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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION WITNEY

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 29 SEPTEMBER, 2021

AT 2.00PM

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

THE COMMISSIONER: Just take a seat, Mr Haron.---Thank you.

Yes.

MR RANKEN: Thank you, Commissioner. Now, Mr Haron, I was dealing with an email from Ms Kelly of 24 January, 2014 just prior to the luncheon adjournment. If we could bring that email up again, which is at page 3 of the bundle. And if we could scroll down towards the bottom of that page, please. If we could stop there. Do you see in the final paragraph that Ms Kelly has said that “Council would be keen for both the team and individuals to send a response to council by email or letter by Friday, 31 January, to ensure that all issues can be formally addressed by council in their deliberation.”---Yes.

And as it happens, you are aware, are you not, or do you have a recollection of yourself putting in a submission by email to the council regarding the Five Dock Town Centre Plan?---I submitted various things to council but I don’t recollect this particular response, but I may have.

And, well, do you recall the Chamber of Commerce?---Joe would have, I’m sure he would have, yes.

So that was another way for you to communicate your views about the study and the plan and what was being proposed, correct?---It was.

And both on behalf of yourself and also on behalf of the Chamber of Commerce through Mr di Giacomo.---Yes.

But the position is this, I think you’ve agreed that by the time of the meeting of the council in May, there was some changes to the plan that was being proposed as far as floor space ratio was concerned.---I believe there was.

And a proposal for there to be a bonus in floor space ratio for sites above a certain land area, namely 1,500 square metres.---I believe so.

But as at January and then also as at early April 2014, was it the case that it was still, that situation was not known as to what would actually occur or what was going to - - -?---Probably. I mean, I don’t recollect all of this detail.

Well, if I could just focus your mind, then, briefly to the meeting of the Chamber of Commerce in April 2014. Do you have any independent recollection of that meeting?---Yes.

And so in relation to that meeting, one of the – that’s the meeting that Mr Sidoti attended?---Yes.

And was it also attended by Mr Laundry?---Yes.

And the mayor, Mayor Tsirekas.---Yes.

And one of the topics, amongst a number of other topics, was the Urban Design Study?---It was.

10

And are you able to recall, or does your independent recollection of that meeting allow you to say whether or not the idea of a bonus floor space ratio being proposed by council was something that was known to members of the Chamber of Commerce such as yourself?---I believe it would have been, but I don’t have a clear – but I believe it would have been because it was part of the discussions that we have with council.

20

So, I’m just trying to make sure we’ve got the sequence right though. So, as at the April 2014 meeting amongst the Chamber of Commerce, there was an understanding on the part of members of the Chamber of Commerce that there was going to be a change to the plan that would involve an uplift of floor space ratio.---I think there were a number of, yes, a number of things that were taken on board and council were adding those to the plans or amended the plan, yes.

And when it came to the meeting, there was someone who was responsible for taking minutes of the meeting, is that correct?---Yes.

30

And who was that person?---Alexia Penneton.

And was she the secretary or did she have some particular role with the - - - ?---Yes, she was the secretary, yes.

She was the secretary of the Chamber of Commerce?---(No Audible Reply)

And she was a competent lady?---Yes.

40

And she’d generally record minutes in a comprehensive fashion?---Yes, she did.

And make sure that all points that were the subject of discussion were recorded?---Not verbatim, but yes, points on them, yes.

THE COMMISSIONER: Sorry, the minute taker was who?---Alexia Penneton.

Alexia?---Penneton.

MR RANKEN: Was it perhaps Pettenon?---Pettenon, that's right.

THE COMMISSIONER: Pettenon.

MR RANKEN: P-e-t-t-e-n-o-n.

THE COMMISSIONER: Pettenon. And how long had Ms Pettenon acted as secretary or for the Five Dock Chamber of Commerce?---Some years.

10 Some years?---Yes.

So you got to know her over a period of at least five years?---Oh, yeah. I, I

Or some years.---Some years.

Some years. And as to her capability?---Yeah, a very capable person.

MR RANKEN: And tell me, it was not a common event to have the state
20 member attend a meeting of the Chamber of Commerce, was it?---No.

No. And it wasn't common for the mayor to attend meetings of the Chamber of Commerce?---Oh, the mayor attended quite a few, yes.

So he attended more meetings than the state member?---My feeling is yes, but I couldn't, you know, quantify it.

Was it also not a regular occurrence for the federal member to attend?---It
30 was rare, yes.

That was rare?---Yes.

And what about local residents, was that a common thing for local residents to attend meetings of the Chamber of Commerce?---Not, not really.

So would you expect then that the fact of those persons and groups of people having attended the Chamber of Commerce meeting on 7 April, you would expect that to be reflected somewhere in the minutes?---I don't know. Perhaps, I don't know.
40

You're given an opportunity, are you not, you review minutes of meetings of the Chamber of Commerce?---They're normally issued. I, yeah, I, I rarely commented back on them.

Were you not keen to ensure that they were an accurate record of what was discussed at the meeting?---I considered someone else was doing that.

So, is this the case, you never – well, did you ever read them, the minutes?
---Sometimes. Sometimes at that meeting, at the following meeting or prior to the following meeting.

And if in reading those minutes you identified things that did not accurately reflect your recollection of what occurred, you would raise them so that the minutes could be corrected?---I don't think I ever did that.

10 Is that because you never had occasion to because Ms Pettenon, in her competent manner, did tend to accurately record all of the relevant salient points about the meeting?---No, I just, just never did it. I don't know, there was no judgement on accuracy or whatever. I just never did that.

THE COMMISSIONER: I'm sorry, I'm having trouble hearing you.
---Sorry. There was no, how can I put it, judgement on the accuracy. I just never did, did that, never commented on the minutes.

20 MR RANKEN: Now, Mr Haron, could you just keep your voice up when you're answering questions.---Sure.

Because the masks are, as I said, creating difficulties, and perhaps if you can speak a little bit closer to the microphone - - -?---I understand.

- - - so all those who are participating remotely can hear what you have to say. Given the effluxion of time since these events, having not reviewed the minutes at the time, is it fair to say that you would not be in a position to say one way or the other whether or not they accurately or inaccurately record what occurred?---Probably.

30 I wonder if we could perhaps bring up the meeting minutes, which are Exhibit 24, page 350. Do you recognise these as being minutes of the meeting of 7 April, 2014?---Yes.

And if we could scroll down, do you see firstly in attendance it makes specific mention of Mr Laundry and Mr Sidoti and Mr Tsirekas?---Yes.

Mr Fasanella as well?---Yes.

40 He was a councillor with the City of Canada Bay. Is that correct?---Yes.

He was a Labor councillor?--Yes.

