

WITNEYPUB01605
22/04/2021

WITNEY
pp 01605-01650

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION WITNEY

Reference: Operation E19/1452

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 22 APRIL, 2021

AT 2.00PM

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

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

THE COMMISSIONER: Mr Ranken.

MR RANKEN: Yes, thank you, Commissioner. Now, Mr Sidoti, you mentioned before the luncheon adjournment that you had understood that, or you had received some representations by Ms Allars, I think it was, who was an owner of a property over on the East Street side, correct?---Oh, no.
10 I've, I've seen a representation, yes.

So you're aware of a representation. Okay.---Correct.

Well, my original questions though were about what representations you had received from members of your constituency that you were seeking to pass on to the Liberal councillors in this period between 2 June, 2015, and the meeting of the council on 20 October, 2015?---Oh, I'm not sure, in that period.

20 Other than those who you had spoken to in respect of the Waterview Street site?---Yes.

Because you had spoken to some of those owners, that is those who owned properties on that block of Waterview Street site that included 2 Second Avenue and - - -?---Oh, more, more than likely.

But as to any other issues relating to the Five Dock Town Centre Study that had been the subject of representations that you may have received from members of the members of the constituency, you can't recall any particular
30 issue that you needed to raise?---No.

But would you agree that you did not receive any representations in respect of the possibility of extending the B4 mixed-use zone in any other area other than the Waterview Street site?---Oh, I don't recall.

It's likely that you would recall?---No, I, I, just don't recall.

So, just perhaps dealing with Mr Allars, if I was to suggest to you that she had put in an initial submission in response to the public exhibition of the
40 study in December 2013 and January 2014, could that be the submission you were referring to as having seen?---Possibly, yes.

And if I was to suggest to you that she did also put in a submission in relation to the public exhibition immediately following the Gateway Determination, that is in October/November 2014, that was then considered in the reports prepared for the June 2015 meeting, could that be also another submission of Ms Allars' that you possibly had in mind?---Yeah, possibly, yes.

But can I suggest to you that she did not put in a submission, nor did any other occupier of a property within that same block that Ms Allars owned property, put in a submission following the public exhibition that occurred in July of 2015, that is following the two June 2015 council meetings.---A written submission, I would agree with you.

And that she did not in fact make any oral presentation at the 20 October 2015 council meeting?---Yes.

10

Do you have in mind that she in fact did actually present an oral presentation?---No.

At any meeting?---Oh, I never attended a meeting.

So, it's fair to say that then out of those submissions that I have indicated to you, you are not aware of any other submissions or representations Mr Allars made in respect of the Five Dock Town Centre?---Not written, no.

20

Well, okay, are you aware of an oral representation being made by Ms Allars?---Oh, yeah, yeah. Many.

So you were present when she made some oral representation to council about the Five Dock Town Centre Study?---No, no, no. Not her. We've agreed on that. Other people in that western block.

No, no, I was speaking about Ms Allars.---No.

30

But many other people in that western block you received representation from, did you?---Yes.

And do you say that you recall receiving many of these representations from persons in that western block in the period between 2 June, 2015 and 20 October, 2015?---Yeah, time frame I couldn't tell you.

THE COMMISSIONER: Sorry, I can't hear that.---Time, time frame I couldn't be exact.

40

MR RANKEN: But you are unable to identify any particular person other than Ms Allars.---By name, no.

THE COMMISSIONER: Do you say that throughout any period from 2014 to '17, you were receiving representations from members of the community about the town centre study?---Yes.

And they would come to you, you would interview them or they might write to you?---No, very short. I recall, I just can't remember the name, there's an

Italian person that lives in that block, an elderly gentleman, he came past to say, "Look, I'm receiving this, what's it all about?"

And did you receive many oral representations from members of the community?---Yeah, generally, yes.

What sort of numbers are we talking about?---Oh, hard to put a number, but
- - -

10 Sorry?---It's hard to put a number, but I'd say - - -

Are we talking about dozens or hundreds or - - -?---Yeah, at least a dozen, yes.

And did you keep a note in an exercise book or a file about who was making representations to you about what and when?---No, not particularly. I used to do it on street stalls a lot, but of late, generally I tell all my constituents now is, you can put it in writing, that's the best way to do it so there's never any misunderstandings and you can then - - -

20

So you didn't keep a note or a memoranda or a file on any representations made to you by members of the community concerning the Five Dock Town Centre Study?---No, I don't think I have.

But if you had concerns about some aspects of the study, wouldn't it be important for you to keep some form of record so that you can see perhaps whether members of the community are identifying what appears to them to be a common problem that should be addressed in the matter of public interest?---Yes, particularly in the last four or five years, I like every constituent, even if it's Five Dock Town Centre, to put something in writing so we've got a record. And then what we do, that goes into a system in our electoral office which links to the person's personal details, so that if they ever ring, you can bring up what the issue was.

30

So was that system applied to those members of the community who wrote or spoke to you about the Five Dock Town Centre Study?---It's, it's possible, just that it has to be fed into system.

40 So if we examined your system, what, it's a computerised system?---Yes, yes.

We would be able to extract from it, would we, either correspondence or records of particular complaints or particular representations made by members of the community over or about the Five Dock Town Centre Study/Plan?---It's, it's, it's possible.

Right. And over what years did you keep this computerised system operating for those sort of representations or complaints?---It should have

been in place from the start, but obviously more and more feedback comes over the years.

So if it were to be that the Commission analyse your computer processes, you say almost, if not certainly, there's a high likelihood we'll find their entries concerning representations and complaints made to you by members of the community over the Five Dock Town Centre Study or Plan?---I'm almost certain if it's in writing it should be.

10 It should be there.---Yes.

All right. Well, are you willing to have your system examined?---No problem. No problem at all.

Thank you.

MR RANKEN: When you say, "if it is in writing," are you saying if it was received in a written form?---Yes.

20 What about representations that were made orally, what about the recording of those representations? Is there something in your computer system that includes a record of representations that were made orally?---As long as they've given a name and address, and then we can look them up online, and then we attach it. Sometimes people just come in to complain. They might come in and just say, "Oh you know, there was an issue on television, this is disgraceful, just let John know to pass it on to the party." And then in that situation, you haven't got their name and address, so it'd be difficult in that situation. But if they're willing to give their details, yes. And - - -

30 THE COMMISSIONER: I take it that a computerised filing system would be that you'd have a - we will find in your computerised system various files, which might for example be complaints about parks, or complaints about roads, or complaints about some other subject matter, or complaints about the Five Dock Town Centre plan, is that right?---Mmm. Mmm, and also if - - -

Is that right, firstly?---Yes.

40 So if you enter the search words as to complaints re Five Dock Town Centre Plan for study, then that's likely to draw out all complaints or most of the complaints that you've received, is that right?---Oh, I'm not sure if it's that easy, but there, I'm sure there's a process to do that.

Well, what I'm trying to ascertain is - - -?---I'm not very good at that.

- - - is by your evidence suggesting, if you come up with a name, we'll look for the name, which might be a herculean task, but if you search by subject matter, then of course it's simple, a simple process.---I, I think you may be

able by subject and you may – and, and definitely by name. So if you brought up a, a name of a resident, all the details should come up, and that includes if there were any surveys that I’ve put out to the electorate over the years, and, and the responses that came back, that would all feed into that system.

MR RANKEN: Would that also include, though, the detail obviously of the name of the person, correct?---Oh, no, you’d have to have the name - - -

10 Their address?---Yes.

And would it include the detail of the complaint or the matter that they raised?---Yes.

And who was responsible for entering that information into the computer system?---Oh, it would have been the staff members.

THE COMMISSIONER: What staff members?---Oh, I’d have to double-check, it’d, it’d be - - -

20

Well, who would you expect would?---Oh, just one of my electoral staff.

And can you give us a name or two?---Yeah, yeah, Jimmy Binyaris, Betty, Stephanie.

MR RANKEN: So that’s Betty Di Pasqua and Stephanie Di Pasqua?---Yes.

30

Well, we can be pretty certain it wasn’t Stephanie Di Pasqua, because she wasn’t even aware of the Five Dock Town Centre study, correct?---Oh, back then? Yeah, I, yes. Back then, Sarah Lawrence, was employed back then.

THE COMMISSIONER: Well, you’ll provide the Commission with a list of those employees who worked in your office whose tasks included entering data into the computer system.---Yes, yes, most definitely. Sure.

Is that right? You’ll do that?---Yes. Yeah, no problem.

Thank you.

40

MR RANKEN: And what was the source of the information that was given to them to enter? Was it from, you having had the conversation with the particular constituent, you’d then relay that to them and they would type it in as you stood there relaying the information? Or was it different?---Mmm, if they were prepared to give their details, yes.

This is all on the assumption that they’re prepared to give their details, because they’re the only representations that were formally recorded in the

computer system, as I understand your evidence, correct?---No, if you haven't got a name, you can't type it in.

Exactly, and that's what you told us very early on is that the only records that there would be of such oral representations was if the person was prepared to give their name and their details, correct?---Correct.

10 So these questions are only in respect of those persons who were prepared to give you their name and their details and then obviously they expressed to you the particular matter they wished to raise or issue, correct?---Yes.

20 And did you then go and speak to a member of your staff and tell them what they should enter in respect of the information that had been passed to you by the constituent?---Yes. And if, if I can go further, sorry, Commissioner, you asked me did I have a journal of some sort. I used to just keep an exercise book on street stalls and take a number or phone number with regards to any issues that would come up, and then either write back to them or send something back to them, that generally is fed into the system if I've got the details there as well.

So in that instance, a person might raise an issue with you at a street stall, you would take their details if they were prepared to provide them.---Yes.

Would you also record in your journal at least a brief note as to what the topic or issue was that they wanted to raise?---Yes, and, and it'd be very quickly, because you didn't want to spend a lot of, lot of time. Yep.

I understand. And then you would then follow up?---Correct.

