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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION WITNEY

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 19 APRIL, 2021

AT 2.00PM

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

THE COMMISSIONER: Mr Ranken.

MR RANKEN: Yes, thank you, Commissioner. Now, Ms Di Pasqua, early in your evidence today, you said that you had a conversation or you sought some advice from Mr Sidoti, I think it was, because you weren't sure where you stood in respect of the conversations that you'd had with other candidates, or something along those lines. Do you recall giving that evidence?---Yes, I do.

And was that a conversation that you had with Mr Sidoti certainly at a time after you'd already had the conversations with Mr Yap and Mr Megna at the convention?---Yes, I recall it was after.

And was it partly because of the essentially noncommittal position that Mr Megna had taken when you had that conversation with him?---Yes, that's correct.

20

Was it that which prompted you to speak with Mr Sidoti?---It would have been, yes, that I felt that, yes.

And the conversation you had with Mr Sidoti then would have been sometime between about 23 July and 6 August, being the time frame between the convention and the actual preselection event itself?---Yes, it would be fair to say that, yes.

30

And in that time – that's a relatively brief period of time of only a couple of weeks, possibly. Was it towards the latter part of that week, that period, or the earlier part?---I can't recall, I'm sorry.

Was it after you had put in your application for the review of the decision to allow Ms McCaffrey to be nominated for all positions?---May, may have been.

Might it have been after you received a response from the state director about your review?---It may have been. I'm sorry, I can't recall quite when it took place.

40

Because up to the point where you received a response from the state director, there was at least a possibility that Ms McCaffrey may be essentially knocked out of the race, as it were, in respect of positions 1, 2, 3, and 4, correct?---That's correct.

So is it fair to say that there was perhaps, so long as that was a possibility, you might have been more hopeful about how sure you could be about

getting the number 2 position?---Going on that timeline, yes, I, I'd accept that.

And do you recall what date it was that you received a response from the state director?---No, I'm sorry, I can't recall.

If I was to suggest to you that it was 1 August of 2017, would that accord with your recollection?---I can't recall, but I'll accept that because it's before the preselection.

10

Perhaps if we could bring up in that bundle of emails that I took you to before, page 11. Do you recognise that page of the document that's headed State Director Ruling 1 August 2017 Re: Nomination of Helen McCaffrey for Endorsement as a Liberal Candidate for the Canada Bay Local Government Elections?---Yes.

And do you recognise that to be in fact the state ruling, sorry, the state director's ruling on the matter?---Yes, I do.

20

And essentially, the ruling upheld the deputy state director's ruling that Councillor McCaffrey be deemed to have nominated for all available positions on the division's ticket, including the mayoralty, that was the effect of the ruling?---Yes.

And when you received – I take it you received this ruling either on or about 1 August, 2017?---I'm sorry, can you repeat that?

Did you receive a copy of this ruling on or about 1 August, 2017, which is the date we can see on the top of the document?---Yes.

30

And did you do anything with it insofar as providing it to any other persons? ---I'm sorry, I can't recall.

Did you provide it to Mr Tannous?---I can't recall.

Did you provide it to Mr Sidoti?---I can't recall, I'm sorry.

Well, perhaps if we could then go back to page 9, which I think I showed you before, or may have shown you at least one of the emails on this chain, do you see down the bottom of the email, of that page at least, there's an email from yourself to the state director dated 25 July, which refers to your attached challenge to the decision made by the division's deputy state director?---Yes, I do see that.

40

That was the email that you sent at 4.23pm forwarding your actual submission, correct?---That's correct.

And then above that there is an email from Dorina Ianeva. Do you see that?
---Yes.

It doesn't seem to record a date on it, but it refers to Re: Constitutional Challenge, and it says, "Dear Stephanie, I refer to your email below to the state director. Please find attached the state director's ruling dated today." Do you see that?---Yes.

10 Now, given the content of that email, that suggests that that email was sent to you on 1 August, 2017, correct?---Yes.

And at the top of this email or this page, indicates that you forwarded the chain of emails and possibly the attachment as well to Mr Sidoti.---Yes, I can see that.

And for what purpose did you forward it to Mr Sidoti?---I can't recall sending this email, I'm sorry.

20 There's no message in the email, so it's not clear on the face of it as to what the reason was for you providing it to him. Was it with a view to seeking his advice or about a possible way forward in terms of your campaign, given that there were only five days to go?---What I do recall is that I was a bit disheartened from receiving the advice from the state director.

And do did you raise that with Mr Sidoti?---Most likely, yes, I would have.

THE COMMISSIONER: Sorry, I didn't quite hear you. You said you recall you were a bit what?---Disheartened.

30 Sorry?---Disheartened, Commissioner.

MR RANKEN: And you say most likely you raised that with Mr Sidoti?
---Yes.

Is it also likely that you raised it with Mr Tannous?---I can't recall but it's likely.

40 Do you recall having a conversation with Mr Tannous on the evening of 1 August, 2017?---No, I don't.

I wonder if we could bring up the spreadsheet again. And if we could go to 1 August, 2017, at 5.16pm.

THE COMMISSIONER: Sorry, what was the date, 1 August?

MR RANKEN: 1 August, 2017, 5.16pm. Can you see there is a telephone call from Mr Tannous to your mobile service at quarter past or a little bit

after 5.15 on the afternoon of 1 August, 2017? Do you see that?---Yes, I can see that.

And there was a conversation for about 17 minutes. Do you see that?---Yes, I can.

10 Is it likely then that you discussed with Mr Tannous during that telephone conversation the fact of the response that you'd received from the state director?---I can't recall what was, what I discussed in that conversation, but having, with the document that you've presented to me, that would make sense, yes.

Is that because I've shown that you forwarded onto to Mr Sidoti at 2.52pm? Did you understand that Mr Sidoti was going to forward it onto Mr Tannous?---I don't know what Mr Sidoti did with that email.

Do you know how it was that Mr Tannous came to telephone you that afternoon?---No, I'm sorry, I don't recall.

20 I wonder if we could go back to that bundle of emails and go to page 14. So, do you see that I've taken you to the email where Ms Ianeva has referred it to you and then you forward it onto Mr Sidoti, but do you see this is another copy of the chain of emails and Mr Sidoti appears to have forwarded the material onto Mr Tannous at 4.11pm on 1 August?---Yes, I can see that.

And then we see that, a little over an hour later, Mr Tannous is on the telephone to you for about 17 minutes, correct?---Yes, yes.

30 And did you speak with Mr Sidoti that afternoon as well?---I can't recall.

I wonder if we're able to bring up the other spreadsheet, being a spreadsheet involving Mr Sidoti's call charge records. If we could go to the Calls of Interest tab. Now if we could go to 1 August, can you see -- sorry, I think we're still in Mr Tannous's. If we can go to 1 August. Can you see at 17.49, at line 128, there is a telephone call between yourself and -- where Mr Sidoti has telephoned you, and you spoke with him for about 13 minutes. Do you see that?---At 10 to 6.00pm? Is that the one?

40 Yes, well - - -?---17.49.

That's correct, yes. Yes. Do you see that?---Yes, I can see that.

So you had a 17-minute telephone conversation with Mr Tannous commencing a little bit after quarter past 5.00, and then a little bit before 6.00, you had a further conversation with Mr Sidoti, correct?---(No Audible Reply)

And in that sequence, with the emails from the state director's office, forwarded on to Mr Sidoti by you and forwarded on to Mr Tannous, is it not likely that your conversations with each of Mr Sidoti and Mr Tannous involved at least some discussion about the outcome of the review?---Yes, I think it's fair to say that.

And is it likely that it also involved some discussion between you and each of those gentlemen about what that meant as far as the way forward for your campaign?---It's, it's likely.

10

Might that have been, just dealing with the telephone conversation with Mr Sidoti, might that be the conversation that you had with him where you raised your concerns about where you stood in respect of your conversation that you'd had with Mr Megna?---That's also likely.

And so when you did have the conversation that you had with Mr Sidoti about that topic, it was clear to him that you were discussing the fact that you had spoken with Mr Megna about a possibility of Mr Megna 1, you 2 and Mr Yap 3?---Do you mean that I told Mr Sidoti?

20

In the course of that conversation that you most likely spoke about it, that that's what you were unsure about where you stood but that was the arrangement that you were looking to advance?---It's likely. In my mind, in my mind I was still aiming for position 2, it just meant that there was an extra person, an extra candidate that preselectors could choose from.

I'm sorry, I don't quite understand what you're saying. Are you saying that you were still in mind for position 2 so there was an extra candidate in number 1 or - - -?---No, sorry. I'm saying that the state director's ruling didn't really change how I was campaigning for position 2.

30

But it did mean that there was extra competition for that position?---Correct.

But at this stage was it not the case that you were still nominated in respect of each of the positions on the ticket?---Yes, I was.

And did you discuss with – sorry. You said it was likely that you discussed with Mr Sidoti the arrangement that you were looking to make with Mr Megna and Mr Yap, correct?---I said it was likely.

40

Yes, that's what I said, you said it was likely, correct.---Yes.

And that was likely because you said that one of the conversations you had with Mr Sidoti was about the fact that you were unsure about where you stood in terms of some of the communications you'd had with other candidates, correct?---Yes.

And what that was reference to was your not being sure about where you stood in respect of Mr Megna and whether or not he was really committed to a ticket with you?---Yes.

And you wanted to seek advice from Mr Sidoti about what to do about that in terms of how to make it a little bit more, how to make your position for number 2 surer?---Yes.

10 And were you seeking for support from Mr Sidoti perhaps for him to speak to Mr Megna?---I'm sorry, I, I can't recall that.

Well, if you were unsure about where you stood with Mr Megna, one way forward might have been for someone who you knew had Mr Megna's trust to speak with him, correct?---To find out where - - -

Where he stood.---Yeah.

20 Whether or not he really was prepared to stand with you as part of a ticket, things like that, correct?---Yes, yes. That's correct.