He was also a local businessman who participated in the Chamber of Commerce. Is that right?---Yes.

And a person who had property interests in the Five Dock area.---Yes.

And then there does not appear to be any reference to there being representatives of the Pendium Apartments in attendance.---No, we didn't list any of the other attendees just the - - -

I understand.--- - - - the guest speakers and the executive I guess, yeah.

But it was an unusual occurrence for there to be local residents attending a meeting such as this, was it not?---Yes.

10 Would you not expect the fact of persons who were not, were neither members of the Chamber of Commerce nor local businessmen, nor were they persons who were presenting to the meeting, you wouldn't expect to at least have that reflected in the minutes?---No, we didn't list attendees, no.

I'm not saying the individual attendees but at least the fact that also in attendance were representatives of local residential groups or something of that nature?---I don't think that was the process, no.

20 But what follows firstly is there is some dot points under "President". Is that to indicate things and points that were covered by Mr di Giacomo?
---Yes.

And including tabling various correspondence at the meeting?---Yes.

And going further down there is a specific dot point for the Urban Design Study.---Ah hmm.

30 And do you see that the meeting was seen as another avenue for further recommendations prior final approval of the study and possibility of receiving funding support from state and federal levels?---Yes.

And if we scroll down further there's various information about where the Urban Design Study could be found. A reference to the fact that council had spent quite a large sum of money. If we scroll down further there's a reference to an issue to do with – sorry, if we could scroll up a little bit. "One of the many features of the report was to look at consolidation and incentives to increase the floor space ratios."---Yes.

40 That was a particular issue that the Chamber of Commerce was interested in.---Yes.

There's the reference to an issue concerning a site on the corner of Great North Road and Lyons Road which was the old bowling club.---Yes.

And a reference to that, issues concerning the contamination of that land being possibly further progressed with Mr Sidoti and the State Government.
---Ah hmm.

Some further information in relation to that particular issue and then there's a dot point concerning the possibility of the medical hub in that section between Lyons Road and Henry Street.---Yes.

All of this is consistent with what we see in the correspondence or in that email effectively between Ms Kelly and you and your fellow representatives?---Yes.

10 And then a little bit more about the study and it refers to "It's important that we look at achieving change that is viable in the short term at both ends of Five Dock, Queens Road and Lyons Road."---Mmm.

Further down, and there are references to one of the Chamber's recommendations was to rethink the consolidation aspect, anything over 1500 square metres, to ensure quality development, floor space ratio should be looked at. If it isn't increased, development will not occur. There doesn't appear because – sorry. The next thing we see under that is, "Angelo Tsirekas to discuss a little bit more of the study".---Mmm.

20 And then we go on to John Sidoti.---Yeah.

And what follows under that, is it not, is details of the matters that Mr Sidoti spoke to?---Mmm.

I'll come to them briefly in a moment but the first thing I wanted to note, though, is that the reference to anything over 1,500 square metres to ensure quality development and floor space ratio being looked at was, in fact, something that did ultimately occur. I think you've already agreed with us? ---I think it's 1,000 now.

30 No, in terms of following this, when it came to May - - -?---Oh, when it was published.

And when it came to the decision before the council in May, there was a bonus provision that was suggested or proposed and ultimately accepted by the council at that meeting - - -?---Okay.

40 - - - for a bonus floor space ratio of 3:1 for any sites over 1,500 square metres. You agree with that?---I, I don't recollect but if you're saying that that's, I accept that.

Well, is your recollection that that wasn't something that was proposed by council? I can take you to the - - -?---Sorry. It's a long, a long time ago. I was, I was a supporter of 1,500 square metres and I, I don't recollect exactly what the figure was but I believe that that, you're correct in, in stating it.

What we don't see in those dot points is any reference to any heated debate or great controversy - - -?---Mmm.

- - - at the meeting or, in fact, any viewpoints that appear to be contrary.---I don't think that would have been minuted, yeah.

THE COMMISSIONER: But could I just ask you this. And we'll go through, as necessary. Hopefully, we don't have to go through all the dot points.---Mmm.

10 You can see for yourself, there's six pages of minutes, a very detailed set of minutes, are they not?---Sure.

And that was the customary approach for the lady who used to keep the minutes?---Mmm.

She was very thorough and detailed. Is that right?---Yes.

20 And the second-last dot point of the points that are noted under the Urban Design Study, talking about ensuring quality development over 1,500 square metres as you'll see, it goes on to talk about floor space ratio should be looked at.---Mmm.

So all of these dot points here are, as the document indicates, occurring in the course of a planning stage by council to get in the stakeholders' views and so on, isn't it?---Yeah, the urban plan was the base and we were commenting on it to build a, a final plan.

These dot points were all flagging things for further action.---Correct.

30 And one of the things to be looked at, it's saying, is "Floor space ratio should be looked at."---Yeah.

"If it isn't increased, development will not occur." See? And that's the very point you were making before, wasn't it?---Yes.

So that what was being flagged by this meeting was these are matters that must be looked at - - -?---Yes.

- - - to be attended to, not ignored?---Yes.

40 So, again, this seems to be, you correct me if I'm wrong, part of a very fluid process working towards getting a final model in place. Is that right?---Yes.

So that in terms of whether people agree or didn't agree with it, they would understand that the time had not yet arrived before the final model had been developed. You get that understanding by looking at the minutes you've been taken through.---Yes.

Do you agree with that?---Yes.

Don't let me put words in your mouth. I'm just trying to get to the point as quickly as I can.---Yes. It records the process that I understood happened.

10 Yes, it's part of the process. But the points being made under the heading Urban Design Study, before you get to matters which Mr Sidoti touched on and Mr Tsirekas touched on, there's not a word to suggest that there was heated debate or controversy about the matters that you see in all the dot points you've been taken through under Urban Design Study subheading, is there?---No.

Not a word. And you wouldn't expect there to be heated disagreement because nothing final had yet arrived, is that right?---Sorry, two parts. The heated debate I'm not sure about, but the nothing had been finalised, I, yes, it hadn't been finalised.

20 Well, there's no sign in what I'm reading in this document, sir, that there is any heated discussion, indeed any debate, on any of these issues. But rather, after the president went through the various agenda items he did, all of these points under the heading Urban Design Study indicate these are matters that are, either have been looked at or are under consideration or must be looked at in the future, is that right?---Yes.

So you wouldn't expect there to be heated debate if there's no final decision yet been made, would you?---I, I, my recollection of the meeting was that people were emotional about things and, so it was a room full of Italians, so
- - -

30 See, I think when you were asked about this, did somebody voice some point of view, you mentioned the owners of the tall building – what's the name?---Yes, Pendium building, yeah.