30 With a telephone call yourself or you would give that task to one of the members of your staff?---Either/or.

And you would expect – well, firstly if it was yourself who then spoke to the person with the follow-up telephone call, following that telephone call, you would relay the substance of it to a staff member so that they could enter the information into the system, correct?---Yes.

40 If it was a staff member who had that telephone contact, you would expect the staff member to enter that information into the computer system, correct?---Yes.

And one reason that would have been necessary for you to have such a system and to record things in that way was because if you were to do something further in respect of it, that is to pass on the information to either councillors or council staff, you would want to be clear as to what it was that you were asking the councillors or the council staff to look at or to consider?---Yes.

Because it wouldn't serve your constituents well if you misrepresented what it was that they were asking for, correct?---Yes.

THE COMMISSIONER: An examination then of those matters on the computer would be, I take it, in your view, a useful way of being able to get a handle, to use the expression, on what sort of complaints are being made over the Five Dock Town Centre Plan and perhaps themes arising out of things that were being said to you by members of the community?---Yes.

10 Did you take any steps to extract any of that sort of information from your computer and brief Ms Miller and Pacific Planning on those representations?---No.

Why not?---The main, because the main reason behind the database is to basically see what the issues are and the main, main reason is to get, to try to establish a profile and voter preference and therefore, at a politically appropriate time, put your resources into what you would call undecided voters.

20 No, but the information, so far as it went to identifying the issues or subject matters of complaint or subject of representations, would be useful, would it not, for your planner to know, well, what are the people saying?---Well, I never thought of it that way but, yes.

Well, you can see now, it would have been a useful source of material for your planners to have had, wouldn't it?---I wouldn't be providing – it's not for that reason. It's for the reason of representations, to answer queries.

30 No, no, no. I understand the reason why the records are kept. I fully understand that. But as you were party to the engagement and briefing of the, in terms of supplying information to the planners, it bore upon the tasks they were retained for, it would have been very useful information, wouldn't it, to take it from your file, provide it to the planners, so that they could see what themes were emerging from the issues that the people were raising with you, the local member?--- I don't, the planners weren't engaged for that reason. The planners were engaged there for my parents' reason.

40 But it had to do with the Five Dock Town Centre Plan and what the plan was proposing, wasn't it? That's why they were – and on matters such as rezoning, heights and such?---If someone's made a complaint it should show up in writing.

My point is, if you had all this information, you can see now, couldn't you, the relevance of downloading it and supplying it to the planners so that they can see perhaps how all of these matters raised by the people bore upon the issues that council were considering?---It's very private information.

MR NEIL: Commissioner, could I just foreshadow that there may need to be argument about this. I wouldn't by silence conceded that point - - -

THE COMMISSIONER: Sorry, could you just use this - - -

MR NEIL: I'm sorry. I want to submit there may need to be argument on this point because I would not by silence be, have it said that I'm conceding the point, whether or not material obtained from constituents should be given or is even relevant to the task of planners is, is a matter that may need
10 further consideration. One view is that it shouldn't be done.

THE COMMISSIONER: But representations being made, possibly being made, on issues attached or concerned with what the planners were examining, particular streets, blocks, rezoning and so on, I thought the evidence we've heard to date is all about representations being made from people who answer public exhibitions and so on, that it's all relevant to what the study was about.

MR NEIL: Well, Commissioner, the relevance to this witness in his
20 position as a member of parliament, as I understood it, is to forward on to the relevant authority, and if it's a local government matter, to forward it on to the council.

THE COMMISSIONER: Certainly. But he was engaged in retaining planners in the interests of his family's properties so that one would have expected, given what the planners were being retained to do, that if he had any information which would bear upon the zoning issues, for example, in the area of the family properties, then the planners obviously would see that as potentially relevant, just as the council sees it relevant to get the views of
30 members of the community.

MR NEIL: Well, I would have - - -

THE COMMISSIONER: And they're involved in planning. So I don't follow what you're saying, with respect.

MR NEIL: Well, I would put the opposite view, that it is not to be, it is not to be passed on.

THE COMMISSIONER: Well, anyway, look, we're not going to spend
40 time on it, Mr Neil. We're not going to spend time on it, Mr Neil. You make your point, you have raised the issue rather than sit in silence and we'll deal with it as necessary.

MR NEIL: Thank you, Commissioner.

THE COMMISSIONER: Thank you. Yes, you go ahead, Mr Ranken.

MR RANKEN: What about providing those representations as recorded in your system to the council for example by way of printing them out and forwarding them to the council to say, look, you should be aware that these are representations that have been received by my office?---That's possible.

That was something that was open to you, was it not?---Yeah, that's possible.

10 Having a system such as this you've recorded the detail of what was being raised.---Yes.

You'd identified the person and their address, their contact details. Correct? ---Well, I would not but my staff would have.

20 Through your system, the system that you'd set up, and then that information could then be easily printed out and compiled and forwarded to the council to say these are representations that have been made to me as the state member, I am now passing this on to council so they may be taken into account. That's something that could be done?---Yes, it could be.

Obviously that would require you to obtain the consent of the persons who had provided the information to you. Correct?---Correct.

Equally that is not something that would be very difficult, you could simply ask the person whether or not they were happy for you to do so.---Yes.

30 And presumably if the person was, the constituent was raising the issue with you in the first place, it was because they wished somebody to hear it. Correct?---Like we've established, there had been so many means of communication of the town centre plan, it's highly likely that it would have been sent to the place that was promoted either by the website or, but if someone would have missed that, the engagements, the library, Fred Kelly Place, via the council website, via the pop-in shops, whatever, and came into my office, there's a system there that you're more than, more than happy to provide whatever you need there.

40 No, but you didn't then pass that on to the council though, did you, you didn't compile the representations that your office had received in response to any particular exhibition of the planning proposals?---No, not that comes to memory.

No.---No.

And that is a resource that still exists today?---I believe every, every electoral office should have it.

But your electoral office should have it?---Yes. I, I, and I could stand corrected, I think it's called Feedback.

Is that the file or is that the computer system?---The system, I think. I'm sure I could provide you further details.

Did you, in preparation for giving evidence in this public inquiry, did you have cause to go and interrogate it yourself to see what were the kinds of representations that I was receiving from the community over the time?
---No, I'm, I'm not very computer literate with that set-up to be honest with you.

10

Well, did you think to – so you didn't think to ask one of your staff members to, "Pull up all the representatives that we received in relation to the Five Dock Study so that I can remind myself, refresh myself and my memory, as to what issues were being raised by the public from time to time in relation to the study"?---No, because I was a pretty hands-on member, so I'm in the street all the time.

20

Sorry, I'm asking about whether or not, in preparation for giving evidence at this public inquiry, you either interrogated that system yourself or tasked one of your employees to do so, so that you could refresh your memory as to the issues that were being raised by the constituents about the Five Dock Town Centre Study?---No, no. Because my understanding was you had all my system anyway.

So, is this the case, that you have already provided to the Commission the entirety of the system?---That's my understanding.

30

So, the material that you speak of should be able to be identified by the Commission from the materials that have already been produced by your office?---I'm not sure.

In any event, we are at a position though where you haven't taken any steps to interrogate it yourself or have a staff member interrogate it so that you could review any such representations or documents recording those representations in advance of giving evidence today?---No. My understanding was the Commission had everything associated with my computer.

40

And you do not have any independent recollection of any issue, any particular issue, that had been raised in this period between 2 June, 2015 and 20 October, 2015?---That doesn't ring – no, in, in that period, I don't, I couldn't recall.

So, as was your usual practice in advance of the meeting on 20 October, 2015, you sought to arrange a meeting with Councillors McCaffrey, Cestar and Ahmed, correct?---Possibly. I don't know.

And one issue that you were very much aware of was the issue concerning the zoning of the Waterview Street site?---Well, it was one issue, yes.

But that's an issue, as we've already established, that you had been engaging with Ms Miller and Mr Thebridge over this period, correct?---Yes.

With a view to a further submission being made to the council about that.
---Yes, yes.

10 And I've taken you to that further submission.---Yes.

And that further submission was seeking that that land be rezoned as B4, on the face of the submission?---Yes.

And so it's likely that that was an issue that you wanted to discuss with the councillors in advance of the meeting on 20 October, 2015, correct?---Well, it's possible.

20 Isn't it likely?

THE COMMISSIONER: No, no. He put to you likely.---Well, I, I don't know. I don't recall the meeting,

Well, just think about it. Just think about, in light of the history up to the meeting. It's 20 October, isn't it, the meeting?

MR RANKEN: 20 October, yes.

30 THE COMMISSIONER: 20 October, '15. Given what was underway, so far as you were concerned, in relation to the Five Dock Town Centre Study, concerning the possibility of rezoning, up to 20 October, 2015, is it not likely that the question of a possible rezoning of B4 was something you'd discussed on the probabilities with the three councillors who met with you prior to the meeting on 20 October, 2015?---I, I don't recall talking about it then.

I know you don't.---Sorry?

40 But do you concede it's likely that you did?---Well, I'm here to give evidence. I'm not here to hypothesise.

No, no.---I'm trying to give evidence of what I know not what I don't know.

But you know the events leading up to 20 October, 2015, don't you?---This is a long process over many, many years.

Please. You know the particular projects in train in the weeks leading up to 20 October, 2015 - -?---Yes. Yes.

- - - and the council going to deal with the question of, questions concerning the Town Centre Plan, including the issue of possible rezoning.---Yes.

Right. Having knowledge of all of that leading up to 20 October, one can normally draw inferences as to whether something happened more likely than not, and that's the context, not hypothesising. I'm putting it to you, is it likely that the matters that were going to be discussed or before council on 20 October, 2015 were under discussion by you with the three Liberal
10 councillors at the meeting that you were arranging?---I wouldn't say likely, because that would have been produced via the town planners. It's possible, but why get town planners if they're, if they're, if you're going to do that?

Well, why talk to the three councillors if you've got a town planner doing all the spadework, professional work?---Because they're not from the area.

But why do you need to speak to three selected councillors, if you've got planners, as you say, doing all the work? They can look after themselves.
---Oh, sure, but we're part of a team.