And you understood that Mr Sidoti had a longstanding relationship with Mr Megna, did you not?---Yes.

Not just through the Liberal Party but they had a familial relationship as well?---I don't believe I was, I was aware of that at the time.

That they were family friends or their families were very close?---No, I'm sorry, I don't think I was aware at the time.

30 But you did discuss with Mr Sidoti, did you not, the fact that the arrangement that you were looking to promote was one that had Mr Megna at 1, you at number 2 and Mr Yap at number 3, correct?---Yes.

And didn't involve any discussion of any other persons, for example, to fill out the number 4 spot?---Not that I can recall.

40 And do you say that it was not, that prior to this particular discussion you had with Mr Sidoti, that you'd never raised the topic of being on a ticket with Megna and Mr Yap before?---I'm sorry, my, my memory is a but hazy of the timelines. Could have been.

So you could have raised it with him? But do you say that he never raised it with you?---No, I don't believe so, no, it would have been in the context of me talking to him about the discussions that I've been having.

And your evidence is that it certainly, it was never something that was suggested to you by Mr Sidoti, correct?---Yes.

And it was never something that was mentioned to you by Mr Tannous, correct?---Not that I can recall.

Does that mean that there's a possibility that in fact the whole idea about you forming a ticket with Mr Megna and Mr Yap came from Mr Tannous? ---No.

Is it possible that it did?---No, I don't believe so. But I could have told Mr Tannous that that's what I discussed.

10

That wasn't my question.---My apologies.

But what I suggested to you was that your evidence was that it was never a suggestion made by Mr Tannous. That's your evidence, is it?---Yes.

He wasn't the one who suggested to you to see if you can work out an arrangement with Mr Megna and Mr Yap?---No, I don't believe so, no.

20

But did you, though, between the time of receiving the advice from the state director concerning your application for a review and the preselection event on 6 August, 2017, have a conversation with Mr Tannous about how to facilitate the arrangement between yourself, Mr Megna, and Mr Yap?---Yes.

And was that a communication that was initiated by Mr Tannous or initiated by yourself?---I'm sorry, I'm not sure, I can't recall.

It's possible that it was Mr Tannous who initiated it, or it's possible that it was you, is that what you're saying?---That's right.

30

And what did Mr Tannous suggest to you or what advice did he give you in respect of that?---To remove myself from – oh, it was, it was put to me or suggested to me that I could remove myself from position 1 and 4, and maybe even 3.

And was there any discussion about what Mr Yap should do?---Between myself and Mr Tannous?

Well, in the first instance between yourself and Mr Tannous.---I don't recall (not transcribable)

40

Did you have a subsequent conversation with Mr Yap where you perhaps suggested that he should remove himself from number 1 and number 2 and focus on number 3?---My understanding is that the – well, my recollection is that on the day that I spoke about before lunch, when I spoke to Mr Yap, my understanding at that time was that he was going to be removing himself from position 2.

Was that as a result of the conversation that you'd had with him?---Yes, at that conversation.

And in the event you've removed yourself from seeking the position of the mayoral candidate, position 1, and position 4, is that correct?---Yes.

And you sought to rescind your nomination for those positions I think on the day of the actual preselection event, is that correct?---Yes.

10 On 6 August of 2017. Is that right?---Yes.

And that was consistent, was it, with the advice that you were given by Mr Tannous?---Yes, but I, I stayed in position 3.

I understand that.---Yes.

Oh, because Mr Tannous had suggested also possibly removing yourself from number 3 as well, is that correct?---Yes. Well, that's what I recall.

20 And you sought to hedge your bets, in effect, in case you missed out on position 2, is that right?---Correct.

And in the event you were successful in securing the number 2 position, correct?---Yes.

And in fact the ticket ended up being, number 1 was Mr Megna, number 2 yourself, number 3 was Mr Yap, and Ms McCaffrey ended up being on number 4, correct?---Yes.

30 But she was never part of the arrangements that you had contemplated?
---Well, no, she never contacted me.

Now, and you having withdrawn from the contest for the mayoralty candidacy, that went to Ms McCaffrey unopposed, correct?---Yes.

Now, I just want to put to you something. This Commission has heard some evidence that a selector was approached by Mr Tannous, most likely around about 15 July of 2017, in which it was indicated that a ticket to consider would be one that involved Mr Megna at number 1, you at number 2 and Mr Yap at number 3, but said nothing else about the other position on the ticket.
40 Now, would you agree that that is a strikingly similar arrangement to the arrangement that you say you first proposed to Mr Megna and Mr Yap at the convention on the weekend of 22 and 23 of July?---I didn't propose that on that day. I didn't propose that.

That was the one that you were discussing, was it not?---Yes, but it wasn't proposed by me.

So did somebody else propose it, suggest it to you before that date? Is that what you're saying now?---No, I'm saying that it was discussed but it's not something that I presented.

That was the first time. You just happened to be discussing an arrangement that had a striking similarity to that which Mr Tannous had apparently put forward to a selector some time prior to you even having that conversation? ---I don't recall any conversations that I had with Mr Tannous in that period of July.

10

So is it possible that you had a conversation with Mr Tannous where he had suggested to you that arrangement? Is that what you're saying?---No, I'm saying - - -

Or you just don't recall it?---No, I'm saying I believe that I didn't speak to Mr Tannous until the time that I described about the constitutional challenge, so I'm not sure where that - - -

20

Which was either on the same date as you had this conversation with Mr Yap and Mr Megna. Possibly before, possibly after. Is that the case? ---Well, it's after 15 July that you've presented to me.

Yes, but would you agree, though, that the discussion you were having with Mr Yap and Mr Megna, it was strikingly similar in this respect. Firstly, the persons involved, the three persons, correct?---Yes.

Secondly, the absence of any nominated person for the fourth position. ---Yes.

30

And thirdly the specific order in which the three of you would appear on the ticket.---Yes.

Now, do you say on your oath that you had no discussion with Mr Tannous about such an arrangement prior to your discussion with Messrs Yap and Megna on the weekend of 22 and 23 July?---Yes. To the best of my recollection, yes.

40

Now, ultimately you were elected to the City of Canada Bay Council at the elections in September of 2017. Now, can I ask you this. Did you subsequently undertake any training offered by the council – if any such training was offered – in relation to planning matters and what they involve?---Yes.

What training have you done?---I've done a number of courses.

And were they courses that were provided by the council or at least provided through the council?---So I believe there was – I'm fairly certain

there was some training provided by the council. I also undertook some external training as well, from external providers.

Was that something you arranged yourself, is it?---I'm not sure. There was, there's, there's been quite a few.

So there was some training that was provided in-house by council staff, is that correct?---Briefings, yes.

- 10 I'm talking separately to councillor workshops and the like about particular planning matters, I'm talking more about how to approach planning matters and the concepts et cetera, things like that. Have you been given any training in respect of that since you've been a councillor?---In terms of planning matters, I attended a course.

And was that arranged by the council?---I believe an email was circulated to councillors, advising of the training course.

- 20 And was it a day course, a two-day course, was it done on the weekend? What was the position?---I think it was – to the best of my recollection it was a day course.

And was it done on a weekend?---I've had some training that's happened on a weekend and some that's been in the weekday. I'm sorry, I, I would have to double check.

And was this first course done early on in your tenure as a councillor, your term as a councillor?---Most likely.

- 30 Now, on another topic, you told us earlier that you weren't aware of the fact if the Five Dock Town Centre Study and associated planning proposals prior to being elected to council. Did you develop an awareness after you were elected to council?---The matter appeared on a business paper after I had been elected, yes.

And did you speak with Mr Sidoti about the matter?---Yes.

And did he explain to you his views about it?---Yes.

- 40 And was it in the context of the matter being on the upcoming agenda or was it in some other context that the topic of the Five Dock Town Centre Study and associated planning proposals was discussed?---To the best of my recollection the conversation occurred when the item was due to be discussed at council, so it was on the business paper.

And did you approach Mr Sidoti or did he approach you to discuss the matter?---I recall there was a conversation.

And what was the conversation?---Mr Sidoti brought it to my attention, brought the matter to my attention.

What did he say about it?---That it was coming up for a council meeting.

And what did he say though about the topic itself?---I recall that Mr Sidoti shared his view with me that he didn't feel as though the two sides of, the two sides of the streets were being treated equitably or equally.

10 By two sides of the street, do you mean that block which was north of Second Avenue and that block which was south of Second Avenue were being treated differently, on Waterview Street?---Yes.

Were you aware that Mr Sidoti's family had interests in the property that -- sorry -- in the block that was north of Second Avenue?---Towards Lyons Road, you mean?

Yes, that's north, yes.---Yes.

20 And so he raised this topic with you, and when he raised it with you, did he do anything else? Did he explain it, explain the basis of his views?---Yes. I wasn't across the issue at the time.

Well, you weren't previously aware of the issue at all.---Well, that's right.

And so he brought it to your attention that it was coming up at the next council meeting, correct?---Yes.

30 And then he decided to assist you by giving you his views on the topic, correct?---Well, he gave me a bit of context into the matter.

And did that include perhaps assisting you with any visual aid, like drawing a map or something of that nature?---Yes, he, he just made like a rough drawing to explain what he was talking about.

And what was the context that he gave you about the matter?---As I explained - - -

40 That the two sides weren't being treated equitably, is that what you're saying?---Yeah. Yeah.

And did he point out to you that his family owned property in the block that was north of Second Avenue?---I believe at that stage I had already had knowledge of at least 120 and 2 -- is it Second Avenue?

2 Second Avenue, yes.---Yep.

THE COMMISSIONER: In this conversation in which he expressed his views about the matter and showed you the diagram or drafted the diagram, did it become apparent to you from what he said why he was addressing you on this topic?---I'd be making an assumption, but - - -

I'm asking you what you could conclude from what he was saying as to why he was, as it were, opening up or going through this topic with you on this particular occasion.---Because I was on council.