Thank you. And they didn't want too much development for the reasons you've understood. And I think you were able to nominate at least one other person who stood up or spoke up in a pro-development theme - - -?
---Yeah.

40 - - - and I'll ask you if you could tell us the name of that person.---I think it was the Palamara family that owned the old supermarket down - - -

In, what, Five Dock?---In Five Dock, yes.

Right. Now, is there any other person you can name – that is, by name identify – who was standing up, arguing, debating, expressing furious disagreement?---Not, not that I can recall.

No. So those two - - -?---Well there may have been - - -

- - - those two stick in your mind?---It may, may have been more but that's where my (not transcribable)

It may have been, but the only two you can recall are the two you've identified?---Correct.

10 Right. All right, now, Mr Ranken, it's a matter for you, of course, as to how far you go through all the details, the remaining parts of these very extensive minutes of the meeting. I'm not limiting you, but I think Mr Haron has accepted that so far as the Urban Design Study issue was concerned, the position is as we've been discussing. Now, there may, however, be specific issues raised by Mr Sidoti and Mr Tsirekas that you want to take him to, and I'm not limiting you.

20 MR RANKEN: There are, just briefly. And I don't want to go through all of the dot points under Mr Sidoti. I just want to focus on those points that relate to the Urban Design Study. If we could go to page 352 of Exhibit 24. And about a third of the way down, do you see that there's a reference to "We'd rather see government stay out of business and let businesses do what they have to do."---Ah hmm.

30 And then after that, and it's the dot points, some of the dot points that flow after that, there are a number, one, firstly, that Five Dock density is far too low, a reference to issues with car parking, and two choices relating to car parking. But then there's a reference to "Attractive buildings can be built on small and large parcels of land. Variation is important, not a one size fits all. 3:1 floor space is required. Unless it is 3:1 and unless the LEP, Local Environment Plan, marries with the DCP, Development Control Plan, the same problems will continue where you will not be able to reach your floor space ratio maximums. With the height level set, it will basically come down to a situation that it will be at the discretion of council." And then it goes on to issues to do with, something to do with WestConnex.---Ah hmm.

Now, it would appear from reading those dot points, would you agree, that the position that Mr Sidoti was speaking to was one in which there would be a 3:1 floor space across all sites, regardless of what their size was?---Yeah, I don't remember this but, yes.

40 I know you don't agree with it.---I don't remember this but, yes (not transcribable)

Or you don't actually have a recollection of this even though this is actually recorded in the minutes of the meeting?---It's seven years ago.

I understand that.---Yeah.

But you do have a recollection of other views that were expressed that aren't recorded in the minutes?---Yes.

But you're not suggesting that it wasn't said, it's just you don't have a recollection?---Correct.

Would you agree, though, that what is recorded there as far as a 3:1 floor space ratio being required in respect of all parcels of land, that's how you read those dot points, is it not?---Ah hmm.

10 That is not a position that actually accords with the vision that the Chamber of Commerce had as reflecting the various members of the business community?---I don't believe, I don't believe so.

Because you were agitating for an incentive provision to ensure that there was an incentive for aggregation of sites.---Yes, we wanted – yes.

And the position that is spoken to here is contrary to that position, is it not? ---It's in a similar direction but it's, it's not what we envisaged.

20 Well, it would remove any incentive to aggregate sites.---There's no incentive mentioned, there's no incentive mentioned here. Yes.

And if we could then go to the heading for Mr Tsirekas. I think we should go to page 353. If we could go down to the middle of that page. Oh, you can see it already. There is a reference to the fact that council committed to funding for the economic study and now the Urban Design Study, they were currently finalising submissions. So he's made it clear that it hasn't actually been completely finalised. "Numerous meetings have been held to get to this point with stakeholders, businesses, residents and users who have submitted what they think should be the future for Five Dock. Report to be
30 finalised at the beginning of May. Minor tinkering has occurred." There's a reference to "Don't want to see empty shops and vacant blocks as it does rubbish the area. Urban activation will not only take in owners and developers point of view." That's a reference, is it not, to the need to take into account property owners and developers as well as residential owners, or you don't know?---I don't know. I don't recollect this.

40 And then it goes on to refer to connectivity and then critically, "Lots of people have raised the issue of floor space ratio. Five Dock has a very good floor space ratio, however no stimulation. Large developments required, as well as smaller ones, to stimulate the area." And then "There has been a lot of significant private interest to see what can be done and be part of Five Dock." Would you agree that there seems to be, at least on Mr Tsirekas' part, what's being expressed there is an openness to receiving submissions about floor space ratio and how to stimulate - - -?---And it was good to do it, yeah.

And there's no suggestion that there was great controversy about the points that he was making?---No.

Now, there's also no reference in these minutes to the fact of any Liberal councillors being specifically invited to this meeting, would you agree?
---There's no mention of who was invited at all, that's right.

Well, if we could go back up to the first page of the minutes. "Welcome everyone to the meeting, as well special mention to guests John Sidoti MP, Craig Laundry MP and Angelo Tsirekas." That would suggest that they were guests, that they had been invited, would it not?---Of course.

10

There's no reference in the minutes to the fact that other persons were invited who did not attend.---Correct, because there would be apologies.

There would be apologies.---Probably.

And we don't see any apologies?---No.

20

Is that a further indication that it's unlikely then that the Liberal councillors were specifically invited to attend this meeting?---As I said before, I don't, I don't know what the issue of the invitations was.

THE COMMISSIONER: I'm sorry, I can't hear you.---As, as I said before, I don't know what the issue of the invitations was so I can't – I assume they were invited but I have no proof that they were.

MR RANKEN: And do you see that the minutes do not record the fact of their absence even being noted?---Yes.

30

So it's not stated anywhere in the minutes the absence of the Liberal Party councillors at the City of Canada Bay Council is noted, correct?---Yeah. I don't think we do that as a, as a commonplace thing.

I thought earlier today, in answer to some questions around your statutory declaration, that you indicated that the absence of the Liberal councillors was in fact noted at the time of this meeting.---Yes, verbally to others at the meeting.

40

Was it something that actually arose at the meeting or after the meeting?
---Probably after the meeting, I think.

So what happened after this meeting?---I'm trying to think. I think it broke, we had a few drinks 'cause it was at the RSL Club and people were talking about various things.

And so how did the topic of the absence of the Liberal councillors come up?---I'm trying to think. So I believe that Tony Fasanella was saying he couldn't vote on the proposal, and Michael Megna - - -

You need to keep your voice up.---Tony Fasanella couldn't vote on the proposal and Michael Megna was not there and could not either because they both had interests in Five Dock. And so it was a question of, well, who, who does vote on it, and then we were advised that it was the other councillors, and then the question was asked, well, why they, why they weren't here.