20

What, you, the three councillors - - -?---Well, the four councillors.

- - - the planners?---No, not the planners. The planners are on behalf of my parents.

Who, the team you're referring to then is - - -?---The, my Liberal colleagues. We're all part of a team.

You and them?---Yes. And the federal member.

30

That's the way you saw it at this meeting leading up to 20 October, 2015?
---Every meeting.

Every meeting you saw yourself as a team with them, to deal with matters concerning the Five Dock Town Centre plan, is that what you - - -?---No. With any other issues that arose.

Yes.---And, and that would have been all about feedback and information and exchanging ideas.

40

About this Five Dock Town Centre.---It could, could include that, yes.

So as you saw it, you had formed a team, you being, as it were, leading the team with the three councillors, and part of the system that worked concerning the Five Dock Town Centre Plan is that you would firstly organise meetings of the team, is that right?---There's no leader of the team.

If you are to be regarded as the leader, you're the one doing the arranging, is a leader in that sense of taking the initiative, if you like.---Well, colleagues. I'd use the word "colleagues".

You were one of the colleagues, as it were, taking the initiative to have meetings with them about the Five Dock Town Centre Plan, usually just prior to that matter being considered by council at its meetings, is that right? ---Everybody would take the initiative, otherwise they wouldn't be there.

10 Now, would you care to answer my question?---I just did. Everyone takes the initiative to be there.

No, no.---It takes two to tango.

You, I'm putting. You, as one of the members of the team that you've now identified - - -?---Yes.

20 - - - were the one who took the initiative, firstly to put in train the arrangements to have a meeting, by email and that sort of communication, with the team.---Yes. Yes, I'd agree to that.

In the lead-up to a council meeting where the Five Dock Town Centre Plan was known to be under discussion, as per the agenda for the meeting.---On some occasions, yes.

Well, on pretty well most occasions, wasn't it?---No, not necessarily.

30 Okay. You expected them to attend these meetings, as part of the team? ---Often they didn't eventuate because everyone's extremely busy.

You expected them to attend these meetings?---There'd be an expectation to attend, but if you couldn't because you were busy, that was the way it went.

Subject to exceptions of unavailability you would expect them to respond to your request for a meeting.---Yes, I'd agree with that.

You'd expect them to listen intently to what you had to say at those meetings.---Yes.

40 And the reason for that is so that before the matter came before the council at the scheduled meeting, next scheduled meeting, you would be able to, so far as possible, come to an agreement as to the approach that the councillors would take when the matter did come before council. Is that right?---No.

No?---No.

Did you expect them not to act as a team on taking a common stance?---No, I'd expect them to act independently.

But not to speak to them with a view to getting a common stance on whatever the issue would be coming up at the next meeting of council. That would be certainly not the case, is it?---It can eventuate that way but it's up to the issues that are discussed and, and if all is in agreeance.

10 Would you agree this far, in that at least some of these meetings before the matter came before council, the objective of talking to the Liberal councillors was to get a united stance on issues that would be dealt with at the next meeting of council?---No.

Never?---No.

You would never have said to them, we should get a united stance on this issue that's coming before council next meeting?---No.

Why do you keep saying no? Is that not something that was the objective of the meetings?---No, it's about information.

20 I see.---Informative and discussion and, and, and feedback. It's not about directing.

It was about corralling, wasn't it, into - - -?---No, no.

- - - listening to you firstly. Correct?---I wouldn't agree in corralling people to listen.

30 But in any event, you say on your oath, do you, never ever did you take the view that at these meetings that you arranged with the councillors, did you put to them that you wanted to have a common stance on an issue to be dealt with by council at a scheduled meeting?---Sorry?

You never said to them or indicated to them that you wanted to reach a united stance with them on an issue that was going to be dealt with by council at the next meeting?---You'd have to, you'd have to define what – you're not - - -

No, you answer that question.---No, I can't.

40 I'm speaking plain English.---Well, actually - - -

You know what united stance means, doesn't it?---No, we've actually disagreed on that already.

Do you know what united stance means, that phrase?---No.

You don't?---I know what my interpretation was.

What do you understand the phrase united stance means?---I've given evidence that the united stance meant feedback, information and - - -

Please, Mr Sidoti, I'm going to ask you to stop there. You understand I'm just testing your understanding of a common English phrase in the language, that is the phrase, united stance. Do you understand what that phrase means, that is the ordinary dictionary meaning of that phrase, or don't you?
---No.

10 You don't.---Not the dictionary meaning, no.

Well, do you know what the common accepted meaning of that phrase is, to adopt a common stance or a united stance?---Um - - -

What does it mean?---(No Audible Reply)

What does that mean, either of those phrases, common stance or a - - -?
---Find common ground.

20 Common ground.---Find common ground.

Find common ground. But that was your objective, wasn't it, in these meetings that you arranged with the Liberal councillors before the council met on the issue of the Five Dock Town Centre Study?---No, that wasn't the reason.

Are you sure about that now?---Yes.

30 Remember you are on oath.---Yes.

All right. Now that I've reminded you, you still say that you never on any occasion sought to have them adopt a common stance or common ground, achieve common ground on an issue that the council was going to deal with at its next scheduled meeting?---To the best of my recollection, no.

Thank you.

40 MR RANKEN: Let's deal with the meetings you sought to arrange with the Liberal councillors in October 2015 before the 20 October, 2015 meeting, shall we? If we could go to page 740. It's an email from yourself. It doesn't have a subject but it's addressed to Councillors Ahmed, Cestar and McCaffrey of 12 October at 8.37 in the morning. Do you see that?---Yes.

"Dear Helen, Mirjana, Tanveer, love to meet before next council meeting as a group. Any night that suits. Strictly half hour. Any dates preferred?
Cheers, John Sidoti."---Yes.

Now, that was an email that was sent in order to arrange a meeting to discuss the Five Dock Town Centre. Correct?---Yes, yes.

And the reason why you were able to say that even though it's not actually expressly stated in that email is because Mr Megna is not one of the recipients of the email.---No, that wasn't the reason.

Okay.---Before the next council meeting.

- 10 The next council meeting is, that was a topic that was being discussed at the next council meeting so do you say because that's the only, because that is the only topic that was going to be discussed at the next council meeting that you had any interest in that's why you sent this email to arrange a meeting about?---It's possible.

So you know that this email was sent in order to organise a meeting as a group before the next council meeting to discuss the Five Dock Town Centre.---It looks that way.

- 20 And then if we could go then to – and that's on 12 October, just noting that. ---Yes.

If we could go to page 742. We can see Ms McCaffrey's response that she was at that time, that is at 12 October she was in Fiji but would be back on the weekend and she was doing a small function on Sunday afternoon. "Can't do Monday evening so my window is Sunday morning. Cheers." ---Yes.

See that?---Yes.

- 30 So what she's effectively saying is that Sunday morning, that would be the Sunday morning before the meeting on the 20th. Correct?---Yes.

Because this would be Monday, 12 October, so the following Sunday would be just before the 20th. So if we could then go to page 751 and if I could direct your attention to the email at the bottom of that page. "Hi, councillors. Know you're busy. Have to meet before Tuesday as a group. Any time any place. Please respond. Cheers, John Sidoti MP." See that? ---Yes.

- 40 And again it is likely, is it not, that this email was because you wanted to discuss with the other councillors, namely, Councillors Cestar, McCaffrey and Ahmed the Five Dock Town Centre?---Generally that was, that was the practice that we'd meet before because it's a very complicated issue.

And you say that was you doing your role as part of the Liberal team and you in your role as the state member - - -?---Yes.

- - - meeting with them to discuss the issue with them.---Yes.

And do you see that there's a response from Dr Ahmed saying, "Sunday evening or Monday evening for me"?---Yes.

And your response is, "Either good for me. How's Monday for the girls?" That's on 15 October at 2.53pm.---Yes.

10 And then Dr Ahmed has responded again, "John, it actually looks like I'll be out of town next Tuesday evening now. Will miss the meeting unfortunately." And I'll just pause there. He's referring to missing the council meeting. Correct?---Yes.

"Might be left to Helen and Mirjana. Apologies. TA." Do you see that? ---Yes.

Now, your response though is above it and you have responded to say, "Mate, without you I am fucked. We won't have the numbers." Correct? ---Yes.

20

Now, I suggest to you that what you are referring to is the fact that what you wanted to get past the council at that meeting would not be successfully passed if Dr Ahmed was not at the meeting because you then wouldn't have the numbers, correct?---No.

30 And what you're referring to there is, what would be fucked would be the outcome you were hoping to achieve, which was a rezoning of the Waterview Street site to be a B4 mixed-use?---No. Tanveer was well aware of the representations and the concerns of the Chamber of Commerce and I'd look like an absolute pork chop if he, if he, if he wasn't there and, and for, for whatever reason the numbers couldn't align.

And what was the representations of the Chamber of Commerce?--- Well, we've, we've gone over them already numerous times.

Well, they were representations that were made some time before. This is, we're talking about October 2015. We're not talking about things that occurred after you met with the Chamber of Commerce in April of 2014. ---It only got stronger.

40

That's over 18 months earlier.---It, it only got stronger as time went on.

THE COMMISSIONER: Mr Sidoti, I'm just asking you to pause to reflect in your own interests. You are giving evidence on oath. Just think it through. You don't want to – I don't want you to get yourself into difficulty over giving evidence improperly. I'm not suggesting you are but I'm just, sometimes if we all rush in to answer a question, then we stop and reflect and, perhaps I should have said that. So I'm just giving you another chance.

You're being asked about this statement of yours that "Without you," you're talking to Dr Ahmed of course, "I'm fucked. We won't have the numbers." So as in, the numbers are suggesting about, obviously, the taking of a vote or making of a vote and you know the date, 15 October, 2015, you know what was on the agenda or have some idea of what was on the agenda of the council. So just reflect on all of those matters and I'll ask Mr Ranken just to put it again so that you can think about it and answer it truthfully, all right?
---Yes.