10 Well, there was a council meeting coming up, you said.---Yes. Yep.

And that concerned the block just as described, the Waterview Street block, we'll call it. Is that right?---Yes. Yes.

And did you gain an understanding from what he said what was or would be on the council agenda at the next forthcoming meeting?---So, I believe it was quite late in the process. I'm, I'm not quite sure, I'm, I wasn't paying too much attention because I knew that I wouldn't be voting on that, so I didn't, wasn't across whereabouts it was in the process.

20

We'll come to that in a moment, but I think what I've asked you to say is whether it became apparent – from what he said why he was discussing the town centre plan in relation to the context of the land or the block in Waterview Street at the forthcoming meeting – by what he said.---That it was coming up to a meeting? Is that what you mean?

Yes, that's right.---Yes. I'm sorry, are you able to rephrase the question there? Sorry.

30 Yes. Perhaps what I'm putting to you is, as you've clearly said in evidence, you hadn't been involved or didn't really know anything or anything much about the town centre plan study, and it appears – but you correct me if this is wrong – that the first occasion in which he actually sat down and discussed it with you was the discussion you've now just given evidence about. Correct?---Yes.

Can you just put a time on that meeting in which he was talking to you about the subject?---Would have been in the days leading up to the council meeting.

40

All right, so, what, a few days before, was it?---Yes, that's likely, yes, because – yes.

I'm just simply putting to you, sometimes when somebody starts talking about a topic, you might start to ask yourself, "Why am I being told about this matter? I don't know really anything about it." Did it become clear in the course of the conversation we're talking about as to why he was addressing you – for the first time, it seems – on this subject by what he

said?---At the time I, I just thought that he was giving me context and his view.

But to what end or for what purpose? Could you understand? Even if you can't remember what he said, but based on what he said, what was the objective or purpose in having this conversation, as you would understand it?---I'm not sure what the purpose was. I'm not sure. I told him that I wouldn't be able to vote on it. So - - -

10 Well, whatever it was, even if you now can't remember what it was, a response of yours was, well, I can't vote on it. Is that right?---Yes. Or something along those, those lines, yes.

Yes, Mr Ranken.

MR RANKEN: And that was a response you made to Mr Sidoti. That is, in response to him raising the matter and explaining it to you, correct?---Yes.

20 THE COMMISSIONER: So you felt you couldn't be of any assistance to him on that matter. Is that the basis upon which you were then acting? ---Yes.

And was that because you had taken some decision about whether you would be involved in that and decided that you would not become involved on council about it?---I could see that there was a conflict of interest, so I came to the conclusion that I wouldn't be voting on it.

So you took that stand on a matter of principle, is that right?---That's right.

30 And you did not vote or participate in the matter when it came before council?---No, I did not.

MR RANKEN: And that was a decision that you made independently. That is, independent of speaking with anybody or seeking their advice about it?---That's correct. I may have sought advice from the Director of Corporate Services about how I would phrase it at a council meeting, frame the conflict in the disclosures part of the meeting. But, yes.

40 THE COMMISSIONER: And do I understand you came to the view that you would take that stand of principle independently of Mr Sidoti?---Yes.

In other words, it was a personal decision you worked through and came to?---Yes, that's correct.

MR RANKEN: Yes, thank you. They're my only questions for Ms Di Pasqua.

THE COMMISSIONER: Yes, thank you. Mr Neil, do you have any?

MR NEIL: Yes, thank you, Commissioner.

THE COMMISSIONER: I grant leave.

MR NEIL: Ms Di Pasqua, I act for Mr John Sidoti. Just wanted to ask you, was it your interest in politics that led you to decide to run for council?
---Yes.

10 And you decided to run in 2017. How long had you had an interest in politics before then?---I have always had a keen interest in politics as far back as perhaps high school.

And did you have a keen interest in going into representative politics, such as local council?---Yes.

Did you have a keen interest in the potential for you to, at some time in the future, go into politics at a level such as State Government level?---I've thought about it, yes.

20 Have you thought about going into politics at Federal Government level?
---I've thought about it.

And did you consider, when you made your decision to run for the council in 2017, that it could provide good experience for a possible future career in state or federal level?---Yes.

Now, you made your decision, as I understand it, to run for council in 2017, early in the year, even before the nominations had been put in. Is that
30 right?---I was interested, yes.

And was it your decision to put yourself forward for preselection?---Yes.

Later on, was it your decision to make what is described as the constitutional challenge to the inclusion of Ms McCaffrey?---Yes.

And when that challenge was refused, when you lost that, it meant there was some degree more competition for you, correct?---Yes.

40 You've told us in evidence that you contacted all of the preselectors. Did you do that by person, phone, writing to them, emailing to them or combinations thereof?---Combinations.

Thank you. And over what period – if you're able to say, how many times would you have typically contacted a particular preselector?---I called every preselector at least once. I wrote to every preselector by email and the ones that didn't have email, I sent them a letter.

And when it became apparent that you had lost your challenge, did you set about working harder to obtain preselection?---I was already working hard regardless of whether or not that challenge ruled in my favour.

You were working hard pursuant to your own decision to run for preselection for council, correct?---That's right.

10 And when you made that decision, did you set about analysing what it would take to be successful in the preselection?---I'm sorry, are you able to repeat that question for me, please?

When you made your decision to run for preselection, did you embark upon consideration of what steps you would have to take to maximise your chances of being successful?---Yes.

And that included contacting the preselectors as you've said?---Yes.

20 Did it include giving consideration of the possibility of exchanging support with another candidate or candidates?---Yes.

For example, if you had support from members of a particular branch and another candidate had support from members of another branch, if the two of you recommended to each other's supporters to support each other, that would assist the prospects of both of you, would it not?---Yes, that's correct.

And would it be fair to say that Mr Megna, who only nominated for the first position, was a virtual certainty to obtain the number 1 position?---Yes. I made the assumption, yes, that he would be, he come to that position.

30 And did you come to the view that if Mr Megna, in respect of position 1, you in respect of position 1, and Mr Yap in respect of position 3 could reach some position of exchanging support that would be to your advantage?---It would help, yes.

Yes. Thank you. And you were ultimately successful at number 2 position, correct?---Yes.

40 Had you done an analysis of the figures that led you to the view that, bearing in mind Mr Megna's position, if you could obtain the second position on the Liberal ticket, that would be to your advantage?---To obtain the number 2 spot?

Yes.---Yes.

And did you, early in your considerations of running for preselection, decide that you would target the number 2 position?---Yes, I remained consistent in that throughout.

You were aware that there were some other councillors who were already on the council who would be your opposition, correct?---Yes.

And you didn't take them lightly, did you?---No.

You set about doing whatever you could to defeat them, correct? In the sense of being at least as far up the ticket as you could get, correct?---To put my own case forward, yes.

10 And did you consider that you would be capable of being a good and capable, competent councillor?---Yes.

And since you've been on the council, have you worked hard to try and be a good councillor?---Yes, absolutely.

Now, is it the case that Mr Sidoti told you he would support you in running for preselection, but he didn't make you run for preselection, did he?---No.

20 Thank you. And is it your evidence that you approached him and asked him for support?---Yes.

Now, on occasion, say between the time you first decided to nominate for preselection even before the actual forms were put in, did you advise people in the Liberal Party generally of your intention?---Not at that stage, no.

All right. When did you first start telling people that you were interested in running for preselection?---When my nomination form was accepted and the email was distributed.

30 And I think you've said something to the effect, tell me if I'm right, that Ms McCaffrey never approached you to negotiate any arrangement with her in respect of the preselection, is that correct?---To the best of my recollection, that's correct.

40 Now, just one matter, on some occasions you've used the phrase, in your evidence you've answered, "It is likely," and on at least some occasions you've said, "Because I can't recall either way." Have you used the term in your evidence "it is likely" to describe situations where you simply have no memory one way or the other of a matter?---Can you give me an, what you, which example you're referring to?

Have you been asked questions in which you have not been able to recall matter in order to answer the question, you've not had any recall of the matter put to you?---Yes.

Have you at times, do you know, used the phrase that "it's likely" in response to such questions?---Yes.

All right, now the – just one matter. Did you consider, when you put yourself forward for preselection for council, that you were too young? Put another way, did you consider you were old enough and capable of doing the job?---That's what I thought, yes.

And you've certainly succeeded at the preselection and at the council election, contrary to the expectations of your opponents, haven't you?
---Yes, I have.

- 10 And do you consider that within the party there is room for hard argument about important matters such as qualification for preselection?---I'm sorry, can you ask me that question again, please?

Do you consider that within the party – and I'll withdraw that and ask another question. Do you consider within the party that there is room for healthy, strong competition among candidates for preselection?---Yes.

- 20 In order to provide the best people that the party can put forward at the election, correct?---Yes, and to best represent constituents, yes.

Yes, and to best represent constituents, correct. And also to be tough, because you're going up against hard-bitten opponents, aren't you?---Yes.

And you've got to be able to mix it with them, haven't you?---That's right.

And you've done that, haven't you?---Yes, I have.

And you're proud of it, aren't you?---I am.

- 30 One moment, please, Commissioner. I just want to ask you this. You said that you made some decision about a matter of council that had come up after you'd become a councillor, and you had thought to ask one of the officials about how to formulate a conflict of interest, is that right?---How to describe the conflict so that it could be recorded on the business paper.

And did you consider that matter prior to the conversation you've given in evidence that you had with Mr Sidoti?---I would have thought about it before the council meeting, yes.

- 40 And can you recall if you would have thought about it before you had the conversation with Mr Sidoti?---Given that I knew of his, his property interests, it's likely.

Thank you. And after you became a councillor, you continued to work in Mr Sidoti's office, correct?---Yes.

And if someone had come into the office to ask you about a matter coming before the council in respect of the Five Dock Town Centre, it would have

been beneficial for you to have at least some background knowledge of that matter, would it not?---Yes.

And is it possible that Mr Sidoti might have mentioned the matter to you so that you would have some background if some constituent came into the office and asked about the matter?---Hypothetically speaking, yes.