10 So it was really more an observation, was it, that – or a recognition on the part of attendees that Mr Fasanella couldn't vote on the matter.---Yeah.

And that even though the mayor was there, Mr Megna, who sometimes attends, he wasn't able to vote on the matter. But was it, in what context did it come about that Liberal Party members having to vote, Liberal Party councillors having to vote on the matter? Was there some discussion specific to the upcoming vote?---I believe, I believe so.

And who was, with whom was that discussion?

20 THE COMMISSIONER: Again, we're relying on your own knowledge of these things, not what perhaps others have told you. Do you understand what I'm saying?---Yes, I'm trying to - - -

30 Sure.---Commissioner, I'm trying to recollect how it all happened because there were various people that, like, I remember, I think it was Joe Rizzo actually said, "Well, where are the councillors, the other councillors?" or something or other. But I'm not sure the context of that, how it was – so, as I said, it's seven years ago. There's a long time passed. But the questions were asked as to where were they, are they interested in this, I guess, the Liberal, are they interested in this?

MR RANKEN: And was it in that context that you, or that steps were taken to arrange a meeting with the Liberal Party councillors?---Yes.

Now, at that time were you cognisant, in the sense of was it in the forefront of your mind, that Mr Sidoti actually himself, his family, had property interests in the Five Dock area?---Probably when I – sorry, I was aware of it, yes.

40 Yes. And did you have any conversations with Mr, or communications with Mr Sidoti about having arrangements made for a meeting with the Liberal councillors?---No, only that I think there were other people there when I said, so my recollection is that this meeting and then the council meeting that approves the urban plan were quite close. So it was difficult to organise separately meetings with the councillors. And so Mr Sidoti offered to organise a meeting with them together. So it was a, it short cut the - - -

So was it Mr Sidoti's idea to, to organise this meeting between - - -?---I'm not sure whether - - -

- - - the Liberal councillors and yourself or other representatives of the Chamber of Commerce?---I'm not sure whether Joe di Giacomo suggested or I did. I'm not sure. It's, it's one of those.

Well, did you have any, did you do anything to arrange - - -?---Nothing.

- - - or organise the meeting?---Nothing.

10 Right. Well, to your recollection, who organised the meeting?---John Sidoti.

And where was the meeting to be held?---At his office.

Did you have any concerns about the propriety of the meeting being held at his office in circumstances where he was a person who had, whose family had property interests in the area?---I did.

20 And did you raise those with him?---Probably not directly. I, I think I suggested it could be at my office, and he said, "Oh, no, they all know where my office is," or something to that effect. So I just agreed to the meeting proceeding at that location.

Well, and even though you had some concern about the propriety of that in the circumstances of where Mr Sidoti's family had property interests in the area?---Well I got the, my, my thought was that he wouldn't be attending the meeting.

30 Well, why was your thought that he wouldn't be attending the meeting? ---Because he had property interests in the area.

Because his family had property interests in the area?---His family, sorry, his family. I, yes.

And that was something that was immediately recognisable by yourself, is that right? It was - - -?---Yes.

40 - - - almost axiomatic to you, was that right?---Yeah, yes, do the right thing and be seen to be doing the right thing, yeah.

But did you ever expressly raise that with Mr Sidoti prior to the meeting occurring with the Liberal councillors?---No.

And do you recall such a meeting actually taking place?---Yes.

Was Mr Sidoti present?---He greeted us, introduced everyone and then he showed us into like a little meeting room at the front of his electoral office and then closed the door and left.

Was there any discussion before he left between yourself and him about him remaining or leaving?---He was, John's quite ebullient. He, he was talking with everyone and I said, "Look, go. We've got to get on with this," or something. That's all I said.

Why did you tell him to go?---We wanted to get on with the meeting.

10 Well, why not have him simply be present?---Because he had or his family had interests in the area. Didn't want any conflict there.

And is that why you told him to go?---Yes. I don't think he was intending to stay in the meeting but we wanted to get on with it, yes.

Now, other than that meeting with Liberal councillors, and if I can just be clear who was present?---Oh, McCaffrey and Marian, sorry, Mirjana Cestar and is it Dr Tanini.

20 Are you talking about Dr Tanveer Ahmed?---Tanveer Ahmed, yes.

And what about Mr di Giacomo, was he present?---Yes, Joe Di Giacomo, yeah.

And at least the beginning of the meeting, Mr Sidoti?---The meeting didn't start until John left.

30 And when you say he left, did he just simply leave the room or did he leave the building altogether?---No, no, he left the, left the room and closed the door behind him when he went.

And did you have any subsequent meetings with any councillors, Liberal councillors or Labor councillors about the Urban Design Study?---I can't recollect.

This is the only meeting you recollect, is it?---I addressed council I believe on a number of occasions.

40 I'm talking about private meetings not in the context of a public council meeting forum.---None that I can recollect.

THE COMMISSIONER: Can I ask you, did you have any discomfort or concerns about attending what might be described as a private meeting with the Liberal councillors over the Urban Design Study plan?---I, I didn't at the time, no.

I'm sorry?---I did not at the time, no.

Well, did you at some stage have some second thoughts about it?
---Recently.

Hmm?---Just recently obviously.

And what second thoughts have you had about it now?---That there perhaps should have been some more openness on that.

10 Sorry, if you could just speak up.---That there should have been some more openness.

And why?---Again do the right thing and be seen to be doing the right thing. That's, that's all.

Is that something to do with transparency you - - -?---Indeed.

Transparency you're now indicating?---Yes.

20 MR RANKEN: Did you, in your capacity as the Vice-President of the Chamber of Commerce, have any or attend any private meetings with Labor councillors about the Urban Design Study?---I don't, I don't believe so.

30 THE COMMISSIONER: Mr Haron, you might be able to help me with this one. In any of those minutes it does not say that there was any political division had developed between Labor and Liberal councillors or Greens, I think there might have been a Green councillor, about the plan. Mr Tsirekas for example is recorded in the first dot point, "Council has a good partnership with the Chamber, driving small business in the area." And was there some suggestion made by Mr Tsirekas at the meeting along the lines that, something to do with taking a bipartisan approach to the plan?---Yes.

What do you recall him saying about that?---Oh, sorry. So I think that was at the, after the, this meeting and - - -

What did - Mr Tsirekas then was the mayor, wasn't he?---Indeed.

40 And what did he - - -?---And I think he indicated that, because I was pushing for changes in FSR and as we've spoken height limits and, and he said that if it had bipartisan, if it had support of both sides it would, it would happen.