10 MR RANKEN: What you were referring to, when you said that, "Without you I am fucked" – sorry, "Mate, without you I am fucked," was that the outcome that you were hoping to achieve, that is the rezoning of the Waterview Street site so that it was all B4 mixed-use, would have no chance of success if he didn't attend?---No. It was a private email between two colleagues that's been made public and that's important to put into context, and so much work has been done for the community on this project, and failing him voting, there was a possibility that I could look, as the local member, very stupid. And I am there to get re-elected at the next election through all the representations I have made for my community. That's what
20 that means.

THE COMMISSIONER: Can I just ask you this. When you write, "We won't have the numbers," the numbers in relation to what?---Well, numbers are very tight on council.

In relation to what?---In relation to voting.

What?---In relation to when they vote, if, if the numbers are tight - - -

30 No, no. I know. I appreciate that. But when they vote on what did you have clearly in mind when you were speaking in somewhat strong, terse language?---In, in relation to, in relation to the discussion we must have had.

Please. I think you understand me, don't you? My question is, when you say, "We won't have the numbers," and my question to you is in relation to what matter?---In relation to all matters.

Oh. Is that an honest answer?---Very honest.

40 Is it?---Yes.

All right, thank you. I'm pleased to hear that.

MR RANKEN: Mr Sidoti, this was part of an email exchange that you were having with three Liberal councillors who could vote on the town centre, yes?---That could vote on – yes.

Yes. Now, are you suggesting that the numbers were tight in respect of the town centre issue?---Numbers are tight on every issue, that's what I'm suggesting.

Well, are you aware or do you recall, having gone through all of the previous occasions on which the matter was before the council - - -?---Yes.

10 - - - that prior to this occasion, that is, 20 October, 2015, the councillors had voted unanimously on each occasion in respect of each decision that had been made in respect of the Five Dock Town Centre.---All councillors?

All councillors who were present and available to vote voted in favour of the particular resolution that was passed, up to this point.---Including the Greens?

Greens, Labor, Liberal.

20 THE COMMISSIONER: Greens, Labor, and Liberals were united.---Yeah. Yeah, yeah, that's great. I, I - - -

Unanimous decision.---That's good.

It is good, yes. When that, okay, you don't have disagreements. But you know what they were united on, don't you, at the last, the previous meeting to the date of this email?---No.

30 You don't know? We've been through it just before lunch. You know what they were united on, don't you, the resolution that was passed?---There's a lot of meetings over a long period of time. I think if we, oh, if we, if we discussed it before, you'd have my answer.

MR RANKEN: Well, on the meeting in November 2013, they were unanimous on the meeting in May of 2014.---Yes. I - - -

40 They were unanimous on the meeting of 24 June, 2014. They were unanimous on the meeting of 2 June, 2015. They were unanimous. The matter was now coming before the council for consideration to be finalised in the sense of the planning proposal to go back to the Department as required by the Gateway Determination for finalisation. Okay?---Yes.

So as at October 2015, the point had been reached where the decision of the council, if they continued to vote unanimously as they had, the matter would go to the Department and in all likelihood the planning proposal would be finalised and gazetted. Correct?---If the process ends there, correct.

And so this was the last chance, at least as you saw it, in the lead-up to 20 October, 2015, the last chance to be able to get that part of Waterview Street

between Second Avenue and Barnstaple Road included within the extension of the B4 mixed-use.---I don't agree.

THE COMMISSIONER: Why don't you agree?---Because the person that actually wrote how to, how a planning proposal works has given you evidence of how it works, and that's not how it works. Every time something goes to a Department, it will come back and go on exhibition. And the process, whether we like it or we don't like it, that's the process. You're entitled. It's a democratic process.

10

And the process had been played out more than once before then.---Correct.

Going to public exhibition, going to Gateway.---Yes.

Going on public exhibition again.---Correct.

The whole of that process had been gone through more than once, hadn't it? ---Several times.

20

Yes. And the last throw of the dice was when, after the previous council meeting, that is the one of – what was the date, Mr Ranken?

MR RANKEN: 2 June of 2015.

THE COMMISSIONER: Yes. Council indicated, well, there may be some scope for us relooking at it, and you were given the opportunity of having another go of putting forward a case for extending the rezoning in that area between Waterview Street and Barnstaple Road, you remember that?---Yes.

30

So, come 20 October, 2015 the matter was back before council, and there was at that time a likelihood that the previous three or four times in which the councillors were unanimous would once again be unanimous and that would be the end of your throw of the dice, wouldn't it?---And so that's 20 October, 2015?

That's right.

40

MR RANKEN: Yes.---So from memory that was the meeting that had the most interest with the most number of people speaking and that was the meeting from memory where the staff, through the consultants, were trying to go back to the original. Am I correct there?

THE COMMISSIONER: No, you don't ask us questions, unfortunately the way it goes is we ask you questions.---Oh, okay.

So, Mr Sidoti, what's been put to you is that this was a critical meeting coming up on 20 October, critical for you at least and probably for the community as well because the matter looked like it finally was going to be

dealt with to, as it were, speak to the Liberal councillors, all three of them, and if they didn't all three of them turn up, as you put it in your email, in not very elegant language if I might be so bold as to say that, "I'm fucked." Isn't that right?---No.

Not right. Ah hmm. Are you prepared to say anything to minimise your involvement in any of these activities concerning the attempts at having your property or the family properties rezoned?---I'm here telling the truth, Commissioner.

10

Yes, Mr Ranken.

MR RANKEN: Yes. If we could then go to page 753. Do you see that Dr Ahmed has responded to your email to say, "Okay. Might have to reschedule. Is doable." Do you see that?---Yes.

So you having pleaded for him in the manner in which you have, he has indicated that he might be able to redo things or reschedule things.---Yes.

20

If you go to page 754 we can see this doesn't include the last most recent exchanges between yourself and Dr Ahmed, but this is Ms McCaffrey's response to your query as to, "How's Monday for the girls?"---Yes.

And Ms McCaffrey has said, "I will have to meet" – well, "I will have to met sometime during the day on Monday. I'm MC at Rotary on Monday evening. I can do Sunday morning or early afternoon. I have a small function at my place starting at 4.00pm." And then you've suggested doing Sunday morning and that you could probably work that. Sorry, Dr Ahmed has suggested that. He's responded to Ms McCaffrey's. Do you see that?

30

---Yes.

And if we then go to page 755, we've got a response of yours to the earlier email from Dr Ahmed where he said he could reschedule, and you said, "Thank you. Really appreciate it." And then if we could go to page 759, now, you see down the bottom we see your email from 15 October where you've said, "Either good for me. How's Monday for the girls?"---Yeah.

40

And Ms McCaffrey's response and Dr Ahmed's response. And then we can see from Mirjana Cestar, "Hello there. I'm doing the Bloody Long Walk on Sunday."---Yes.

So she's indicating that she wouldn't be able to do it, "So Monday might be better." And ultimately what you have responded is, "Monday is good, day or night. I'll see you all separate." Do you see that?---(No Audible Reply)

"Cheers. JS." So you eventually got to a point with where you could not actually, despite the best of your efforts, arrange a meeting with the three of

them as a group, so you were taking the initiative to speak with each of them individually about the Five Dock Town Centre Study. Correct?
---I think that was the intention, yes.

And I want to suggest to you that what you wanted to speak to them in that regard was the rezoning of the Waterview Street site so that it would include that part between Barnstaple Road and Second Avenue.---I don't recall that.

10 When you say you don't recall that, are you saying that it's quite possible that that is what you spoke about?---No, what I'm saying is I don't know.

Well, does that mean that it is possible that you spoke with them about that?
---It means I don't know.

Okay. Well - - -

20 THE COMMISSIONER: Mr Sidoti, and I don't mean to be offensive or suggest anything adverse to you, but you seem to have not a very good memory for a great deal of a great many matters where you say, "I can't remember." Is there some explanation for that? Is it just that you tend to find your memory is not good or is it explained by some personal circumstance? For example, sometimes people contract an illness or a virus, heaven forbid, and it can affect their memory. I think that's well accepted. Is there anything like that you can identify that might explain why you're having, that you do have difficulty remembering so many things?---Yes, yes.

What's that?---Workload.

30 I see. All right. Thank you. Nothing else? That's all, that's the only matter you - - -?---Yes.

Thank you.

MR RANKEN: As far as what occurred at that meeting, that is on 20 October, 2015, do you recall that firstly Councillor Ahmed did in fact attend that meeting?---Oh, I, I take your word.

40 Are you saying you didn't attend the meeting yourself but notwithstanding that he had previously indicated that he might not be able to attend, he did in fact attend that meeting and he and Councillor McCaffrey moved a motion to defer the item, that is the Five Dock Town Centre planning proposal item, pending the preparation of an addendum report setting out in tabular format the advantages and disadvantages of the alternative maximum height options that were presented in Studio GL's report. Do you recall that?---I don't. I'd appreciate if you could bring that meeting up.

Well, if we bring up page - - -?---And the recommendations too.

If we could bring up page 941. So, firstly, you can see that Councillor Ahmed was present at the meeting of 20 October?---Yes.

And then if we could go to page 944. You can see there's the persons who presented. Can you see that?---Yes.

And they include Helena Miller and Sean Durkin?---Yes, yes.

10 And it also included Glen Haron and Joe di Giacomo?---Yes.

Although it was Mr di Giacomo who was presenting in his capacity both as a resident and as President of the Chamber of Commerce?---Yes.

And you can see that the resolution that was passed was that, "The item be deferred pending the preparation of an addendum report setting out in tabular format the advantages and disadvantages of the alternative max height options presented in the consultant's exhibition outcomes report." Do you see that?---Yes.

20

And this was the first occasion where there was a difference between the councillors insofar as the Greens council voted against the deferral?---Yes. So it's almost unanimous.

Yes, so it's almost unanimous.---Bar someone missing there.

Sorry?---There's someone missing off there.

30 Who is that you consider - - -?---It must be the, the Councillor Parnaby maybe.

Yes, Parnaby, or possibly she may well have still been O'Connell.---Yes, sorry. Yes.