10 And was one of your tasks – and perhaps still is – in Mr Sidoti’s office to take note of concerns of constituents about local government matters and refer them to the appropriate personnel at the local council?---Yes.

Yes, thank you. Those are my questions, Commissioner.

20 THE COMMISSIONER: Thank you. Just one matter, to be clear about it, you said you decided that you’d declare a conflict of interest and you sought advice about how the declaring a conflict of interest should be worded. Is that before or after the conversation that you had with Mr Sidoti in which he explained his views on the Town Centre Plan as it affected the Waterview site?---(No Audible Reply)

And if it’s of any assistance, time reference is, I think you said this took place just a few days before the council meeting was due.---That’s correct. I generally speak to the director the week of the council meeting, whether that be on the Monday or the Tuesday. I wouldn’t, I wouldn’t be able to – could have been after. I’m not really sure.

You mentioned Monday or the Tuesday you may have spoken to the director.---Yes.

30 That’s the Monday or Tuesday of the week that council was going to deal it on the, what, Tuesday night?---Correct, of the council meeting. Yes.

I see. Thank you. Mr Ranken.

MR RANKEN: Unless there’s anything - - -

THE COMMISSIONER: I’m sorry. Now, Mr - - -

40 MR BAZOUNI: Bazouni, Commissioner.

THE COMMISSIONER: My apologies, Mr Bazouni. Do you have any questions of your client?

MR BAZOUNI: No, Commissioner. Thank you.

THE COMMISSIONER: Thank you. Yes, Mr Ranken.

MR RANKEN: I just want to take up one other matter Mr Neil raised with you, and that is in relation to your need to have some knowledge or understanding about the issue if a constituent came into the office to raise it with you. Do you remember answering some questions about that?---Yes.

Now, if it was the case that you had a conflict of interest that you had declare, would not the appropriate response to a constituent have been, who was going to ask you about that, to advise them of the fact that you had a
10 conflict of interest?---Yes.

And to simply refer them to the council staff?---Yes.

So, in those circumstances there would no need for you to necessarily know the ins and outs, as it were, of the matter, correct?---Yes.

Because you couldn't make any decision in respect of that, correct?---I think, if I may - - -

20 No, you couldn't make a decision about that, answer my question if you would?---I couldn't make a decision.

In that you couldn't participate in a decision in respect of the Five Dock Town Centre Study, correct?---That's correct, yes

And you couldn't actually participate in any discussions about the Five Dock Town Centre Study, correct?---Yes. Well - - -

30 Thank you, they're my questions.

THE WITNESS: I was just going to say - - -

THE COMMISSIONER: You go ahead.

MR RANKEN: I'm sorry.

THE WITNESS: Sorry, Commissioner. Thank you. I was only just going to say I would, hypothetically speaking, advise that I had a conflict. If that person continued to speak to me on the issue, I would refer it to someone
40 else in the office or refer them to the council.

MR RANKEN: In either case you would not need to actually have any understanding of the full ins and outs of the matter, correct?---Yes.

Thank you, they've my only questions in re-examination.

THE COMMISSIONER: Yes, very well.

MR STANTON: Commissioner, could I just note for the record I have no questions of Ms Di Pasqua.

THE COMMISSIONER: Thank you. Yes, thank you. Thank you, Ms Di Pasqua, for your evidence. You're excused.

THE WITNESS EXCUSED

[3.19pm]

10

MR RANKEN: Commissioner, the next witness is Joseph Tannous.

THE COMMISSIONER: Mr Tannous, do you take an oath or an affirmation?

MR TANNOUS: An oath, Commissioner.

THE COMMISSIONER: Would you mind standing and taking the Bible in your right hand? My associate will administer an oath.

THE COMMISSIONER: Now, Mr Tannous, you are not legally represented here today?---I am.

You are.---Mr Stanton.

Sorry?---Mr Stanton.

10

I'm sorry, my apologies, Mr Stanton, I was - - -

MR STANTON: I tend to think, Commissioner, that I've been reduced to a cameo role in all of this. And maybe it's seated down the back, but - - -

THE COMMISSIONER: I did not want to write you out of the script, Mr Stanton, it's just - - -

20

MR STANTON: Well, Commissioner, I've been ignored in the past. But, Commissioner, could I renew my application for leave for abundant caution to appear for Mr Tannous?

THE COMMISSIONER: Yes, certainly. Yes, I grant you leave.

MR STANTON: Instructed by – and my attorney Ms Quarrell is seated with me. Thank you, Commissioner. Commissioner, also to ease or to facilitate the proceedings, the witness would like to afford himself the protection of a section 38.

30

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

MR STANTON: I have indeed, Commissioner.

THE COMMISSIONER: Thank you.

MR STANTON: Thank you, sir.

40

THE COMMISSIONER: Mr Tannous, it is your request that I make a declaration based on your objection, is that right?---Yes, Commissioner.

And you understand the protection that that offers, that is to say, the evidence can't be used against you in any other proceedings in the future, save for one exception, and that is if a witness such as yourself, giving evidence, having the benefit of a declaration does not protect the witness from prosecution or proceedings on a prosecution in the future for an offence under the Independent Commission Against Corruption Act. That

would include, for example, an offence of giving false and misleading evidence, perjury. Do you understand?---Yes, Commissioner.

Yes. A witness is still required of course to answer all questions and to do so truthfully. You understand that?---I do.

Thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Joseph Tannous, and all documents and things produced by him during the course of this public inquiry are to be regarded as having been given on objection. Accordingly, there is no need for him to make objection in respect of any particular answer given or any document or thing that may be produced in the course of his evidence.

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 JOSEPH TANNOUS, AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN ON OBJECTION. ACCORDINGLY, THERE IS NO NEED FOR HIM TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR ANY DOCUMENT OR THING THAT MAY BE PRODUCED IN THE COURSE OF HIS EVIDENCE.

THE COMMISSIONER: Mr Ranken.

MR RANKEN: Now, sir, could you just tell us your full name?---Joseph Tannous.

And what is your occupation?---I'm an executive director.

And is that of a company called the Cornerstone Group Australia?
---Cornerstone Group Australia, correct.

And what does Cornerstone Group Australia do?---We provide government relations, public affairs, thought leadership programs, et cetera.

And you're essentially a lobbyist, is that correct?---I am, yes.

Are you also a member of the Liberal Party?---I am.

When did you first join the Liberal Party?---Approximately 1996.

And what branch did you join in 1996?---The Enfield/Croydon Park branch.

And have you remained continuously a member of that branch, that is, the Enfield/Croydon branch, of the Liberal Party since 1996?---It's the Croydon Park branch, Enfield/Croydon Park.

What did I say?---You said Enfield/Croydon.

Sorry, I apologise.---That's okay.

10 Enfield/Croydon Park.---That is correct.

You've remained with that branch since you joined in 1996, is that correct?
---I have.

And in 2004, sorry, in 2000, did you stand for election to the Burwood Local Council?---In 2000 I did, yes.

And were you successful in being elected to the Burwood Local Council?
---I did, yep.

20

And did you serve - - -?---Did you also want to know the other positions of the Liberal Party? Sorry, you asked me about my branch, but - - -

I'll come back.---Oh, sure, sure.

(not transcribable) deal with that now.---My - - -

Do you currently occupy other positions within the Liberal Party?---I do.
Yes, I - - -

30

Or is just within the Liberal Party branch?---No, no, I'm the president of the Enfield/Croydon Park branch, the president of the Strathfield State Electorate Conference, and the secretary of the Watson Federal Electorate Conference.

And for how long have you occupied each of those positions?---The Enfield/Croydon Park presidency has been probably since 1997.

40 Continuously as the president?---Continuously as the president. The Strathfield Conference presidency for over 10 years. And the Watson SEC, sorry, FEC secretary for probably the same period of time, 10 years.

So significant times in quite senior positions within that part of the Liberal Party, that branch, and that Federal Electoral Conference as well.---That is correct. That is correct.

And in terms of actual representative politics, you've held a position as a councillor with the Burwood Local Council between 2000 and 2004, is that correct?---That is correct.

Did you then act as a campaign director in relation to campaigns for local government in Burwood in 2008?---That is correct. I also stood for the Liberal Party in the seat of Strathfield in 2003 as a candidate for the Liberal Party.

10 But you were - - -?---Unsuccessful.

But other than standing on that occasion, have you ever stood for any other state position? State electorate - - -?---You mean as State Parliament - - -

Yes, State Parliament, yes.---No.

And what about Federal Parliament?---No.

20 So in terms of campaigns or other, the only campaign you've actually been successful in was in terms of being elected a councillor in 2000?---That's correct.

But you have been a successful campaign manager for Liberal Party candidates in local government elections at least in 2008, is that correct? ---2008, 2012.

Yes.---Correct.

30 So 2008 was the year that Mr Sidoti – that is Mr John Sidoti – was elected to the Burwood Local Council, correct?---That is correct.

And you were a campaign manager in respect of his campaign, amongst other Liberal candidates, no doubt, correct?---In 2008, that's correct.

In 2008, yes.---Correct.

And were you also his campaign manager in respect of his candidacy for the seat of Drummoyne in 2011?---That is correct.

40 But did you start off that role in 2010, working through to the election in 2011?---That's when the campaigns officially got started, yes, from the party's perspective, yep.

The Enfield/Croydon Park branch of the Liberal Party is not within the City of Canada Bay local government area, is that correct?---That is correct.

And prior to 2017, have you played any role in respect of local government campaigns relating to the City of Canada Bay local government area?
---Sorry, prior to 2017?

'17.---Had I played a role?

Yes, had you played any role?

10 THE COMMISSIONER: That I think could include both prior to and subsequent to the amalgamation of the Drummoyne Council.---I may have provided advice at a high level, but not as, not active, no.

MR RANKEN: Advice at a high level to whom?---To probably the member at the time, John Sidoti.