Was there a sense that you were able to detect that his suggestion of being, of pursuing a bipartisan approach on the design plan for Five Dock was well received?---I'm sorry, Commissioner.

Sorry. You're saying he mentioned about taking a bipartisan approach to the town centre plan as - - -?---About the request for height. I was proposing more height to speed the redevelopment and get better buildings

and he said the big bogeyman is always the height, but if it's set back and everything is designed appropriately, it works. So he just didn't want to, he wouldn't go the height because it's a, a, political suicide, I suppose, unless he had bipartisan support.

Do you recall at this time, we're talking about March 2014, was there any division on any particular issue of significance between Labor and Liberal councillors or were they working along in this planning phase constructively together or, do you have any recollection?---No, I don't.

10

Do you recollect any hot issues developing along party lines about the design plan at this stage or not?---I, I don't. No, I'm sorry.

MR RANKEN: Was it in fact, that discussion that you've just told us about with Mayor Tsirekas, that led to the issue of the absence of the Liberal councillors being raised in the sense of, oh well, if we need to speak to the Liberal councillors, who are they, the ones who can vote, it's obviously not Mr Megna?---I, I don't recollect but what you're saying makes sense.

20

That that's the context in which the absence of the Liberal councillors was noted when Mr Tsirekas said, well, any further changes, I think you said, would need to have bipartisan support but that's what really triggered the discussion about the fact that Liberal councillors weren't present?---I think some other attendees said something as well.

As part of that discussion at the end of the - - -?---Oh, there was many separate discussions. It was a, sort of a semi-social gathering at that, at that point after the meeting.

30

Because this was all after the meeting had concluded?---Correct.

Now, I want to move forward because after this meeting you really didn't have any further - I'm talking about the meeting of the Liberal councillors. You didn't have anybody further direct involvement with Liberal councillors?---No.

In relation to the Urban Design Study?---Not that I recollect, no.

40

THE COMMISSIONER: I just want to interrupt for a moment just before you do go further down the timeline, Mr Ranken. Mr Haron, you were asked some questions about the statutory declaration, it's now Exhibit 46, and I think you said in relation to paragraph 8 that, in effect, paragraph 8 developed over a period of time, there had been discussions between you and I think you said Ms - - -?---Andersen?

MR RANKEN: Kelly. I think Kelly. Is that right?

THE COMMISSIONER: Yes.---No, Andersen.

MR RANKEN: Oh sorry, you're talking about the declaration.---The, the stat dec, yeah.

THE COMMISSIONER: Sorry, you had discussions over time in developing it before this statutory declaration was finalised with three people. One was the solicitor himself?---Yes.

And the second was with Mr Sidoti's sister?---Yes.

10

And your brother-in-law?---His, his brother-in-law, yes.

And gradually working towards the date of you being asked to look through the statutory declaration and then sign it. And then I asked you some questions about how the words came into paragraph 8, which stated the issues of FSR and heights were raised and the proposals in the Five Dock Town Centre Study were seen to be ineffective to achieve desired revitalisation of Five Dock. Do we have the letter from Mr di Giacomo to the Manager Strategic Planning City of Canada Bay, 30 January, 2014 available to be brought up?

20

MR RANKEN: Yes. If we could bring up in the bundle – I do apologise – page 5 of the bundle.

THE COMMISSIONER: Thank you. So if you have a look at this letter, this is written by Mr di Giacomo, President of the Five Dock Chamber of Commerce.---Mmm

It's dated 30 January. You'll see at the foot of the page.---Yes.

30

And copies of this letter were sent to Mr Dewar, Mr McNamara and Stephanie Kelly, so they were the relevant senior officers in the council who were involved in the Five Dock Urban Design Study. Is that right?---Yes.

Is that right? Sorry. Are you able to see the copies were sent to the officers of the council?---Yes.

You'll see that what he says in that letter, as at 30 January, 2014, about whether the design study was seen to be effective or not, "Thank you for giving us the opportunity to meet with you prior to Christmas and further discuss the Five Dock Urban Design Study. Generally, the report could be described as a good report and offers some great ideas and opportunities, especially in the top end of Five Dock, that is, Henry Street to Queens Road." It goes on, "As discussed, our major concern is the lack of vision and special consideration for the northern end of Great North Road, Lyons Road to Henry Street," et cetera. "It's a 300-metre strip, which has all kinds of buildings on it," and I think then he goes on to deal with specific aspects of that strip of 300 and makes some suggestions as set out in that document.

40

It would seem to be the case, there, would you not agree, that overall, Mr di Giacomo, your president, President of the Chamber of Commerce at that time, regarded the Five Dock Urban Design Study as a good one?---Yeah, he says that there, “good report”.

And looking at that letter now, and take your time to read more of it if you wish, would you say at that time that you were in general agreement with his assessment as expressed in that letter, particularly the first paragraph?
---Yes.

10

There’s just one other letter I want to take you to, just so that we complete the chronology. Page 14 of the bundle, a letter from Mr di Giacomo again, president. See this one is written by Mr di Giacomo and addressed to Mr John Sidoti, MP. And you’ll see in that letter, he says, “Dear Mr Sidoti, the Five Dock Chamber of Commerce is committed in assisting businesses maximise their potential as well as promoting the suburb of Five Dock to the broader community.”---Mmm.

20

See that? And then he goes on, and I’m not restricting you, but I’m just going to then take you down the page. Then he says in the fourth paragraph, sorry, fifth paragraph, quote, “The Urban Design Study which is currently” it probably should read “in its final stages of being assessed by consultants and council is a positive step towards Five Dock’s evolution.”---Mmm.

Now, as at 4 March, 2013, would you say that you were in general agreement with again what Mr di Giacomo was saying about the Urban Design Study?---As a basis for the future, yes.

30

So could I ask you this question. In terms of, and I understand that, as you sought to explain, paragraph 8 doesn’t really completely contain your words but this was worked through over time to get to the final position in paragraph 8 - - -?---Yes.

40

- - - that the sentence that’s set out there, that I’ve drawn your attention to before, then it says, “The issues of FSR and heights was raised and the proposals in the Five Dock Town Centre were seen to be ineffective to achieve desired revitalisation of Five Dock.” Now, just pausing there, the impression, would you agree, you get from what’s there said is that the Five Dock Town Centre Plan was not, as you saw it, effective in the sense written there?---Yes.

But that that does not sit comfortably with the reality as reflected by what Mr di Giacomo was saying to the council both in January and in the month before the meeting, that is on 4 March, 2013, that in his correspondence, he’s conveying really an opposite perspective. That is to say that things are moving well, this is a project with a future. But, you know, if it’s brought to fruition – and he’s raised some caveats about it.---Sure.