That's because, if we go back to page 941, she wasn't present.---Yeah. So what was the recommendation of the meeting? Sorry, because you haven't - - -

40 I took you to the recommendations prior to the luncheon adjournment, but given the time that's passed and the questions that have been asked, I'm happy to go back to those recommendations.---Okay.

If we could go back to the staff report commencing from, I think, 929. Sorry, if we go to page 933. That's the first page of the report.---Yes.

And if we can then go to page seven – sorry, I withdraw that. If we could go to page 939, we can see the recommendations that, "Council note the matters raised in response to the public exhibition of the planning proposal,

draft Development Control Plan.”---Oh, yes. So, yeah, so the top paragraph, Conclusion. So this was the meeting that unanimously everyone voted on because it was going to back to, pretty much, the, what the report said in 2013 or ‘14.

Yes, and I went to that prior to the luncheon adjournment.---Yes. So that’s that meeting. Yes, so - - -

10 So this is the meeting where, the point at which after further public exhibition and further consideration of the submissions that had been received, the recommendation was to effectively go back to the four to five storeys rather than having up to as much as eight storeys, correct?---Correct, and so the councillors didn’t agree with that by the look of it.

Well, what council resolved was in fact, just to have council staff present the information about the alternatives in a tabular format with the advantage and disadvantages, correct?---Okay, yes.

20 It was a deferral, it was not a - - -

THE COMMISSIONER: Rejection.

MR RANKEN: - - - rejection of the recommendations?---Yes, I understand that was a big meeting and there was a lot of stakeholders in that meeting.

Now, if we could go back to page 766. So, there was a deferral that was moved by Councillor Ahmed and seconded by Councillor McCaffrey support and voted in favour of almost unanimously.---Yes.

30 But prior to the meeting having attempted to arrange for a group get-together with your fellow Liberal Party members and the councillors, you did in fact speak with each of them as you had indicated, did you not?---I don’t recall.

Okay.---I – I do recall meeting once with Tanveer but I don’t recall anyone else.

40 Well, what we have here though is an email from you to each of those councillors, correct?---Yes.

Again, it doesn’t include Councillor Megna, but “It’s a one-pager from JS that may help,” do you see that?---Yes.

And you’ll recognise the one-pager when we turn to it, which is the next page.---Which should be in fact a two-pager?

Yes. It’s a two-pager. You see it’s apparent that this two-pager was prepared, most likely, by Helena Miller, correct?---Or MG Planning, yes.

From MG Planning. Now, and she prepared this one-pager at your request, correct?---It actually came at the request of Councillor Ahmed, he was happy to look at the different sites.

Now, MG Planning was engaged by your family in order to promote the interests of your family, correct?---Submissions on behalf of my mother and father, yes.

10 Yes. In respect of the - - -?---Yes.

- - - family properties in that blocked, correct?---Yes.

And one of the reasons you told us, I think, that they were engaged was because you had a conversation with your sister at one stage?---Yes.

And she had suggested that you should keep your distance from it, correct? ---Yes.

20 So it was in order to separate your private interests or the perception of a private interest in the matter and the role that you played as the local state member, as someone who, from time to time, as you've told us, would receive representations from your constituents?---Yes.

So, with that in mind and that thinking behind the engagement of MG Planning, there would be no part for MG Planning to play in advancing any issue that was of relevance to a constituent other than your parents?---This is a one-pager on the submission from MG Planning to the councillors.

30 Prepared by MG Planning, correct?---Correct, for the councillors.

For the councillors to present in relation to the MG Planning report that had been prepared on behalf of your parents, correct?---It's a simplified version yes.

Yes. But what we see at the top of that page is that it's requesting amendment to draft LEP controls to include land on the western side of Waterview Street in the block between Second Avenue and Barnstaple Road. You see that?---Yes.

40

Now, that's the block that MG Planning had always been engaged to make a submission in respect of, because that is the block that directly impacts on your family's property interests, correct?---Yes.

Yes, the land on the eastern side of West Street to the south of Henry Street, that was not owned by, there was no land in that area that was owned by your parents or your family, correct?---Correct.

And MG Planning had not been engaged to make any submissions in respect of that block.---No, they weren't for that block.

And it would have undone the very reason for engaging MG Planning for you to have MG Planning represent some issue being raised by a constituent relating to that block at the same time as it was representing your family's interests. Correct?---Sorry, can you put that a different way, Mr Ranken?

10 Well, if the whole, if part of the reason for engaging MG Planning was so that there could be a clear separation from that which was being advanced on behalf of your family's property interests and issues that might be raised with you in your role as the local member by constituents, then having it included in the one document prepared by MG Planning would undermine that separation.---No, I don't think so. I think there's similarities, if you look at the two blocks there, the same principle is applying there, where there's a split zoning.

20 But MG Planning were not engaged to make any submissions in respect of that block. Are you saying, are you suggesting that you engaged MG Planning to actually make submissions to the council suggesting that they should rezone this block on the eastern side of West Street to the south of Henry Street?

MR NEIL: Commissioner, could I ask we be more precise? I've raised this point many times. He didn't do the engagement. He had some activity in relation to it - - -

30 THE COMMISSIONER: Well, he was involved in it. That's not lost on me, Mr Neil.

MR NEIL: Thank you, Commissioner.

MR RANKEN: Did you engage MG Planning to make a submission in respect of this area, being the land on the eastern side of West Street to the south of Henry Street?---No, I don't recall that.

40 And the inclusion of this block, I suggest to you, was to conceal the fact that the submission that you were wanting to press, which would advance your family's property interests, was really in relation to the Waterview Street site.---I don't agree with that.

Okay. Now, looking at the key reasons that are identified below, I want to suggest to you that, with the exception of the first numbered paragraph, which is "One chance to get this right, need to plan for expansion of the town centre into the future," which I would suggest to you is a more global platitude than a submission, the remaining points that are made were points that were made by MG Planning in its submission of July 2015 in support of the Waterview Street site. Correct?---It's consistent, yes.

None of those points – well, there was no submission made by MG Planning that supported the rezoning of the land on the eastern side of West Street to the south of Henry Street, or identified the issues that applied there.---There, there, there is an issue, that’s been in all the submissions.

10 There was no submission made by MG Planning that related to that site. ---There’s a, there, there’s, the submission is, and in all the submissions, that the roads should be a natural border. And if you look over to the west, it applies there as well. It should take a natural road as a border. And that’s the reason that that’s there.

Where in the MG Planning submission of July 2014, of ‘15, or for that matter, of November 2014, is there any reference to this land on the eastern side of West Street to the south of Henry Street?---In the MG Planning?

Yes.---Specifically to the site, no.

20 None.---I’m not aware but - - -

None.---The principle, the principle about road should be in all the submissions.

And where do we see the point being made and the key reasons that it should go up to the road, the road should be the natural boundary, do we see that in these four points or if we go over to the next page?---Not an abbreviated version, no.

30 No. So that principle doesn’t even appear in this one-pager?---It does in the overall planning document.

What I want to suggest to you is that the point of providing this document to the Liberal councillors, and the Liberal councillors only, was to have them put forward, at the council meeting on 20 October the resolution, a resolution in the form of the recommendation that we see on page 768.

What do you say to that?---I don’t agree.

40 THE COMMISSIONER: Mr Sidoti, just in relation to the document that you’ve just been asked about, 768, that was the document that was emailed by you to Dr Ahmed?---Yes.

Which I think you said the one-pager that you said, the one-pager that may help, by that you meant that he would – perhaps if we could go back to the next page 767 – he would use this as a document that he could articulate the matters set out in the document as a convenient submission, if you like, is that right?---An abbreviated, yes.

All right. The intention was to provide this to him so that before the council he could use it as an abbreviated summary of the main points, if you like, to be made, is that right?---To present the information to him, yeah, if he's, if he's happy with it, yeah - - -

To the council at the council meeting?---Sorry?

At the council meeting, is it, it was to be used wasn't it at the council - - - ?
---Not necessarily but - - -

10

But it was - - -?---If agreeable, yes.

I thought that was the whole purpose in sending it to him as a useful written statement which he could use to verbalise to council?---If he agrees with it, yes.

20

We discussed yesterday the concept of independence of councillors, and without going into any lengthy discussion about the matter, in essence independence of councillors would embrace a notion they are beholden to no one, is that right? They are their own man or own woman, express their own views independently?---Yes.

Does it now concern you, looking back, what you were doing in sending this script, as it were, call it a script, written by MG Planning as a convenient summary, was for him not to articulate whatever views he held but to articulate someone else's views in a document written by somebody else for him to use before the council? Does that concern you now looking back, perhaps it wasn't the right way to go?---I don't see it that way, Commissioner.

30

It is, is it not, completely contrary to the notion that a councillor bound to be independent would have somebody else write, in effect, a script for him to articulate in a public meeting of the council, it appearing that he's talking and speaking on behalf of himself and no one else. It not only trespasses but it completely contravenes, doesn't it, the principle of independence which you will know, you hold dear to as a public office holder, doesn't it? ---I don't agree with the way you've put that.

40

You don't see a problem in that, that a grown-up adult who's elected to the position of councillor, whose solemn duty it is to be independent, speak their mind, speak fearlessly, beholden to no one, is being put in a position where he's being provided with what is in effect a script for him to parrot to the council in public session? Don't see anything wrong with that? ---There's no evidence that they've ever parroted.

Well, read it. Use it. Speak from the page provided to him. However it's described, it's completely wrong, isn't it?---No, it's, it's called feedback and information from all sources.

You call it feedback?---Definitely.

10 Don't you see a problem in orchestrating a councillor to say something written by somebody else, not knowing whether he even understands what he's reading, or if he does understand it, whether it's really expressing his views or somebody else's views? Surely as a member of public office you might see doing something like that could be a serious abuse of the process, the democratic process. Do you not see that?---No, I don't. I disagree with your, your analogy.