And have you got a particular local government election in mind where you provided that high-level advice to Mr John Sidoti?---Canada Bay, City of Canada Bay.

20 Yes.---Yep. So that was your question, sorry.

In relation to local government elections, I was talking about prior to 2017. So did you provide high-level advice - - -?---Apologies.

- - - to Mr Sidoti prior to 2017 or have you confused my question?---I have confused your question, I apologise.

Did you think I was asking about 2017?---Yep.

30 Okay.---So - - -

Well, put 2017 to one side and we'll come back to that. But prior to the local government elections in 2017, did you provide high-level advice to Mr Sidoti in relation to other local government election campaigns?---I don't recall if I did anything in the 2012 elections. I don't recall, but that was the only elections that were prior to 2017.

That you can recall, is that what you're saying?---That's that I can recall, yes.

40

But in 2017 you say you provided some high-level advice to Mr John Sidoti, is that correct?---No, I meant an election prior to 2017. So around – sorry, I confused the question. So 2017 it was more than high-level advice.

What advice did you provide to Mr Sidoti in 2017?---Advice about the types of candidates that we should be looking for as a party. Advice about how we should try and take the Canada Bay Council away from the Labor Party, that sort of high-level advice.

The nominations for preselection for the Liberal Party ticket for the September 2017 local government elections opened in late April 2017, correct?---I'll take your word for it. I don't know.

At that time, the City of Canada Bay Council was essentially dominated by Liberals in the sense that there were four Liberal councillors?---I don't accept that it was dominated by the Liberals. The Labor Party had the majority with the Greens, so the Liberal Party was only four councillors.

10

Well, let's just deal with that. Four Liberal councillors, three Labor councillors and one Green councillor, correct?---There is an Independent, I think, there may have been an Independent at that time. No, I don't – I'll take your word for it.

No, Mr Tannous, the Labor mayor resigned sometime in June 2016 to pursue a possibility of running for federal politics?---That is correct.

20

That meant that there was only eight councillors left on the council from that time until the election in September 2017?---Oh, I beg your pardon. I misunderstood your question. That's right, yep. At that point it was the - - -

Yes, and four of which were Liberal councillors, correct?---Correct.

And the mayor was held by Ms Helen McCaffrey, who was a Liberal councillor, correct?---That's correct.

30

And you understand, don't you, that in circumstances where the presiding councillor has the casting vote, if there's a tie?---That is correct.

So, in a sense if there was a split decision along party lines, then the Liberal Party held the balance of power, correct?---That is correct,

So moving back to my question, the position was, by April 2017, when the nominations opened for preselection for the 2017 local government elections, the council was in fact controlled by the Liberal Party?---In that scenario, correct.

40

So, you provided quite specific advice, you say, to Mr Sidoti about the kinds of candidates to be sought for preselection in the upcoming local government election, is that right?---I don't think I used the word quite specific, I said high-level advice.

Well, I thought I asked you if it was high-level advice and you said, "No, it was more specific."---Around the term, around the context of the type of mix of, of, of councillors or candidates for the upcoming election.

Now, what was the purpose of you discussing it with Mr Sidoti?---Well, he is the local member and it is convention that you talk to your local members, as I did with the federal member, Craig Laundry, for example.

10 So you spoke to Mr Craig Laundry as well, did you, about the kinds of candidates you would be looking for to have fielded in the local government election in 2017?---In the sense that, you know, both in Burwood and Strathfield and Canada Bay, to assist the local members in getting to community events and to represent the community, those were the sorts of people we would be looking for as a party.

And did you say that the extent of your conversations with Mr Sidoti was only to describe the kinds of qualities you would be seeking in such candidates or was there more detailed discussion about particular candidates?---I can't recall from memory if there were, if there were more detailed candidates, but particular broad-ranging candidates, yeah.

20 Well, I mean, at least in April, after the nominations opened, you wouldn't necessarily know who was putting their name forward, correct?---Yes, and I think the conversation with Mr Sidoti would have been prior to April, ongoing for a period of time.

And ongoing after nominations opened, is that the position?---Potentially. I
- - -

Now, at some point did you become aware of the identity of the persons who had put their names forward for preselection?---At some point, yes.

30 Do you recall what that point was?---Not off the top of my head, no, I can't recall.

Would you accept that it must have been by sometime in early July of 2017?---I, I would accept that, yes.

I mean, this was apparently an issue that you were interested in, is that correct?---I wouldn't say interested. Interested in the sense that I take a keen interest in local politics, yes.

40 Well, how did it come about that you had the initial discussions that you were having with Mr Sidoti about the kinds of candidates you would like to see fielded in the local government elections in the City of Canada Bay? ---See, as a president of a conference, we would encourage people to put their hand up to run for local government, to run for state. The Liberal Party had taken the seat of Drummoyne for the first time in 50 years. We had a federal member, which was, you know, the blue colour for the first time in a long time. We'd lost the seat of Strathfield in 2015. There was a feeling of, amongst members, that they wanted to participate.

But Drummoyne and the City of Canada Bay is not within your federal electoral conference, is it?---It is in Reid.

Well, I thought you were the head of Watson.---I am the secretary of Watson, but I also reside, you know, I have strong relationships, I've been in Reid before. My branch was in Reid so I've had a long relationship with the operations of the Reid conference, if you like.

10 So there was some connection you felt with the City of Canada Bay as a result of the fact that it was part of the Reid Federal Conference, is that what you're saying?---Correct.

And so you were interested to see what was happening in the local government elections for that reason, is that right?---There were a multitude of reasons.

Well, did you approach Mr Sidoti to discuss these issues, or did Mr Sidoti approach you to discuss the kinds of candidates that you would like to see fielded in the local government elections in the City of Canada Bay?
20 ---Look, I don't recall exactly who approached who.

Did you come to an agreement between the two of yourselves as to the kinds of candidates you would like to see fielded?---No. There was a divergence of views, if you like.

And what was the divergence?---I felt that there was a very large Asian community that was underrepresented in the council, because Rhodes was a growing constituency for Mr Sidoti and the Canada Bay Council, and I thought we needed someone of, of Asian background.
30

So you were keen to see someone of an Asian background, with Asian background, is that correct?---I was. There is also a very large Arabic community there, and I was hoping to see someone who could connect with that community as well.

And what aspects of that perspective did Mr Sidoti not agree with?---I don't recall if he didn't agree with that aspect, but there were other - - -

40 Well, you said there was a divergence.---Yeah, there were views that Mr Sidoti was, were different, different to mine.

THE COMMISSIONER: Leaving aside the types of candidates and the divergence of views on the types of candidates, did you reach a point in 2017, some time after April 2017, of commencing to communicate with anyone about specific candidates for the forthcoming election for the - - -?
---Sorry, can you just put your question again, Commissioner? I'm sorry, I missed the first part.

You said that you had discussions about “the type of candidates that we should seek”.---Ah hmm.

And this was in the high-level advice you said you gave to Mr Sidoti.---Ah hmm.

Now, apart from the types of candidates, did you also reach a point where you started to commence with Mr Sidoti about specific candidates? That is, by name.---That is possible.

10

No, no. Did you?---Well, I can’t recall, but that is - - -

Come, come. Are you seriously saying that you cannot now, as you sit there, think of any discussion in 2017 you had with Mr Sidoti about any named candidates who were facing up to a preselection and eventually the election in 2017 for the Canada Bay Council?---Names that were put to me by others - - -

20

No, please. Focus on my question.---Yeah.

And do it with all other questions if you would.---Sure.

Because we don’t want to waste time of the Commission, but also time of everyone else who’s involved in this inquiry.---Ah hmm.

30

So, please, if you would in future listen to the point of my questions and listen to the point of Counsel Assisting’s questions and directly answer that. If you wish to add supplementary material in answer, that will depend upon both Counsel Assisting and myself.---Sure.

Do you understand?---Yes, Commissioner, yes.

I’ll go back to square one. You gave evidence you did give high-level advice to Mr Sidoti in relation to “the types of candidates we should seek”, which is how you put it.---Ah hmm.

40

Did it reach a point in 2017 when you and he would discuss, or did discuss, any particular candidates for preselection in 2017?---I think we did, yeah. There may – yep.

And when approximately or over what period?---That I don’t recall, Commissioner. Specifically to when, I don’t recall.

And which candidates did you discuss with Mr Sidoti?---There was actually one in the room earlier. So Mr, I think, Anthony Bazouni may have been a name, would have been a name that I proposed.

MR RANKEN: Do you mean Ms Di Pasqua's lawyer, Anthony Bazouni?
---That's correct.

Was a name that you proposed?---Correct. Correct. I think there was a Dongdong Yang from the Chinese community.

THE COMMISSIONER: Was that person a candidate for preselection?
---No. He, he was put it - - -

10 But that's what I'm asking you. That's what I am asking you.---Sorry, he put his nomination in but had to withdraw it.

Please. Please. You remember what I said about listening to the point of the question.---Sure.

Now answer it, please.---Yeah. I'd say Nick Yap was, was a candidate that was supported.

20 Anyone else? Anyone else in the discussions between you and Mr Sidoti?
---No, that's, Nick Yap was the only one that - - -

The only one?---Mmm. From memory.

MR RANKEN: You didn't discuss with Mr Sidoti Ms Stephanie Di Pasqua?---I don't, I didn't propose Ms Stephanie Di Pasqua.

I didn't ask if you proposed.

30 THE COMMISSIONER: No, please, answer the - - -

THE WITNESS: It may have been. It may have been.

MR RANKEN: She may have been discussed?---Yes.

THE COMMISSIONER: No, no, just a moment. You weren't asked whether it may have been. You were asked whether you did discuss Ms Di Pasqua's candidacy or anything about her candidacy with Mr Sidoti in 2017. What's the answer to that question?---Very likely.

40 MR RANKEN: Ms Di Pasqua was an employee of Mr Sidoti at that time, correct?---That is correct.

He was someone who was supportive of her candidacy, correct?
---According to the evidence she gave, that's correct.

