your position in respect of number 2?---I can't recall that, I'm sorry, I, I don't know - - -

Is it possible that he suggested that he would speak to people in support of you being in number 2?---Yes, it's possible.

40 Is it likely that he said such, so as to make you believe that your position in number 2 would be more assured if you withdrew from number 1?---No, I don't think there, there was, I don't believe that there was a, a – how do I put this – do it or else.

I didn't suggest that.---I don't think Mr Tannous's support of me came from me withdrawing from position 1, if that's what you're saying.

THE COMMISSIONER: What support do you believe he did manage to obtain for you?---Supporting my candidacy, and my understanding is that he assisted with the four votes that came from the state executive.

Sorry, could you say that again. Your understanding was he assisted you?

---My understanding is that he assisted me with the four votes that came from the state executive, the external component.

MR RANKEN: So you understood that a number of the preselectors were from the branches themselves within the City of Canada Bay local government area, correct?---That's correct.

But then there were four selectors, or preselectors I should say, who were from the state executive, correct?---Yes.

10

And you understood that he would be ringing them or communicating with them in support of your candidacy for number 2, is that correct?---Yes.

And did you understand that that would be also on the understanding that Mr Megna would be number 1?---Yes, I assumed Mr Megna would be 1.

Did you have a discussion with Mr Tannous in that context about Mr Yap might be on the ticket?---Yes. My understanding is that Mr Yap would be number 3.

20

And that was something that was suggested to you by Mr Tannous, was it? ---No.

So who suggested that to you?---So I had a conversation myself at the same, the same event with Mr Yap and Mr Megna.

So there was a conversation between yourself, Mr Yap and Mr Megna, or were they separate conversations with each of them albeit at the same Liberal Party conference?---I recall that I had a first conversation with Mr Yap and then another conversation with myself, Mr Yap and Mr Megna.

30

THE COMMISSIONER: Sorry, and then after Mr Yap?---I had a subsequent conversation with Mr Yap and Mr Megna.

MR RANKEN: And this is all at the same Liberal Party convention or conference that was a statewide conference or convention, correct?---That's correct.

And were these conversations you had with Mr Yap and Mr Megna prior to or after you had your conversation with Mr Tannous about your foreshadowed challenge to Ms McCaffrey's nomination?---Oh, I, I can't recall what came first, I'm sorry.

40

Well let's just deal with the conversation with Mr Yap. What did that involve? What did you say and what did he say?---So, I spoke to Mr Yap about my nomination and why I felt, or what had, why I felt I wanted to nominate and he did the same.

Did you talk about the fact that the other sitting councillors had nominated by this stage?---Yes.

And did you express a view about how you might deal with the fact that you were running up incumbency?---Yes.

10 And what was your discussion about that?---Well, the discussion centred around, I, I can't recall the exact words, but I recall that it centred around the fact that myself and Mr Yap both felt like we had legitimate reasons to run and we wanted to do so and we wanted to represent constituents of Canada Bay and so on that basis we should hold strong and would - - -

Nobody had suggested that you pull out of the race at this point, had they? ---Pull out of - - -

Yes. Of the race for any of the positions.---No.

So did you - - -?---Well, not to me, I should say.

20 So you're not aware of anybody saying that you should pull out?---Nobody told me to pull out.

So did you speak to him, though, about the position – well, firstly, sorry, withdraw that. Did you speak to him about the fact that Mr Sidoti had expressed that he was in support of your candidacy?---I don't believe Mr Sidoti's name was mentioned in that conversation. It was mainly just myself and Nick speaking about our own nominations.

30 So having said why you both thought that you should, you know, it was appropriate for you each to nominate, and that you should stay the course, as it were, did you have any discussion about coming to some arrangement between the two of you whereby you could support each other's candidacies?---Yes, that's correct.

And what was the discussion about that arrangement?---I shared with Mr Yap that I would like – I was leaning towards position 2. I would like to have been selected for position 2. And I believe he was aiming for position 3 but he may have been umming and ah-ing about position 3 or 4.

40 What did he say about umming and ah-ing about position 3 or 4?---Just that he wasn't sure if he should be seeking position 3 or 4.