MR RANKEN: Do you agree though, that the deferral of the issue, the item on 20 October, 2015, meant that the prospect of or the possibility of having the Waterview Street site included within the B4 mixed zone was kept alive at least a little longer?---Well, that's assuming that I've now corralled the Labor councillors as well so it's a unanimous vote.

No, no.

20 THE COMMISSIONER: Sorry, just, just - - -

MR RANKEN: It's got nothing to do with what the Labor councillors did. All I'm suggesting to you is that the deferral of the issue on 20 October, 2015, meant that the possibility of having the Waterview Street site included with the extension of the B4 mixed-use zone was kept alive?---It's alive, yes, it's alive.

30 Yes. And do you agree that that deferral also provided you with an opportunity to make further representations to the council about the inclusion of the Waterview Street site in the rezoning?---I never thought of it in that context, no.

Never thought of that in that context.---No. The process allows at every possible avenue.

40 Well, did you not set about doing just that, that is seeking to make further representations following the meeting of 20 October, 2015? And when I say following, I say almost immediately following, to meet with the council with Ms Miller in order to discuss the inclusion of the Waterview Street site within the LEP?---Yes. At every opportunity.

So it did offer you – you must surely then agree that it did offer you - - -?
---By virtue of the process.

THE COMMISSIONER: Please don't talk at the same time.

MR RANKEN: - - - an opportunity to make further representations to the council about the inclusion of the Waterview Street site in the rezoning.
---Yes.

Yes.---The process allows that to take place at every opportunity. It's a democratic process that takes place all the time.

Now, Mr Sidoti, you understood that as at 20 October, 2015, the matter was deferred for a particular purpose.---Yes.

10

It wasn't deferred for the purpose of further public exhibition at that point.
---Yes.

And what I'm talking about is the opportunity that that afforded to you to make further representations to the council about the inclusion of the Waterview Street site.---That afforded everybody to make a submission.

I'm not asking about everybody, I'm asking about you.---Well, it should be about everybody.

20

No.

THE COMMISSIONER: Mr Sidoti, you might wish the question was framed in a somewhat different way. Please don't avoid the point of the question. I'm not going to repeat what I said yesterday, but I'll ask Counsel Assisting to put the question again so that you can answer it directly, please.

MR RANKEN: Do you agree that the deferral of the item on 20 October, 2015, provided you with an opportunity to make further representations to the council about the inclusion of the Waterview Street site in the rezoning?
30 ---It afforded the opportunity for anybody, including, including property owners, family owners or whatever.

THE COMMISSIONER: Do you refuse to answer the question?---No, it's, it's just, it's, it's an incomplete question.

I'll have it - - -

MR RANKEN: No, it was quite a complete question, Mr Sidoti.---Well, it's not, it's actually - - -
40

Do you agree that the deferral of the issue by the council at the meeting on 20 October, 2015, provided you with an opportunity to make further representations to the council about the inclusion of the Waterview Street site in the rezoning?---It could.

It did.

THE COMMISSIONER: No, it did, didn't it?---Yeah, but you're saying to, to one person and one person only.

MR RANKEN: No, I did not say anything about exclusivity.---Well, no, but, but, but that's what I've said and you, you, you keep saying, chipping away from that.

10 THE COMMISSIONER: Mr Sidoti, do not argue with Counsel Assisting. You are here to answer questions. It's a question/answer format that we adopt here, as I thought I had explained yesterday. It's not for you enter into an argument or be evasive, because I've said to you before, and I am speaking in your interests now, it doesn't help you. Your demeanour, your willingness to assist the Commission should be frank, direct and not obfuscating. So, I say it for your benefit as well as for the benefit of this inquiry, please answer questions directly. Do not argue with counsel. We'll try once more.

20 MR RANKEN: Do you agree that the deferral of the item by the council at its meeting on 20 October, 2015 provided you with an opportunity to make further representations to the council about the inclusion of the Waterview Street site in the rezoning?

MR NEIL: Well, I object. Again we're slipping back into the question of who had the opportunity - - -

THE WITNESS: I, I - - -

30 THE COMMISSIONER: No. No, no, no, Mr Neil. It's been put now four times. The question is very clear.

THE WITNESS: Well, I, no, for I, no.

MR RANKEN: Oh, you deny that?---You said does it offer me an opportunity, no, it doesn't.

So that means that there was no way for you at all to make any further representations - - -?---Well, I haven't got a submission.

40 - - - to the council. Is that what you're suggesting?---No. I haven't got a submission.

And are you saying that you had no opportunity and did not take any steps to arrange a meeting with council?---I, I met regularly with councillors.

No, with council in order to discuss the inclusion of the Waterview Street site in the rezoning?---Sorry, you have to ask that again.

And just for the record, you, as at 21 October, 2015, or at 20 October, 2015, you were one of the registered proprietors of 120 Great North Road, were you not?---On 21 October, 2015?

Yes, you had been since 2007 and continued to be until 2019?---Correct. I was unaware of that at the time.

10 So it did, even on your own version, as a property owner, it did provide you with an opportunity to make further representations to the council about the inclusion of the Waterview Street site in the rezoning?

MR NEIL: Well, I object to that. He doesn't accept he was a property owner and the evidence is clear on the point - - -

THE COMMISSIONER: But he was, Mr Neil. He was, was he not? He was an owner of 120 Great North Road, a co-owner.

20 MR NEIL: He had not accepted that, relevantly, he was an owner for the purposes his parents' submission.

THE COMMISSIONER: Let me try. This will be, I think, attempt number 5 and we'll see how we go this way. You accept that by having the matter on 15 October concerning the Five Dock Town Centre postponed so that advantages and disadvantages could be tabulated, that that deferral provided an opportunity for either you, your family, to pursue or make further representations to council on the question of a possible rezoning of the relevant area we've been discussing between Waterview Street, Barnstaple Road et cetera?---Yes. By virtue, yes.

30 MR RANKEN: And who from your family took steps to make such further representations?---(No Audible Reply)

Did you?---Sorry, oh, I don't understand - - -

Who from your family took such steps to make further representations to the council about the inclusion of the Waterview Street site in the rezoning following the meeting on 20 October, 2015?---I'm not sure.

40 Well, wasn't it you?---What, that made further representations?

Yes, or took – no, that took steps to make further representations. Just dealing with taking steps to make further representations to council following the deferral of the matter.---The planners would have made representations, yes.

I wonder if we could go to page 946. It's an email chain between yourself and Ms Miller. Do you see that?---(No Audible Reply)

Yes?---Yes.

And you've responded to an email from Ms Miller. In her email, which is dated 21 October, 2015 at 8.56am, Ms Miller has said, "Hi John, I went to the council meeting last night and the matter was deferred. Councillor McCaffrey originally foreshadowed a motion to defer, requesting that the staff prepare an addendum report tabulating the pros and cons of the alternative height options for the town centre. Following presentations by speakers to the item, this motion was passed and amended to include advice on the pros and cons of inclusion of additional land into the proposed LEP amendment, including land at Waterview Street, East Street, and Fairlight Street." Now just pausing there, that's actually not correct, is it? From what we've seen of the minutes, that in fact at the meeting of council on 20 October, it was only a deferral for the information to be included in the addendum report as foreshadowed there, correct?---For two sites?

No, there was nothing in relation to particular sites in the deferral, correct? ---I'm, I'm not sure. This might have come about, well, from the speakers on the night, I'm not sure. I wasn't present.

But do you see at the bottom it says, "I spoke on behalf of Anderlis and Devenem Pty Ltd outlining the points in my one-pager provided to you"? ---Yep.

"I noted that the consultants' reports had not provided adequate reasons outlining why the land at Waterview Street should not be included in the town centre zone," and if we could then go over to the next page, "referring to the fact that the matter has been deferred for two weeks to allow the staff to prepare an addendum report. I'm not sure of the exact date of the next meeting. However, the mayor did say it could be Melbourne Cup Day. That's a problem for me as I will actually be in Melbourne at the Cup. I could however get my business partner to attend if need be. Please advise if you would like me to set up a meeting with the mayor as previously discussed." Do you see that?---Yes.

So Ms Miller was providing you with a report back, as it were, as to what had occurred at the meeting of the council the previous evening, and seeking your instructions as to the next steps, correct?---She's seeking instructions, and then I'd go to my parents, and then get the instructions and go back.

Ah hmm. Sure. Do you see though that she does say, "Please advise if you would like me to set up a meeting with the mayor as previously discussed"? ---I can see that.

That's at 8.15.---Yes.

And so she doesn't make any mention of "If your parents would like me to do so," do you see that?---I can see that.

Yes, and that's because that was the way things happened. She took her instructions from you. Whatever happened as between yourself and your parents, that was a matter for you and your parents, but she took her instructions from you. Correct?---Well, well, it's coming from my parents, so - - -

10 I understand you say you were conveying the instructions as relayed to you by your parents. But as far as Ms Miller was concerned, she never dealt with your parents directly, correct?---Oh, she did early on in the piece.

Well, at this point in time, at least - - -?---No. Not at that point.

- - - she only dealt with you.---Because it was generally rushed, because it's before a council meeting.

20 So if we go back to page 946, your response, a little bit – at 9.15, so about 20 minutes later, you've responded to say, "Thanks, Helen. That would be great, ASAP, tell the mayor's secretary that Angelo is aware of it." So that would seem to be a reference to some previous discussion you'd had with Mayor Tsirekas, correct?---Yes.

So you had already spoken about the matter with Mayor Tsirekas?---Oh, it's possible, indirectly, yes.

And you've said, "We should probably get Mark there as well." That's Mark Thebridge, correct?---Yes.

30 And the reference to, "If you're away, your partner will be fine," is referring back to the fact that Ms Miller has said that she was likely to be at the Melbourne Cup on 3 November, 2015.---Yeah, or, or reference that, that either one or the other as long as there's somebody there.

But the point of it is though, is that you were instructing Ms Miller to set up a meeting with yourself, Ms Miller and Mr Thebridge and council staff to discuss the possibility of including the Waterview Street site in the extension of the B4 mixed-use zone.---It was always welcome by the staff. The process allowed that, yes.