And so it's very likely that you discussed that. In fact, is it - - -?---Very likely, I, yes, I - - -

And did you discuss Mr Megna with Mr Sidoti?---Quite likely Mr Megna, yes.

And did the two of you come to an agreement that an appropriate ticket, if I can use that term, would be Mr Megna at number 1, Ms Di Pasqua at number 2 and Mr Yap at number 3?---I think that would have occurred after the candidates had arranged that themselves.

10 Do you think that that, what, that they approached you, did they?---No, no. What I'm saying is, you asked me if Mr Sidoti and I had come to that agreement.

Yes.---And my response is that it would have, at some point, after the candidates had come to that arrangement themselves.

20 So how does that work? They come, having come to that arrangement themselves, they then reach out to you and Mr Sidoti and you discuss it between the two of you or what's the position?---They, they would, they would reach out to either John or myself or other members, who would relay that to us.

Well, what occurred on this occasion? Did one or other of Mr Megna, Ms Di Pasqua or Mr Yap reach out to you?---It's quite possible that - - -

THE COMMISSIONER: No, please, please, please.--- - - - one or, or – I don't recall, Commissioner, exactly whether they did or didn't.

30 MR RANKEN: Well, did you get – were you approached by Mr Sidoti, who said, "Look, they've reached out, one or other of these has reached out to me"?---That I think was possible, yes.

But either way, the two of you spoke about how to support and advance that ticket, is that correct?---Support and advance the ticket, yes, yes.

Yes. Yes, and did the two of you come to an agreement as to how you would do that in terms of contacting the relevant selectors?---I don't know that we came to that arrangement. I think we just did it.

40 What do you mean, "We just did it"? You just each contacted the selectors?---We, yes, I, I would have contacted, as the evidence said today, the state executive members.

So there was some understanding that you would be responsible for contacting the state executive members?---I don't think it was that formal, but I, because I was a member of state executive, and the people that were coming to that preselection were my, in my faction, and so I had relationships with them.

THE COMMISSIONER: Just a moment. You said a moment ago, “I don’t know whether we came to that arrangement.” I think you might have said, “We just did it,” is that right?---We just did it, correct, yes.

That means you and Mr Sidoti did it individually, rather than as a combined approach, is that right?---Correct. Correct, correct.

10 Well, did you have some discussion with Mr Sidoti as to what you were going to do in terms of advising the selectors and what he was going to do in that regard?---Not in that detail, Commissioner. No.

But you did approach the selectors, is that right?---I mean, the state executive selectors I did, yes.

MR RANKEN: And those persons were Ms Natalie Ward, correct?---From the, yeah, look, you, you showed that this morning from the call log, yes, that’s - - -

20 Christopher Rath, R-a-t-h?---Probable, yep.

Charles Casuscelli, who was - - -?---The rep for the, yep.

For Kent Johns, who was the acting state president, correct?---That’s, that’s correct. That is correct.

And you also contacted Mr Simon Fontana. He wasn’t a member of the state executive?---He wasn’t or was, is that your question?

30 Was not.---Oh, I don’t recall if he was or was not, but he was - - -

He was a Drummoyne delegate?---Yeah, and he was someone that was supporting Nick Yap.

But you spoke with him, or contacted him at least?---Yes.

With a view to discussing the preselection?---Well, with a view to discuss the preselection, yes, and also to keep him informed.

40 You also contacted and spoke with Mr Derek Henderson.---I did, yes.

You were present in the hearing room for Mr Henderson’s evidence this morning.---I was.

And you heard that he said that he had a conversation with you which has been placed around about 15 July of 2017 in which you suggested to him that an appropriate ticket would be Mr Megna 1, Ms Yap at 2, sorry, Ms Di Pasqua at 2, and Mr Yap at 3. Do you recall him giving that evidence?---I

recall having the conversation seeking his view on what he thought were the candidates that should be supported, initially.

And he said that he was looking for fresh blood, correct?---Young, fresh blood, new faces.

Young, fresh blood. New faces.---Correct, which - - -

10 You recall that aspect of the - - -?---I do recall that aspect of it.

So he certainly is being accurate in his evidence in terms of the recollection of that aspect of the telephone conversation, correct?---Correct.

He also told us that you suggested an arrangement that had Mr Megna at 1, Ms Di Pasqua at 2, and Mr Yap at 3. Do you recall his evidence about that? ---Sorry, put that to me again? That he - - -

20 That you suggested a ticket, essentially, with Mr Megna at 1, Ms Di Pasqua at 2, and Mr Yap at 3.---That's what I heard this morning, yes.

And that was in the course of the conversation that you had with him on or about 15 July of 2017.---That's what you showed this morning in the call logs, yep.

THE COMMISSIONER: And you accepted that conversation did take place as he related it?---I, I did, yep. Yes, I did. Yep.

30 MR RANKEN: And so do you accept then that at that time, the ticket that you and Mr Sidoti were supporting was as I've described, Mr Megna at 1, Ms Di Pasqua at 2, and Mr Yap at 3?---In which period of time are you referring to?

At least as at the time you had the conversation with Mr Henderson on 15 July, by that time you'd agreed upon or were both supporting that ticket. ---Oh, suggesting, suggesting a ticket.

Well, that's the ticket that you were promoting, wasn't it?---Yeah, was a, that was a ticket that I was suggesting that he consider.

40 Mr Henderson?---And consider. Yes, yep.

THE COMMISSIONER: You had the advantage of sitting here and hearing his evidence this morning, didn't you, as just put, is that right?---Mmm, yep, that's correct.

And you accept that the evidence he gave was accurate.---I accept that it, that's what he gave, yes, that it was accurate.

Hmm?---I accept that, yes.

MR RANKEN: Did you also speak with Robert Vellar?---Robert Vellar - -

V-el-l-a-r.---Yeah, oh, yes.

Do you know Robert Vellar?---I do.

And who is he?---He is a member of the Drummoyne branch.

10

In 2017, did he occupy, was he a senior advisor to the Planning Minister?

---2017, that may be correct, I'm not a - - -

Now, you mentioned before that the members of the state executive who you contacted were members of the same faction as you.---That is correct.

And what faction is that?---That was the moderate faction.

20

So you were fairly confident of being able to secure their support as being fellow members of the moderate faction?---Fairly confident, yes.

And what about Mr Henderson, do you know what faction he was a member of?---No.

And Mr Vellar?---No.

But in any event you contacted those six delegates or preselectors, and of those six preselectors do you know whether or not Mr Sidoti also contacted any of them?---Not that I can recall.

30

If I was suggest to you that he did in fact contact Mr Vellar and also contacted Mr Henderson, although in the case of Mr Henderson it consisted of only one text message, does that - - -?---I'll take you - - -

You wouldn't know?---I'll take your, I'll take that.

Were you aware that Mr Sidoti, in the lead up to 6 August, 2016, also contacted a number of other preselectors who you did not contact?---Was I aware of that?

40

Yes.---It's very likely that he did, yep.

Because that was the understanding, wasn't it, between you, even if it wasn't made express during the conversations you had, but you would focus on the state executive selectors in the most part and he would focus on the branch selectors. Is that the way it worked?---Oh, pretty much, yeah.

But both of you in support of the one ticket, being Mr Megna at 1, Ms Di Pasqua at 2 and Mr Yap at 3.---Ah hmm.

And that was a ticket - - -

THE COMMISSIONER: Sorry, was that a yes?---Sorry, that was a yes.

10 MR RANKEN: And that was ticket that was at least in contemplation or being advanced by the two of you from 15 July, 2017, at least because that's the date we know that you spoke with Mr Henderson?---That would be right.

And I want to suggest to you that that is in advance, that is prior to, Ms Di Pasqua having any conversations with either of Mr Megna or Mr Yap about a possible arrangement of that form. What do you say to that?---That might be the case.

20 Well, did you suggest to Ms Di Pasqua or Mr Megna or Mr Yap that they ought to think about arranging a ticket of that kind?---Not that I can recall.

Did Mr Sidoti, to your knowledge, suggest to anyone one or other of those persons that they should form such a ticket?---Not to my knowledge.

It would seem strange though, would it not, that the two of you were making contact with preselectors in support of such an arrangement if there had been no discussion between them, that is between the particular members of the arrangement?---Sorry, can you repeat your question?

30 It would be quite strange for you to be contacting preselectors in support of such an arrangement prior to those persons even actually having a discussion between yourselves about it?---I, no, I, I don't think that's strange.

Without either of you, either you or Mr Sidoti, playing any role in suggesting to any one of those persons that they should enter into such an arrangement?---Sorry, I'm not following your question.

40 Well, you understand that prior to Ms Di Pasqua having any conversations with either Mr Yap or Mr Megna about entering into an arrangement where Mr Megna was 1, she was 2 and Mr Yap was 3, you were on the phone to preselectors suggesting that that would be a suitable arrangement?---Well, I think I only spoke to one preselector, Mr Henderson, about that.

Yes, but you agree that – well, no, we've had evidence from one preselector that you spoke to him on that date and that was the discussion. Is it likely you had discussions with other preselectors before that date about that ticket?---Not that, not that I can recall.

But at least by that date, you and Mr Sidoti were seeking to support that ticket, that is Megna 1, Di Pasqua 2, Yap 3?---It may have been Mr Sidoti but I, I don't recall supporting a ticket. But Megna 1, that was between the candidates. I was provided with the advice that it was likely heading in that direction.

Before they had even spoken to each other about it, that's the point I'm trying to make, Mr Tannous. Do you accept that?---Before they had spoken about it, I can't, I don't know if they had spoken about it before then or not.

10

Did you provide advice to any one or other, of Mr Yap or Mr Pasqua about entering into such arrangement or facilitating such an arrangement?

MR STANTON: At what time, Commissioner?

MR RANKEN: At any time.---About, sorry, about having a position on the ticket you mean or?