But did he give a reason why he wasn't sure?---Not that I can recall.

It would be a strange thing to be seeking 4, because 4 would really hamper one's chances of achieving office, correct?---Well, position 4 was deemed winnable. And the previous election, position 4 candidate was elected.

Yes, but the chances are slimmer - - -?---Yes.

- - - for a person in number 4 than a person in number 3, correct?---Yes.

Would he express some view that somebody else ought to be ahead of him in number 3?---I'm not sure that there was a view. I can only comment that he was perhaps looking at Mrs McCaffrey, perhaps, to take the position 3. I'm not really sure. I can't, I shouldn't comment.

10 He didn't say – you're speculating about that.---Yeah, I am speculating, so -  
- -

You were aware, were you not, that Mr Yap at that time was president of the Drummoyne branch of the Liberal Party, correct?---Yes, that's correct.

And you, at that time, didn't hold any office within the Liberal Party?---No, I didn't hold a branch position, no.

20 No, any branch position. Even within the Young Liberals at Ashfield.---No, no.

So he was somebody who perhaps had greater experience in the Liberal Party than you?---He'd been a member longer than I was.

Yes. And also been slightly more active in the sense that he'd actually held office within the Drummoyne branch, correct?---He held office, yes.

30 And was there any discussion about the possibly of Mr Yap being in number 2 and you being in number 3? Or you weren't interested in being number 3?---No, it's just not how I recall their conversation to have gone.

Did you, by the end of that conversation, though, had you come to some arrangement with Mr Yap that you would be the number 2 and he would not contest number 2? Or was that not part of the arrangement at that time at least?---I don't believe at that time that was something that was discussed. No. I don't believe it was discussed.

40 But what was the arrangement that the two of you came to by the conclusion of your conversation with him at this Liberal Party convention before the two of you spoke to Mr Megna?---It would be that we, that I wanted 2 and that he wanted 3, and the rest would sort itself out, perhaps with Mr Megna as 1.

So was there discussion between the two of you about Mr Megna being the number 1 spot?---Yes, I seem to recall that.

THE COMMISSIONER: Mr Megna?

MR RANKEN: Mr Megna. Yes.---Yes, I seem to recall that.

And following that conversation, the two of you then, did you both seek out Mr Megna?---I don't know if it was about seeking out, but he was around.

But the two of you did engage in him - - -?---Yes.

- - - a conversation with a view to discussing a possible arrangement between the three of you, is that correct?---That's my understanding, yes.

10 Well, that's my memory, yes.

That was your intention?---Yes.

That was your intention in terms of having the conversation, is that right?  
---Yes. That's correct. Yes.

And what was the conversation the two of you had with Mr Megna?---Can't recall the specifics of that conversation.

20 Well, do you recall whether or not he said anything about already being part of a ticket with the existing sitting councillors?---No, I don't recall that.

No, he didn't mention anything of that nature?---I recall that – Mr Megna being very noncommittal.

So he was happy to hear the two of you out, is that correct?---Yes. Yes.

And so what was it that – did you put to Mr Megna a particular proposal?  
---I told Mr Megna that I would like position 2.

30

That's all you said, you'd like the position? You weren't suggesting to him, or you didn't put it to him in plain terms about, "Let's have an arrangement where I'm number 2, you're number 1, and Mr Yap's number 3"?---It, it would have been like that, but only because Mr Megna had only voted for, only nominated for position 1, so he was not in contention for any other position.

40 No, but you were suggesting to him – and can I ask this, was it you who did the speaking on this occasion, was it you who presented Mr Megna with the proposal, as it were?---I don't think I was – I don't recall presenting a particular arrangement. It was just something - - -

What was the discussion – sorry, I interrupted you.---It was, it was just a discussion that we had.

What was the discussion, who said what?---I can't recall the, who said what. But I recall that it was discussed.

THE COMMISSIONER: What was the essence of the discussion?---That he's, that there was, essentially, going – it was essentially, perhaps, an alternative where Mr Megna would be 1, myself 2, and Mr Yap would be 3.