40 So you were taking steps to take advantage of the opportunity to make further representations to the council about the inclusion of the Waterview Street site in the rezoning that had been afforded you as a result of the deferral of the matter on 20 October, 2015.---That's the process, correct.

THE COMMISSIONER: Sorry, you're agreeing?---I'm agreeing that's the process, yes.

No, but are you agreeing with the proposition?

MR RANKEN: That you did take those steps?---Sure, but that's the process. Correct.

And did you have further discussions in advance of the meeting of the council on 3 November, 2015, with your fellow Liberal councillors?
---I don't recall. Is there a meeting there as well?

10 On 3 November – well, you saw on that email from Ms Miller that she referred to the fact that the issue had been deferred for two weeks from 20 October, 2015 so that the staff could prepare the addendum report that included that information in a tabular format. Correct?---Yes.

Two weeks from 20 October, 2015 would be 3 November, 2015. Correct?
---Yes.

And did you have discussions or did you meet with the Liberal councillors between 20 October and 3 November?---I'm not sure. It's possible.

20 Wasn't this the case, that around this point in time, you were putting considerable pressures upon the Liberal councillors, particularly Councillor McCaffrey, to get through a proposal that the Waterview Street site be included in the rezoning?---No pressure at any time.

You have heard the evidence of - - -

30 THE COMMISSIONER: Sorry, just on that last answer, you mean you did not put any pressure on Ms McCaffrey over that issue at any stage from start to finish, that is from 2013 through to the first half of 2017?---The first time I ever heard the word pressure was at this Commission.

That may be so, it's the first time you heard of it, but I'm just inquiring of you, is your answer to be taken as meaning at no point in time, either on a one-off basis or on a recurring basis, did you put any pressure on Ms McCaffrey in relation to the Town Centre Plan Study?---I don't believe I ever put pressure on any of the councillors.

40 MR RANKEN: You are aware, are you not, or have become aware that Ms McCaffrey requested Mr McNamara to draft a resolution recommending that the council investigate the zoning and development controls for three areas, which included the Waterview Street site?---I became aware of that afterwards, yes.

You had no full knowledge of any such resolution?---Oh, I did at some point. I couldn't tell you when.

I'm talking about, did you have any knowledge of that draft resolution prior to the meeting on 3 November, 2015?---I, I don't recall.

Does that mean, when you say you don't recall, does that mean that it's possible but you just don't have a recollection now, or are you saying that your recollection is that you did not?---Well, I don't know. I don't remember.

You just don't know one way or the other?---Yeah.

10 Now, I wonder if we could go to page 959. That's an email from Mr Dewar to Mr McNamara attaching a draft resolution for further rezoning investigations, correct, on 30 October, correct?---Yes.

And just so that you can see the draft resolution, if we go to the next page, it's down the bottom there and it's highlighted. Do you see that?---Yes.

And if we go to page 963, we can see that Mr McNamara has forwarded the draft resolution onto Ms McCaffrey and she seems to have forwarded it to her own work address?---Yes.

20 And if we go to the next page just to confirm that it's the same resolution. It's the same document, do you see that?---Yes, yes.

And what I want to suggest to you is that following the public exhibition of the planning proposal in July of 2015, there had been no written representations made to council as part of the exhibition process that related to any of those sites other than the Waterview Street site?---Maybe not written and maybe not within that time frame.

30 And in particular insofar as the representations that were made by MG Planning on behalf of your family's property interests, those representations were confined to issues relating to the Waterview Street site, correct?---Yes.

And the first occasion on which there was any reference to one of the other two sites identified there, following the public exhibition in July 2015, was, as part of a one-pager that MG Planning had prepared, that you had forwarded onto Dr Ahmed under your email in which you said, "A one-pager from JS"?---Yes. And, and sorry, just, no workshops here?

40 Sorry?---There had been no workshops prior to this?

There was a workshop sometime prior.---And what was discussed at the workshop?

Well, Mr Sidoti, are you suggesting that you have some knowledge that there was something discussed at a workshop?---No. What I'm - - -

Relating to one or other of these properties, is that what you're suggesting?---No. But - - -

Why do you keep on making things up on the run, Mr Sidoti?---No, I'm not. You're, you're suggesting that this has come out of me.

I haven't made any such suggestion yet.---That's exactly where, what you, what you said.

I have not made any such suggestion, Mr Sidoti. Just please listen to the question that I'm asking.---Okay, thank you.

10

This was a recommendation for a draft resolution that Ms McCaffrey asked that Mr McNamara prepare, correct?---Correct.

You heard Mr McNamara's evidence about this, and the discussion he had with Ms McCaffrey?---Yes.

And you heard the evidence that Ms McCaffrey said about this, correct? ---Yes.

20

You heard that Ms McCaffrey did accept that, at this time, and in fact on each occasion that the matter was coming before the council, she felt that she was under a lot of pressure from you?---I heard that but I disagree with that.

I understand you disagree with that. You heard that Mr McNamara, he told this Commission that Ms McCaffrey requested that he draft this resolution and that when he asked about why they were including those two additional sites she said, "That we need to include them so it doesn't look as if the focus is really on Waterview Street." Correct?---That was the evidence she gave.

30

That was the evidence Mr McNamara gave.---Mr McNamara gave, yes.

So what I'm suggesting to you is that there is no evidence that either of those additional sites was mentioned or raised at a councillors' workshop? ---Well, I couldn't tell you because I wasn't at a council workshop.

40

Exactly. So why were you suggesting the possibility that it might have arisen at a councillors' workshop?---Because you are suggesting that it was coming from me.

What I'm suggesting to you is that you put pressure on Ms McCaffrey to have the Waterview Street site included as part of the rezoning or the extension of the B4 mixed-use zone.---No.

What I'm also suggesting to you is that Ms McCaffrey sought to deal with the matter by requesting a resolution be drafted by council staff for the council to look at and investigate further those three sites so that she could

avoid the appearance of favouring your family's property interest. What do you say to that?

MR NEIL: I object to that. I object to that. That's - - -

THE COMMISSIONER: Yes, I think you might have to rephrase that last question.

10 MR RANKEN: What I want to suggest to you is that Ms McCaffrey requested that this resolution be drafted so that it would, so that council would investigate those three sites to conceal the fact that the true intent was to look at the Waterview Street site.

MR NEIL: I object to that. The vice in the question is in no way overcome by that question. This witness can't speak on Ms McCaffrey's behalf.

THE COMMISSIONER: I think there is a problem there as to - - -

20 MR RANKEN: That's fair. I withdraw the question. Perhaps not a matter that Mr Sidoti can comment on. But do you agree that you had no interest, yourself had no interest in those other two sites being investigated?---I have interest in every site being investigated for every member of the community.

THE COMMISSIONER: Now answer the question.

THE WITNESS: No, I don't, as a local member, I don't.

30 MR RANKEN: Do you agree that you never made any representations in respect of either of those additional sites that we see in that resolution? ---Sorry, say that question again.

You never made any representations on behalf, for example, on behalf of any constituents in respect of either of those sites?---I've heard of many people seeking advice, yes.

No, no, I'll ask the question again.---Written submission, no.

40 No, I'll ask the question. You never made any representations on behalf of any constituents in respect of those two sites?---The two being - - -

The two additional sites that are on that resolution other than the Waterview Street site?---Myself personally written, no. Evidence from Helen McCaffrey suggested the third one was her representation.

Well, that, that's something entirely separate. I'm asking you about you. You never made any representations on behalf of any constituents in respect of either of those two sites?---I can't say for certain I have.

Isn't it likely that you did not?---I'd like to check the system, the Feedback, now before I couldn't definitively say yes.

THE COMMISSIONER: You did come to see, at some stage, the draft resolution for the three sites to be investigated, did you not?---At some stage, yes.

Yes. That's before it was, before the council made the resolution you'd seen it in draft, is that right?---I don't recall but it's possible, yes.

10

If it was put to you that the inclusion of the other two sites with the Waterview sites was what might be called a sham or a disguise to take attention off this investigation being all about the possible rezoning of the Water Street/Barnstaple land, what would you say to any such suggestion? ---I don't believe it's a sham at all.

Well, you knew that they were going to, this resolution was going to be put to council that they should have an investigation of the three sites before the resolution was passed?---I'll assume, yes.

20

And there was no basis known to you, was there, whereby there were sound grounds for an investigation of those other two sites, no information that you were aware of which would have indicated or justified the need for an investigation of those two sites?---Well, there were representations, there, over the years, there were representation there, so I think it was only logical that if council was going to look at the representations, well, they should look at it all.

30

There might have been representations, but I just put a sound basis for now having an investigation at this late stage of those two sites, you're not aware of any sound basis for that course of action, are you?---Well, I don't say it's late in the, in the period.

40

You're not able to point to any sound basis for the council at this stage, in the late part of 2015, undertaking an investigation of those two sites, are you? Or are you?---A sound base, you'd need to do the investigation. You can't just sort of strike something off in a one-line or two-line fob-off. And that, that, that's sort of has been taking place for a while. A study would reveal the legitimacy of, and, and feasibility and economic studies, if undertaken.

In any event, after the investigation was completed by Studio GL, those two sites were – there was nothing identified which could justify a rezoning for either of those two sites. Would you agree?---Well, that's what came back, yes.

Yes. All right, thank you.

MR RANKEN: Now, I just want to draw your attention to some emails between your fellow Liberal Party members and the councillors, if we could go to page 965. Do you see at the bottom of that page, there's an email from Dr Ahmed of 1 November, 2015, so that is two days prior to the meeting on 3 November, where he has said, "Can we just have a clear plan for Tuesday re Five Dock? I am firmly in support of eight storeys."---Oh.

10 And Ms McCaffrey, sorry, Ms Cestar has responded to say, "Can I call you, Tanveer?" But then above that, at 7.01pm on 1 November, Ms McCaffrey has said, "Do we have an option to meet beforehand? I have another motion which may solve some problems." Do you see that?---Yes.