You'd have to look at this and that. So in effect he's saying this is a good, this is a good proposal coming up for the town centre. And what I'm putting to you is, in fairness to you I think I should put it to you so that you can explain if you can, there seems to be, on one view of it, a disconnect between what's been written in paragraph 8 and contemporaneous correspondence from the Chamber of Commerce itself, sort of saying, "This is good, not bad. It's, this is what we want."---It was a good start.

10 MR NEIL: Commissioner, could I have leave to point out that in your question you had put to the witness that the bundle, page 14 letter, was a month before the meeting. In fact, as I see it, it's one year and one month before. That's all I wish to draw attention to.

THE COMMISSIONER: I'm sorry, have I made a mistake in the timing? Let's just see. Yes, I'm sorry, you're right. Thank you, Mr Neil for pointing that out. Just go back to, if you would, to 14. So you see this is the letter written to Mr Sidoti. Again, just so that you'll see again he's writing, saying, "Five Dock is committed to assisting businesses and so on." We took you to that before. It deals with other matters in the next paragraphs.
20 And this is a year before the meeting, not the month before, as I said before.---Ah hmm.

But a year out before this meeting, he's saying that it's reaching its, currently reaching its final stages of being assessed. It's a positive step towards the Five Dock's evolution. So I'm asking you to have regard to that and have regard to the other letter, which is the letter later in time, 30 January, 2014, that I took to you before, and we'll go back to 5 if we might, document 5 in the bundle. Which, as I put to you, showed you before, he's now got to a stage where he's saying, in the first paragraph, "Generally the report can be described as a good report. It offers some great ideas and opportunities," et cetera. So I'm just simply saying, and so that you can in
30 fairness have an opportunity to comment on this - - -?---Yep.

- - - that on one view of it, it could be said there is a disconnect between the second sentence that has been inserted in paragraph 8 of this document, which was produced for your signature - - -?---Ah hmm.

- - - and the stance or opinions being expressed by the Chamber of Commerce, which was not a negative one, but a very, very positive one in
40 the sense it's talking about being a good report, great ideas, great opportunities. Do you care to comment on that?---Well, there was hope, there was great hope for this to facilitate growth in the area.

There was more than hope, wasn't there? There was a specific plan that had been worked through by HillPDA and Arup and others, put on exhibition. ---Well, that was the basis of the discussion that everybody was inputting to it. The great hope was that that would be expanded and, and more height and controls provided.

So having, I have assisted you by taking you back to correspondence, both 12 months out from this meeting and closer to the meeting itself.---Sure.

Views being expressed by your president seem to be very positive. And working with council, thanking council and so on, council thanking it, your Chamber of Commerce, that is it possible that the second sentence in paragraph 8 is something of a, either inaccurate or an overstatement or a wrong statement as to how the position had developed with the - - -?---I think the final result was a disappointment.

Sorry?---The final result or the initial approved urban plan was a disappointment from the expectation that we were seeking via all these representations.

A disappointment to whom, you?---I saw it, I saw it as a disappointment, yes.

Be that as it may, and I well understand not everyone is going to be satisfied and they might have good reason to state the – but looking at it from the contemporaneous position being expressed within 12 months or thereabouts by Mr di Giacomo, he wasn't running it down, he seemed to be really behind it. Isn't that right?---He was seeking to get a, an outcome, yes.

So, is your statement in paragraph 8 that the proposals of the Five Dock Town Centre seemed to be ineffective to achieve desired revitalisation of Five Dock, something of a misstatement?---Oh, I, I, I think that was my perception, that it, that is was ineffective, that it wouldn't achieve the outcomes that I thought we'd get.

Have you ever recorded that view anywhere else other than in this statutory declaration?---I think I wrote letters and, and spoke to council about higher and wider.

That's about the FSR and heights?---Yes.

Yes, yes. No, not - - -?---And the thickening of the thing, and so they were the disappointments that - - -

No, I'm talking about the project itself, which is the subject of paragraph 8. I'm talking about the proposals for the Five Dock Town Centre Study being ineffective. I just wondered whether or not - - -?---Oh, I believe, yeah, I believe that - - -

Have you ever expressed that view in writing anywhere else that you recall?---Sorry, my, my submissions were for, for bigger things and they weren't accepted, so my point of view was that it wasn't what I thought would be effective.

MR RANKEN: Yes. I just might need to clarify a couple of things. Firstly, if we could go to page 14 of the bundle. Now, this is that letter to Mr Sidoti and you see it was pointed out that the date in it is 4 March, 2013, and that would in fact be a year and a month before the meeting of the Chamber of Commerce on 7 April, 2014. But could we go back to page 8 in the bundle? Do you see this is the first page of the minutes?---Yes.

10 And if we scroll down, you see correspondence in and outgoing and one of the pieces of correspondence is a letter to John Sidoti regarding 186 Great North Road and invitation to chamber meeting and it's dated, it says, 04.03.14.---Yes,

So when you see those two documents together like that, is it not more likely that in fact the letter has been incorrectly dated by Mr di Giacomo insofar as it states the year as 2013?---I have no, I don't know.

Well, if you could go back to the letter.---Sorry, I'm - - -

20 Let's go back to the letter at page 14.---Yep.

One of the topics that's discussed there is "You are doubt aware of 186 Great North Road." Do you see that?---Yep.

And that's specifically how the letter is described, it's a letter regarding 186 Great North Road.---Yep.

30 And the letter is also described as being a letter inviting him to the Chamber of Commerce. So if we scroll down further, and do you see it refers to "We would like to extend an invitation to yourself and Mr Laundry to attend our next meeting being held on Wednesday, 26 March." Now, if I suggest to you that in 2014 the 26th of March was a Tuesday, but in 2014, 26 March was a Wednesday, would that not further support the suggestion that I am putting to you that in fact this letter is most likely incorrectly dated as having been sent on 4 March, 2013, when in fact it was 2014?---I don't have a particular opinion on that. I don't know. So, what is it?

Scrolling up to the top.---I don't know, I don't know. Yep. 4 March, yep.

40 And also the situation is, is it not, that in early 2013, the study that was being conducted by Arup and HillPDA was only really in its early stages, certainly March 2013. Correct?---I don't, sorry, I, yeah, I, I don't know. There was an economic study before the urban study.

That was in 2012.---Yes.

And then there was the Urban Design Study. That started really in 2013 and was finalised end of 2013 in about October. And if we scroll down in this

piece of correspondence, that fifth paragraph, “the Urban Design Study which is currently in its final stages of being assessed by consultants and council”. So, plainly, by this stage, the study has gone to council and is being further considered and assessed by the consultants and council.
---Appears to be, yes.