MR RANKEN: And was there discussion about what would happen with the remaining spot on the ticket?---I don't believe so, no.

10 So no discussion about the possibility of bringing someone else onto the ticket, one of the existing councillors?---I don't believe so, no. I can't recall that, bearing in mind, these conversations are purely speculation, because it's a, it's, it's a democratic process with a silent ballot. So whilst we may have a preference for a particular position, nothing is decided until the preselection.

But there is a campaign process that goes along with it, correct?---Yes.

And one which you in fact participated by contacting each of the preselectors, correct?---Yes, I did. I put - - -

20 And you understood that Mr Tannous, for one, was contacting preselectors at least at the state executive level on your behalf in support of your position 2, correct?---Yes, but I also - - -

And did you understand that Mr Sidoti was also contacting people to express his support for your candidacy?---Well, I, I, I worked in his office, so if he was to have a conversation with a preselector, I probably would have expected him to be supportive of me.

30 THE COMMISSIONER: The question is he was supportive of you.---Yes, yes. Well, that I – yes.

MR RANKEN: Well, he had indicated his support of your candidacy and in fact written a reference for you, isn't that the case?---That's correct.

So, surely you turned your mind to the prospect that if the three of you could present a united ticket, as it were, that might be something that Mr Tannous or Mr Sidoti could throw their support behind?---Sorry, can you, are you able to - - -

40 Yes. You must have turned your mind, knowing that there was this campaign process, knowing that Mr Tannous was going to be contacting people in support of your candidacy and knowing Mr Sidoti was also doing the same, you must have turned your mind to the possibility of getting together with Mr Megna and Mr Yap to have a united ticket that could be supported?---Yes.

And that was the whole objective, wasn't it, speaking with each of Mr Yap and Mr Megna, wasn't it?---Yes.

And from whom did you get the idea to form a ticket with those two?---I think it was a logical next step insofar as I had spoken to Mr Yap at that event and so if I was position 2 and he was position 3, it was only logical that we would need a position 1.

By why not speak to perhaps one of the other candidates, Ms Cestar or Ms McCaffrey or Dr Ahmed?---I'm not really sure. I guess I knew Mr Megna more than the others and he was at that event.

10

Were the others not at that event, is that what you're saying?---I'm saying that I can't recall Ms Cestar or Dr Ahmed being at that event. I may have seen Mrs McCaffrey.

But is this your evidence though, that prior to this event, which was only shortly before, the weekend before you put in your submission for review, prior to that event, you had not come to any arrangement or even discussed any such arrangement with Mr Yap or Mr Megna?---Yes.

20

And is it also your evidence that the idea about the possibility of there being such an arrangement was one you came up with, perhaps together with Mr Yap and Mr Megna, at that convention and not before?---Yes, that's my evidence.

Is it also your evidence that it was never suggested to you by anyone – not Mr Sidoti, not Mr Tannous or anybody – prior to this convention that you attended that you might look at coming to such an arrangement with Mr Yap and Mr Megna?---To the best of my recollection, yes, that is my evidence.

30

THE COMMISSIONER: Is it possible, however, that you might have discussed that matter with one or other of those persons?---I - - -

In other words, did you want to sort of road-test the proposition with anyone and see if you thought it was worthwhile pursuing?---Not that I can recall. I, I, I guess my energies were on focusing on my own proposition or my own, I guess, my own interests, and that was position 2.

40

But your own position would have been secured, wouldn't it, if you could get an arrangement for a united ticket.---I don't recall it, thinking that way. My - - -

You may – sorry, go on.---My thoughts were that I couldn't be sure where any votes would go because it was a democratic process and a silent ballot, so I made sure that I was doing the best that I can to present a case for myself being position 2.



We're going to take the luncheon adjournment. I'd ask you not to discuss the subject matter of this inquiry with anyone over the lunch period, except for your lawyer, of course.---Yes.

Is that a convenient time?

MR RANKEN: Yes, it is, thank you.

THE COMMISSIONER: Very well. We'll resume at 2.10.

10

**LUNCHEON ADJOURNMENT**

**[1.11pm]**