And the motion to which she was referring to, I want to suggest to you, was the motion that I've just taken you to that she had requested Mr McNamara draft. Correct?---I'd, I'd take your word for that, yes.

That is, the motion asking for those three sites to be investigated further, correct?---Yes.

20 And the problem she's referring to, would you be able to assist as to what she might have been referring to, or you don't know?---Problem, no.

And do you see – sorry, if we could then go to page 969. Down the bottom of that page, do you see there's an email from Ms Cestar to Dr Ahmed, Mr Megna, and Ms McCaffrey, and I want to – the subject of the email is "Page 10 of the report", and I think you might have been present when Ms McCaffrey, sorry, I took Ms Cestar to page 10 of the agenda report that had been prepared by the staff for the purposes of the meeting on 3 November, 2015, and I can take you there if necessary. But do you see effectively what
30 we see is a, what has been cut and pasted from page 10 of the report, and it relates purely to the Waterview Street site?---Yes, I can see that.

And the response from Ms McCaffrey is to say, "We need to make it supported, I'll talk to you about, when is the best time and number to ring you on?" Correct?---I can see that, yes.

And Ms Cestar has responded, "We need to argue significant public benefit. What is the significant public benefit for any of it?" Do you see that?---Yes.

40 Now, what I want to suggest to you is that it is apparent from those emails that each of these councillors felt some pressure to support the rezoning of the Waterview Street site?---I don't agree with that.

You don't agree that that's apparent from those emails?---No.

And I want to suggest to you that if they did feel such pressure that was because of pressure that you had put upon them to support the rezoning? ---That's not correct.

Now, you are aware that in the event, at the meeting of 3 November, 2015, there was a resolution that comprised the two parts, part A and part B, correct?---Yes.

And it was at that point in the process that things bifurcated, if I could use that term, in the sense that the original, or the planning proposal went off to the Department, correct?---Yes.

10 And in due course was then simply gazetted, correct?---Yes.

And the other aspect of it was the resolution that I have taken you to was proposed and passed, correct?---That was the second part?

Yes, the second part.---Yes.

And in respect of that resolution, Ms Cestar had in fact voted against it? ---Yes, I recall that.

20 MR NEIL: Well, Commissioner, in fact, it was a combined vote, not just that. Well, A and B were voted on together, as I read it.

THE COMMISSIONER: Perhaps we can just bring that up on the screen.

MR RANKEN: My friend is quite correct but if we can bring it up on the screen so it's clear. That is at page, from 990 through to 992. So we'll start at 990. Part A commences on page 990 and then if we go to page 991, and then 992, we can see that there's part B and the vote is in respect of both parts.---Both part A and B.

30 Both part A and B, correct?---Okay, so it was – yes. I can see the vote.

And you heard Ms Cestar's evidence in this Commission, that her reason for opposing it was because she did not agree with the part B?---Well, that was her evidence.

The result of that resolution was that the Studio GL was engaged to prepare a further report in respect of the three sites, correct?---Yes.

40 And that involved firstly Studio GL doing some work, which was completed in about March 2016, and then HillPDA did some further work that involved some economic analysis of the options that had been identified by Studio GL, correct?---Yes.

And Studio GL, in its two options, as far as the Waterview Street site was concerned, there were two options. One involved the removal of the heritage listing on 39 Waterview Street and the other one involved retaining the heritage listing, correct?---Yes.

But in each case, Studio GL did not propose that there should be a rezoning of the Waterview Street site so that it was entirely B4 mixed-use, correct?
---Yeah, that's my recollection.

And the reason being that it was not recommended as it was not seen as desirable to increase commercial development away from the Great North Road and the town centre core or locate businesses along that section of Waterview Street?---They were the reasons given.

10

And in due course the HillPDA consulting prepared their feasibility analysis of the additional sites that were based on that review conducted by Studio GL?---Yes. To the degree of testing, I don't recall but yeah, I would agree with that.

And they prepared a report that comprised some 40-odd pages on 11 May, 2016.---Yes.

20

And essentially the conclusion of that report was that having looked at a number of sites and done feasibility analysis in respect of a number of sites, there was only one site in the Waterview Street block that would yield any profitable development, and that was on the basis of the retention of the heritage listing for 39 Waterview Street. Correct?---Yes.

Then the matter was then to come back before the council on 2 August, 2016. Correct?---Sorry, have we just gone backwards or – the last date was February, wasn't it?

30

The last date I spoke about was 11 May, 2016, which was the HillPDA consulting feasibility analysis.---Thank you. And the next one?

And I was taking you to 2 August, 2016, which is when the matter was to come back before council.---Thank you.

Do you recall that?---Yes.

40

Now, at some point in that period, that is between 3 November, 2015 and the matter coming back before the council on 2 August, 2016, there was a change as far as your family's interests were concerned in respect of the planners who were engaged. Is that right?---Yes.

What was it that prompted that change?---I don't think there was a particular reason for a change. Maybe a fresh set of eyes is what I can only come up with.

Well, as part of the change you had engaged, had you not, with a Mr Tom Kudinar?---Yeah, that was the evidence given. I'm, I'm, my, my

recollection of it was, was someone from Pacific Planning, either Matt Daniels or, but it's possible, because he's known to both.

THE COMMISSIONER: Hang on. Just a moment. The question you were asked was you had at this time engaged Kudinar, the architect. Is that right? We're talking about 2 August.---Sorry, I thought you said that I engaged a consultant through Tom Kudinar.

10 MR RANKEN: No, no. There was an engagement of some new consultants.---Yes.

But you had also separately, had you not, engaged Tom Kudinar?---Yes.

And Tom Kudinar was a person who you'd known for some time, and in fact he was the person who had introduced you to the Rouse Hill property in which you invested.---Yes, yes.

20 Correct. And I think you made that, you had already invested in that property out at Rouse Hill by the time of this period in early 2016. ---Yes.

So, and what you had engaged Tom Kudinar to do was to prepare concept designs for development over the Waterview Street site block. Correct? ---Yes. My understanding that was as a result of Matt Daniels or James Matthews.

30 So your recollection is a little bit different to Mr Matthews' and Mr Daniel's, is it, in that you're suggesting that the engagement of Mr Kudinar was at the suggestion of Mr Daniel or Mr Matthews?---Yeah. I think the difference was, from my recollection, was whether I met Matt Daniels through Tom or we got Tom to, to supply whatever Matt Daniels and, and, and Matt Daniels needed.

You already knew Matt Daniel by this time.---Yes, through Liberal Party circles.

You'd known him for some time through the Liberal Party. Correct? ---Yes, yes, yes.

40 And you knew him to be somebody who represented developers from time to time.---Yes.

Tom Kudinar obviously, you've known for some time as well?---Yes.

You heard Mr Daniel's evidence was that Mr Kudinar had raised the issue with him at your instigation?---Yes, I heard the evidence look it, it's likely.

And that he'd asked you to, he'd ask, that is, Mr Kudinar had asked Mr Daniel to look at the issue?---Yes, yes.

This was only very shortly prior to the meeting on 2 August, 2016, was it not?---Yes, I'll take your word for that.

Commissioner, I do note the time.

10 THE COMMISSIONER: Yes, I was going to ask you, I hadn't proposed that we sit on to 4.30 today but we might just, I might ask Mr Neil in a moment to try and assist me as to whether we're going to finish tomorrow. How much longer do you think you might be Mr Ranken – I know it's always difficult to predict?

MR RANKEN: I'm very well advanced in the sense that we're at the, I can say quite plainly, we're almost at the meeting of 2 August, 2016. After that there is some events between then and the end of the year, and then there's briefly the events of February 2017 and I also will need to deal briefly with events that happen in July 2017.

20

THE COMMISSIONER: Do you think two hours or more than two hours?

MR RANKEN: I would expect that I will go at least until morning tea.

THE COMMISSIONER: Yes, I would have thought so. All right. Thank you. Now Mr Neil, again, I don't want to pre-empt your position, so if you don't want to indicate at this stage, you're quite entitled to let me know tomorrow, but as things presently stand, are you able to give me any indication at all as to how long you might be with the witness?

30

MR NEIL: I would have thought, Commissioner, that I'd have difficulty in finishing tomorrow. I could try to do so but there's also a great deal of evidence that has been given by this witness that I would frankly like an opportunity to confer with him. And, secondly, if the Commission is going to investigate his computer records, I'd like that matter to be resolved before I finalise with the witness.

THE COMMISSIONER: Certainly, if in the interest of proper procedure and fairness there's a requirement for any evidence that might be called in relation to Mr Sidoti's computerised files, he would be given the opportunity, of course, to come back on a future occasion if he wished but I, yes, at the moment I don't see that as a high likelihood but I've indicated if he wishes to we'll certainly make available an opportunity for him to do that.

40

MR NEIL: Yes, I think perhaps if what I'd like to do, I know he's still being examined, I'd like to confer with my junior and Mr Sidoti about the

implications of going over, and perhaps I could advise you in the morning, Commissioner?

THE COMMISSIONER: Yes certainly, Mr Neil.

MR NEIL: Thank you.

THE COMMISSIONER: Anything you want to raise, Mr Ranken?

10 MR RANKEN: No.

THE COMMISSIONER: Is there any point in either starting early or finishing late tomorrow? I'm happy to start early if the parties would want me to in the interest of trying to ensure we finish?

MR RANKEN: If that doesn't inconvenience Mr Neil or Mr Sidoti, I'm quite happy to commence early at 9.30.

20 THE COMMISSIONER: Mr Neil, would a 9.30 start be feasible?

MR NEIL: In terms of where we're at, I'd prefer to the 10 o'clock start. I don't think half an hour would make any real difference to whichever position we want to put to you.

THE COMMISSIONER: Yes, all right. We'll reconvene at 10 o'clock tomorrow. Nothing else? I'll adjourn.

30 **THE WITNESS STOOD DOWN** **[4.15pm]**

AT 4.15 THE MATTER WAS ADJOURNED ACCORDINGLY
[4.15pm]