So all of those matters I’ve taken to you, from the content of the letter and the content of the minutes of the meeting - - -?---Yeah.

10 - - - would all indicate that, in fact, the only error in this document is that error of the year - - -?---It appears that way.

- - - in how it’s dated. Correct?---It appears that way.

And you said that you’d expressed in your submissions, your disappointment or your view that it was ineffective, the Urban Design Study. I wonder if we could go to page 43 of the bundle. Do you see this is an email from yourself - - -?---Yeah.

20 - - - dated 31 January to Marjorie Ferguson and copied to Ms Kelly and also to an address that you would accept is associated with Mr di Giacomo?
---Yeah.

And could you read aloud, please, the first sentence after the salutation to Marjorie?---Sure. “Thank you for your assistance during the design study process and I must commend Arup on the high standard of their report. Its detail and the way the issues are considered is certainly comprehensive.”

30 There’s no indication there that you considered the report and what it suggested was ineffective?---I, I believe I addressed the, the defects that I see in the report further on.

I’m not suggesting that you didn’t see that there weren’t areas for improvement - - -?---Yeah.

- - - but there’s a big difference, isn’t there, to say, well, these are things that I think could be addressed that would improve upon something and a statement that something is ineffective to be able to achieve revitalisation?
---I, I guess the import of the words is different, yes.

40 And you also said that your ideas were not taken up that you made submissions about. Correct?---Many of them weren’t, yes.

And do you see that specifically one of the key areas or the key issues for you was the need to increase the floor space ratio 2.5:1 and it should be closer to 3:1?---Yeah.

Needs to be higher than, I think it should say, 2.5:1 and closer to 3:1?---Yes.

And heights, these need to be 19 metres to allow six or seven levels on smaller sites and up to 25 metres on larger sites where thinner buildings would have less impact on the streetscapes - - -?---Yes.

10 - - - and provide acceptable yields. And do you agree that when the matter came before council on 20 May, 2014, that's after you have put in this submission, that one of the recommendations was that there be a bonus provision that would allow an increase floor space ratio of 3:1 on larger sites and an increase in the height to 27 metres on those larger sites, that is, sites above 1,500 square metres?---Yes.

Yes?---Yes.

And so, in fact, following you making these representations, your recommendation in that regard was accepted by council - - -?---Yeah, so, so the - - -

20 - - - in fact, what was proposed was greater than what you had asked for?
---So the, the process that, that, my stat dec is referring to the actual original urban study but the, but the meeting with council, the initial thing where we met with the councillors and then it progressed from there. So when I was saying "ineffective", it refers to the study at that point. That's, that's, and then this moved on, then I addressed - - -

I've gone past asking you about your comment on it being effective or not, ineffective - - -?---Yeah.

30 - - - and to what your evidence that you gave to the Commissioner about your recommendation not being taken up by the council. And this was a key recommendation of yours and, in fact, when it came to May 2014, it was part of the recommendation that was before council - - -?---But my stat dec refers to the, the meeting with, with, the original urban study.

I'm not asking you about your stat dec anymore. I'm asking you about the evidence that you gave before the Commission just a short while ago - - -?
---Yeah.

40 - - - where you suggested that your recommendation was not taken up by council.---Not all of them, I don't believe. (not transcribable)

No, it's not that none of them were taken up. It was just that some of them were and some of them weren't.---Yeah, there was a, a mix of things, which I guess you expect.

But you accept, don't you, that this was taken off.---I, I believe so, like, I, yeah.

Now - - -?---So, so the point is that I have that other concern that it didn't go far enough in making the town centre large enough, and that was not taken up, and that was a disappointment.

But do you accept that it is an overstatement to say that it was ineffective?

---That, that statement was made relative to the original urban study.

10 Do you accept though in this particular email that I've taken you to that there's nowhere in that email do you actually say that this study is ineffective to achieve revitalisation?---So this was after the urban study.

I accept that.---Yep.

And it's in response to the urban study.---True.

So you receive the urban study.---What date was this?

You form the view that it's ineffective. You put in a submission.---Yep.

20 And in that submission you do not say anything about you considering that the study is ineffective.---Yes. The, the detail, yes.

To the contrary, you commend Arup on the high standard of their report, its detail and the way the issues were considered, being certainly comprehensive.---Yes, it's an introduction to that letter, yes.

Now I want to move ahead to more recent events. You, at some time early this year, did you have occasion to bump into Mr Sidoti?---Yes.

30 And this is an occasion that is referred to in your statutory declaration. ---Yes.

And do you recall the date or when it was that you bumped into Mr Sidoti? ---I believe it was the first week after the NSW Open, which I think is the first week of April.

40 Well, the first week of April, or the first weekend of April, was the Easter weekend. Was it the Easter weekend?---I can't be sure but I, my thinking is that it was about a week after the NSW Open.

But have you got the dates of the NSW Open fixed squarely in your mind? ---No, I don't. It's probably late, late March, so probably the first week of April (not transcribable)

First weekend (not transcribable) - - -?---First weekend of April would align with when I (not transcribable).

And if it be that that first weekend of April was in fact the Easter weekend, then you would accept then it was the Easter weekend?---Yes.

Have you ever told anybody or said to anybody that you believed it was the Easter weekend?---I was unsure.

Have you ever – that’s not my question.---I, I think I - - -

10 I said have you ever said to somebody that - - -?---I believe, I believe I did, yes.

20 And tell us about this interaction that you had with Mr Sidoti. Firstly, where were you?---I was driving along The Parade, going east, at the roundabout of Moore Street when I saw him. He was walking his dog and I slowed down and wound down my window and said, “How are you going? You keeping out of trouble?” or something or other. And then he, he said, “Don’t stop here, go around the corner.” So he wanted to talk, so I went round the corner and parked in Moore Street, which is one block away, and he walked and I parked and got out of my car and I spoke with him for probably 15, 20 minutes.

Well, what did you say to him when you got out of the car or when he got to you?---Well, yeah, I, I, I guess the conversation started about the NSW Open because he had helped introductions at, I think, the club and Events NSW to get that happening. So I asked whether he’d attended that and then one thing led to another and we talked about - - -

30 You need to keep your voice up, please.---One thing led to another and we spoke about, yeah, what, what was happening with ICAC, yes.

Well, what was the conversation you had about what was happening before ICAC?---I, I don’t recollect exactly.

You don’t have a recollection now in the witness box as to what you said and what he said about - - -?---Oh, sorry. So, not, not the full detail of it but the, the essence of it was that he asked me how – I can’t remember – how, how he, he, he asked about, I don’t, I don’t know how it came out but we started talking about the, the meeting with the councillors.