20 Yes. Or about having a ticket with Mr Megna 1, Mr Pasqua 2, and Mr Yap at 3.---I don't recall, I don't recall.

Were you present in the Commission when Mr Yap gave his evidence on Friday?---I was, yes.

And you heard him give evidence about a conversation that he had with you, and you contacted him and suggested that the number 2 position was too crowded and he should consider withdrawing from the number 2?---I recall his evidence but I don't recall that conversation myself.

30 Do you recall that he said that his recollection was that the conversation occurred about the Thursday before the preselection event itself?---Yes, I do recall that.

The preselection event itself took place on the Sunday the 6 of August, 2017, correct?---I don't, I'll take it as, yes, I don't recall.

40 I wonder if we could bring up the spreadsheet of call charge records for Mr Tannous in respect of the Calls of Interest tab. If we could go to 3 August of 2017. If we could go to the time of 5.36pm. Scroll down a little bit further please. Can you see there are two, where the cursor is hovering nearby, there are two entries in relation to calls made by you to Mr Yap on the evening on 3 August, 2017, do you see that?---I can, yes.

And do you see that one of those conversations or one of those calls was only six seconds but the second of those calls was one that went for about 17 minutes?---Yes, I can see that.

And 3 August, 2017 was Thursday prior to the preselection event on Sunday 6 August, 2017. Do you see that?---I do.

So, that would seem to accord with Mr Yap's evidence that he had this conversation with you where you suggested that he move or he withdraw from the number 2 position?---I'd accept that on his evidence, I don't recall, yes.

10 So your suggesting that to Mr Yap apparently a few days before the actual preselection event, correct?---What am I suggesting to Mr Yap, sorry?

You're suggesting that he remove himself from the number 2, the race for the number 2 position?---Quite possibly.

Yes. That was to facilitate or was at least consistent with the ticket that you were promoting when you spoke with Mr Henderson back on 15 July of 2017.---Yes, that would be right.

20 So, consistent with that, we see you actually speaking to Mr Yap about it, correct?---Correct.

You hadn't spoken with Mr Yap about that matter beforehand?---Not that I can recall, I may have, but I can't recall.

What about Mr, or Ms Di Pasqua, you had a number of communications with Ms Di Pasqua in the lead-up to the preselection, is that correct?---That would be correct.

30 You heard her evidence today about advice that she apparently obtained from you in respect of a possible challenge to the Ms McCaffrey's - - -? ---That is correct.

Did you discuss that with Mr Sidoti?---It was likely that Mr Sidoti – you mean the advice or - - -

40 Well, the very fact that, look, I've spoken with Stephanie about this challenge that she's proposing to Ms McCaffrey's nomination.---It was very possible that I did because she was quite upset about it, as you heard from the evidence today - - -

Very possibly or very likely?---I think it's quite possible that I've spoken to Mr Sidoti.

Can you recall any conversation that you had with him about it?---No, I can't. As you would know, that I've provided a document to the Commission about my recent COVID experience which I have, you know, memory fog but I don't recall but - - -

I'm happy to deal with that now actually, Mr Tannous. It's the case, is it not, that in 2020 you were unfortunate enough to suffer from COVID, correct?---Yes.

And in fact, it was quite serious for you in terms of the fact that you had to be in an induced coma for a period, is that correct?---Yes, for about 11 days, that's correct.

10 As a result, you have had some ongoing health issues, correct?---That is correct.

Including some problems with, some memory problems, is that the case? ---Memory fog, it's fatigue and shortness of breath.

So, that is, are you saying that is causing you to have some doubt as to whether or not you are being able to accurately recall some of these events? ---That is correct.

20 But your memory has been assisted, has it not, by being present in court or in the Commission whilst you have heard other witnesses give some evidence?---That would be fair to say.

Is it fair to say, that absent those witnesses giving their evidence, you don't have independent recollection of the particular matters those spoke about? ---Sorry, would you mind repeating that.

Absent hearing that evidence from them, you don't yourself have independent recollection?---That is correct, that is correct.

30 So to a degree, you're doing your best but you are reconstructing your memory having regard to what's been said by other witnesses?---That would be correct.

And also by reference to the records that have been shown to other witnesses and I've shown to you today, such as these call charge records? ---Yes, that is correct.

40 I wonder if we could then bring up the emails that I showed to Ms Di Pasqua, and if we could specifically go to page 9, so you can see at the bottom of that page is the email from Ms Di Pasqua to the state director, enclosing her request for a review or a challenge to the decision that was made by the division's deputy state director concerning Ms McCaffrey's nomination?---Sorry, you're referring to the bottom of the email?

Page nine yes.---Yes, I can see that. So that's to the state director.

Yes, that's to the state director.---Correct, yes.

You see that?---Ah hmm.

And you see that there is a response, which was 1 August, above that, from Dorina Ianeva.---Yes, I can see that.

And Ms Di Pasqua has forwarded that on to Mr Sidoti at 2.52 on 1 August, do you see that?---I can see that.

10 If you could go to page 14. Do you see that the same email chain appears except at the top of the page Mr Sidoti is forwarding the chain of emails to you?---Yes, I can see that.

At 4.11pm.---That's correct.

Clearly, there was some reason that Mr Sidoti was providing this to you, correct?---Yes, that's correct.

20 And what I'm suggesting to you or asking you is was that because the two of you had discussions about Ms Di Pasqua's constitutional challenge?---I'd had the conversation with Ms Di Pasqua about it.

I understand that.---I don't recall if I'd had a conversation with Mr Sidoti but now that you've presented the email I can see that he's forwarded it to me.

Yes, he forwarded to you.

30 THE COMMISSIONER: So it is likely, is it not, that Mr Sidoti sending you the result of the review by the state director, would have discussed the matter with you prior to the director making his decision?---I, I don't recall - -

That is that you and Mr Sidoti would have discussed Ms Di Pasqua's application for a ruling on the constitution question.---I don't recall if John and I had a conversation about that prior. But we did subsequently have a conversation about the outcome of the decision.

40 So what, he just said this out of the blue, as it were, to you without any prior discussion? Is that what you're seriously suggesting?---No, what I'm suggesting is that it may have been raised, but it wasn't a discussion per se.

What do you mean then, it may have been raised?---Well, he could have - - -

Are you just guessing?---No. He may have sent me a message, a text, or a, a phone call that said Stephanie's putting in a challenge, but I don't think it was discussed in any, in any detail that I can recall.

It could have been discussed, but you say not necessarily in great detail.
---Oh, well, when I say discuss, I take it as being in detail. So if it's just a passing or a slight discussion, potentially, yes.

You heard her evidence here today about dealings she had with you.
---Ah hmm.

Yes, very well.

10 MR RANKEN: I wonder if we could then go back to the call charge records of Mr Tannous. And if I could draw your attention to – if you go to 1 August, 2017, do you see that at 15.58, that's approximately 12 minutes or 13 minutes prior to Mr Sidoti sending you the email, there's a text message from you to Mr Sidoti.---Right. Yeah. Ah hmm. I can see that.

Do you see that there's an earlier text message from you immediately above that, which was at a quarter past 1.00 or a little bit after a quarter past 1.00?
---I can see that.

20 Now, I wonder – and do you see after that text message at 15.58, there is a text message, sorry, there is a call between yourself and Ms Di Pasqua at a quarter past 5.00?---Yes, I can see that.

And then there appears to be another call at almost five to 6.00, although that appears to be unanswered or didn't go anywhere, because the duration of the call is zero seconds.---Yes, I can see those as well, yep.

30 Now, I wonder if we could then bring up the call charge records in respect of Mr Sidoti, and if we could go to 1 August, and starting at 3.47pm on 1 August. Can you see that it's line 126, there is a message, sorry, there is a brief, 23-second call from Mr Sidoti to you at 15.47, which is 3.47pm?---I can see that, yes.

And then can you also see that there is a text message at 15.58 and 19 seconds from Mr Sidoti to you?---Yes, I can see that.

So the sequence seems to be, Mr Sidoti has rung, and there's been a 23-second conversation.---Or a voicemail.

40 Or a voicemail. And then you followed up with a text message a little over 10 minutes later, and he's responded almost immediately with a text message.---Sorry, that text message was from Mr Sidoti to me?

Yes, and then I took you in your call charge records to the text message that you sent at 15.58.09.---Right.

So in between the call and Mr Sidoti's text message, there was a text message from you.---Yeah, which would, would have been an out, a,

standard text message. It may have been, "I can't take your call," or "I'm in a meeting" or something.

Who knows. But you then got the email from Mr Sidoti at 11 minutes past 4.00, which forwarded the response from the state director.---Mmm.

And you then called Ms Di Pasqua at a quarter past 5.00. Do you see that, that sequence?---Sure.

- 10 So what I'm suggesting is that the two of you were engaging in communications relating to what you were to do with, or in light of, the outcomes of the state director's consideration of Ms Di Pasqua's challenge. ---There may have been other reasons why we've communicated. To share out disappointment, to seek was there another avenue for Ms Di Pasqua to - - -

Well, that's exactly right. What you were wanting to discuss is Ms Di Pasqua's - - -?---Unsuccessful challenge.

- 20 Yes. And also what the way forward was for her campaign.---Or for another challenge that could go to another panel of the party, yes.

THE COMMISSIONER: Would it be true to say that once you and Mr Sidoti became aware of the ruling of the director on Ms Di Pasqua's challenge, you were both disappointed at her not having succeeded? ---Well, I was certainly disappointed, Commissioner, yes.

And from what Mr Sidoti communicated to you, did you infer the same? ---Oh, yes, he did, yes.

- 30 Because that affected the strategy going forward for the preselection obviously, is that right?---No, I was disappointed that, that potentially the advice that I provided her wasn't strong enough.

I'll put it again. The outcome meant that the strategy that you and Mr Sidoti had been discussing for the preselection was now altered by the failure by her to succeed on the challenge. In other words, you had to recalibrate in light of the outcome, correct?---That's quite possible.

- 40 Well, is it likely that was the situation once you became aware of the director's ruling, that it had upset plans going forward for the preselection and you needed to now re-strategise?---That's very possible, yeah.

Are you seriously saying you have no recollection or when you say, "Very possibly," are you saying you're got a limited recollection? ---Commissioner, I, I don't have a recollection.

There haven't been many challenges of this kind on a - - -?---Sorry - - -

There have not, have there, been many challenges, constitutional challenges such as Ms Di Pasqua brought. There hadn't been many, had there, if any at all?---What do you mean, in terms of the party generally or you mean - - -

Yes, the Liberal Party?---Oh, there, there are challenges like this all the time.

10 But this is the only one you can think of in relation to Canada Bay?---In relation to?

Canada Bay City Council.---Yeah, I don't know of any other for Canada Bay, yeah.

Thank you. Well, if it's the only one, surely you have some recollection of the day when you got the bad news that she had failed and what is the extent of that recollection?---That she had failed. Yes, I - - -

20 As to the impact - - -?---It was, it was obviously in her, she gave evidence earlier that she was upset about it.

And you were disappointed because it meant that whatever strategy you had in mind had to now be revised. Is that right?---I was disappointed because I felt that the advice that I gave her was potentially not strong enough. So that's - - -

30 It is very possible, isn't it, you were disappointed because it had upset any plans you had in relation to the preselection going forward, is that right?---That's not my recollection.

Not right, not at all?---Not my recollection.

Not one bit, didn't have any impact on the preselection so far as you were concerned?---My recollection is about disappointment from the point of view that I gave her the advice that failed.

And what was the basis of Mr Sidoti's disappointment, if you can recall?---I can't recall, Commissioner. I'm sorry.

40 I see the time.

MR RANKEN: I know. I am keen, if I could, to try and finish off Mr Tannous.

THE COMMISSIONER: Five more minutes then, Mr Ranken, if that's going to be of any assistance to close off in this area.

MR RANKEN: Yes, if I could just five more minutes. Now, Mr Tannous, either way, each of you and Mr Sidoti had supported Ms Di Pasqua in the pursuit of the challenge to Ms McCaffrey's nomination, correct?---We had supported it, yes.

Yes. And that was quite an extraordinary challenge, was it not, in circumstances where Ms McCaffrey was the sitting Mayor of the City of Canada Bay and was the mayoral candidate?---No, don't accept that at all.

10 Because - - -?---It's a democratic process and Ms McCaffrey got it wrong and - - -

I understand. I understand it's a democratic process.---Sure.

But it would be quite extraordinary if the party was to be putting forward someone as a candidate for mayor who then was not featured high on the ticket or anywhere on the ticket if the challenge was successful.---No, I, I don't accept that.

20 So are you suggesting that it's quite common for someone to be a mayoral candidate only and not appear in any of the other positions on the ticket? ---I'm not suggesting that it's common. I'm suggesting that it can happen.

But it would be extraordinary, wouldn't it? Because the person who the party is putting forward as the mayor, to be the most senior councillor on the council, is then not being put forward as one or other of the remaining positions on the ticket.---Maybe that person felt that they could win the mayoralty because they were the incumbent mayor. I don't, you know, I can't answer that question for you.

30 Now, either way, you would agree that such a position taken – that is, one in which you and Mr Sidoti were supporting Ms Di Pasqua's challenge – was one that was directly against the interests of Ms McCaffrey?---No, I think it's, it was more about the interests of Stephanie and the party, that there was a constitution, there was a process that should be followed, and unfortunately Ms McCaffrey didn't complete her nomination form correctly.

40 Are you serious, Mr Tannous, that you do not consider that the position that you and Mr Sidoti took by supporting Ms Di Pasqua was not contrary to Ms McCaffrey's interests in the outcome of the preselection process? Is that your serious evidence?---Sorry, the outcome of the preselection process?

Yes.---I'm not – can you - - -

Well, if you were successful, you and Ms Di Pasqua and Mr Sidoti, in challenging her nomination, Ms Di Pasqua would not be able to be considered for any position on that ticket other than the mayoralty, correct? ---Ms Di Pasqua?

MR NEIL: I object.

MR RANKEN: Sorry, not – Ms McCaffrey.

MR NEIL: Yes, thank you.

MR RANKEN: Sorry, Ms McCaffrey would not be able to be considered for any position on the ticket other than the mayoral ticket, correct?---That
10 is correct, yes.

Now, that must have been adverse, then, to her interests in the preselection process. She couldn't be considered for positions on the ticket.---She couldn't be, no. She couldn't be considered for any other position.

Exactly.---But once again, she made the mistake of not completing her nomination form.

Mr Tannous, I will put it to you again. Do you accept that by taking the
20 position that you and Mr Sidoti took to support Ms Di Pasqua's challenge to Ms McCaffrey's nomination for either the 1, 2, 3 or 4 position, that you were acting directly adverse to Ms McCaffrey's interests in the preselection process?---I don't accept that.

Does that not follow like night follows day?---I think Ms McCaffrey made a mistake and Ms Di Pasqua was entitled to put the challenge in.

THE COMMISSIONER: And if successful, it would have been potentially very detrimental to her, Ms McCaffrey's prospects of remaining on council,
30 correct?---Unless she thought she was capable of winning the mayoralty, which is what I assume she thought.

MR RANKEN: Now, you certainly appreciated, though, that if it was successful, it would increase Ms Di Pasqua's chances of a successful run at the council.---Yes.

It would remove Ms McCaffrey from any of those positions, correct?---That is correct, ah hmm.

40 And in your conversation with Mr Henderson on 15 July of 2017, you indicated to him that Mr – sorry, Dr Ahmed and Ms Cestar had not been very productive on council, did you not?---They were his words that he used.

Yes, but they were words that he attributed to you, Mr Tannous.---Oh, I, I can't, I don't recall those words, but - - -

But are they likely to be words that you used?---I would have used the words that both councillors were not seen, weren't active in in the party in terms of helping on campaigns.

But the purpose of you mentioning those two councillors was to suggest that they were persons who ought to be replaced with persons such as Ms Di Pasqua and Mr Yap.---Well, they were, they – I would have made the point that they were persons to be, other people should be considered for their positions.

10

For their positions.---Yes.

Yes, and do you accept that by suggesting that Ms Di Pasqua and Mr Yap should be considered in place of them that you were acting directly against their interests in the preselection process?---That would be fair, yes.

So you were effectively working towards an outcome where they would miss out on preselection, correct?---That is correct.

20

And you and Mr Sidoti continued to work together in promoting that ticket with Mr Megna, Ms Di Pasqua, and Mr Yap, right up to and including the day of the preselection event on 6 August. Correct?---We worked to promote that ticket, yes, that's correct.

And you did so knowing and intending for that to be directly contrary to the interests of Ms McCaffrey, Ms Cestar, and Dr Ahmed. Correct?---Well, it's a preselection. That would be correct.

30

I appreciate that, but - - -?---Yep.

Correct?---Yep.

Just one moment. Thank you, they're my questions of Mr Tannous.

THE COMMISSIONER: Now, I see it's getting late, but Mr Neil, do you have any questions of this witness?

MR NEIL: I do, Commissioner. They would - - -

40

THE COMMISSIONER: Yes, I'm just raising it so that I can determine whether we sit on or we resume tomorrow with the witness that we – I'm open to any application.

MR STANTON: Well, Commissioner, can I rise to make an application? I have a commitment tomorrow. Subject to my client's health, if it can be concluded today, not just for my convenience but for his as well, I'd like to see it end if it can, please.

THE COMMISSIONER: All right.

MR STANTON: And I say that, sir, bearing in mind full well that I do, have stated my professional convenience, but nevertheless I also understand that he does have a condition and if it can be concluded today, I'd appreciate that, rather than extending overnight.

10 THE COMMISSIONER: Yes, thank you, Mr Stanton. Mr Neil, it really comes back to you. I think it probably would be desirable to finish this witness if we can do it today.

MR NEIL: Yes. I'll keep my questions short, but could I just ask for a two or three-minute adjournment to take some instructions, then I can return?

THE COMMISSIONER: Yes, all right then. Well, I'll resume at 4.30, does that give you enough time?

20 MR NEIL: Yes, thank you.

THE COMMISSIONER: Yes. I'll adjourn.

SHORT ADJOURNMENT

[4.23pm]

MR NEIL: Thank you for that indulgence, Commissioner, I can be short.

30 THE COMMISSIONER: Thank you, Mr Neil.

MR NEIL: Mr Tannous, I act for Mr John Sidoti. Now, in your time on the state executive, had you become aware, not necessarily from Canada Bay but of challenge in respect of pre-selections for local government elections, state elections and federal elections?---Yes.

Had you seen many of them?---I don't know that I'd seen many of them but I'd certainly known about challenges.

40 To the extent that you were involved in the matters about which you've given evidence, do you consider that you acted with propriety throughout? ---Yes.

Thank you.

THE COMMISSIONER: Yes, thank you, Mr Neil. Mr Stanton, do you have anything?

MR STANTON: I don't, sorry Commissioner, thank you.

THE COMMISSIONER: No, nothing?

MR STANTON: Nothing, thank you sir.

THE COMMISSIONER: Thank you.

MR STANTON: Nothing arising from my part Commissioner.

10 THE COMMISSIONER: Thank you Mr Tannous, you're excused.

THE WITNESS: Thank you.

THE WITNESS EXCUSED

[4.32pm]

20 THE COMMISSIONER: Now, just in relation to tomorrow's program, I was proposing to sit a little late from 4.00 to 4.30, is that going to occasion any undue inconvenience to anyone here? No. All right. I think we'll start at 10.00am as per usual and we'll finish at about 4.30 tomorrow. Nothing else you want raise?

MR RANKEN: No, not at this point.

THE COMMISSIONER: Thank you Mr Ranken. I'll adjourn.

AT 4.33PM THE MATTER WAS ADJOURNED ACCORDINGLY

30

[4.33pm]