40 Well, by “the meeting with the councillors” I take it you’re referring to the meeting that you’ve told us about that occurred at Mr Sidoti’s electoral office in Five Dock in April 2014?---Yes.

Well, how did the topic of the meeting with the Liberal councillors come up in your conversation with Mr Sidoti?---I don’t know. I don’t know. There was a far-ranging discussion about development in Five Dock and various things, I believe.

Sorry, when you say there was far-ranging discussion, do you mean that this conversation that you had with Mr Sidoti earlier on this year involved a far-ranging discussion about Five Dock?---Well, sorry, yes, I guess about what happened with the, the process that we went through.

So what was the conversation that you had with him?---So, he, he was talking and didn't remember the meeting that, that he organised with the Liberal Party councillors.

10 That would suggest that it was Mr Sidoti who raised the topic of the meeting with the Liberal councillors with you. So he was the person who raised?---I can't recollect that, but yeah.

Well, was it you who raised it then?---I, I, I can't recollect that.

Well, was there anybody else who was a party to this conversation?---No.

So it was one or other of who raised the topic but you can't recall who it was?---No.

20

And you can't recall what it was that led to it being raised at all?---No. I wish I'd paid more attention.

Well, what about the topic of ICAC, how did that come up?---I, I, I don't remember how it came up.

Well, did you raise the fact of the ICAC public hearing?---I, I don't recall. I don't recall.

30 At that stage, had you read any of the evidence or watched any of the proceedings?---I, I had seen things in the, in the paper, in the, sorry, digital - - -

In the digital media, is that right?---Media, yeah, sydney Morning Herald.com or whatever it is, yep.

Was it Sydney Morning Herald, is that - - -?---Yeah.

40 Any other news sites that you might have read?---Oh, I think I saw something on the TV one night.

On what channel?---Oh, I don't know. I can't remember.

Well, was it on the news?---Yes.

Do you have a general practice as to the particular news programs you watch?---No, I have teenagers. We, yeah - - -

So you don't recall whether it was 7, 10, 9, ABC, SBS?---No, no.

But this was before you bumped into him, is that right?---I believe so, yes.

Was there anything from watching those programs or reading that news that prompted you to raise ICAC with Mr Sidoti?---I, I think the, the, the initial thing was like, how are you going, how are you coping with things because I - - -

10 Do you mean it was a question you asked of Mr Sidoti?---Yes. Because I, I knew he was here, so that's, I think, how the discussion started about ICAC.

So you inquired as to how he coping with perhaps the stressors and pressures of being the subject of an inquiry then being heard by this Commission?---Correct.

And how did the conversation progress from there?---I, I don't remember the detail of it exactly but I do remember raising the issue of the meeting - - -

20

So it was you who raised the issue? I'm just trying to - - -?---I, I, I don't know who raised which, whether it was me or him but that, the issue came up and I reminded him of the fact that he'd organised it and he didn't recollect that and I think I said he was silly or stupid or something or other, or losing it and that's probably why I remember it because I used that term toward him.

Well, tell us about that. What did you say to him?---Exactly what I just said.

30

You reminded him that he had organised the meeting and "Are you silly, are you stupid, are you losing your mind" or something of that nature, is that it?---Yeah.

And that was the extent of the discussion about the arrangements for that meeting?---Well, he then asked me to recount what, my perception of what it was, of the meeting, I believe, and so I discussed that and "Remember you organised it? The councillors came and went." Yeah, we had a meeting with them.

40

Did you not have an appreciation at the time that Mr Sidoti was likely to have to give evidence at this inquiry?---No. What, no.

You didn't think that there might be an occasion that Mr Sidoti might have to give evidence before the public hearing that was into allegations concerning misconduct?---I hadn't considered it deeply, no. It wasn't, it wasn't part of any motivation to say anything, no.

I'm not suggesting that it was. I'm just wondering if you turned your mind to the fact that you were actually discussing with him matters that may be the subject, or something about which he may have to give evidence.---I hadn't given it that deep a thought, it was, it was - - -

You didn't (not transcribable).---It was a random on the street run into someone. Just, there was no deep thought applied to it at all.

10 And that is the extent of the conversation, to your recollection?---Yeah.

About this topic.---Yes. I believe so.

Was there any other discussion about matters to do with the ICAC inquiry?
---No.

20 And after that, did – well, sorry, withdraw that. At the conclusion of your conversation with Mr Sidoti, did you offer to assist in any way by, you know, if he needed any help or any evidence or - - -?---Oh, the usual “Let me know if you need anything” sort of thing. You know, general cordial
goodbye with that sort of a comment, yes.

When you said that comment, are you suggesting it wasn't actually necessarily a genuine offer to provide evidence or a statement?---Again, I didn't think about it too deeply, and I think when I was walking away he said would you mind if my solicitor called me. And I said okay.

And again this is - - -?---And that's how it ended.

30 - - - this is the first week, to the best of your recollection, the first weekend in April.---I believe so, yes.

And Mr Sidoti had suggested to you that his solicitor might call you?---Yes.

And did you receive any communication from Mr Sidoti's solicitor following that interaction?---I don't, for a couple of weeks I don't think anything happened, no.

40 So there were two weeks where you didn't hear anything from either Mr Sidoti or anyone else?---Correct.

Was there some contact that was made with you after that two weeks?---I think I got a phone call or - - -

And from whom was the phone call?---I think it was Mr Kazi.

And did he introduce himself to you as being Mr Sidoti's solicitor?---Yes.

And what occurred from there as far as your involvement in this matter?---I think he said he'd send someone over to have a chat with me about what had happened during the urban, what had happened during the urban study (not transcribable)

THE COMMISSIONER: Sorry, what had happened - - -?---During this urban study, which seems to be the focus of their interest. And, and they did, did send a, a female solicitor over to my office.

10 Sent who?---They sent a solicitor over to my office in Market Street.

And who was that solicitor?---I don't know her name.

Is it a male or a female?---Female.

How did the arrangements come about which led to that lady attending on you?---Oh, a series of either texts or phone calls, I believe. I was moving office at the time, so it was a very stressful time of fitting out a new office and pulling down an old office, so - - -

20

What month are we talking about now?---I'm sorry?

What month, what time of year?---Well, I think it's late April then.

MR RANKEN: Was it before or after the end of the public inquiry?
---When did the public inquiry end?

The public inquiry continued until 27 April.---I, I, I don't know when it started. It could have been that last week of the public inquiry. I'm not
30 sure. Two weeks, so the 3rd, the 17th probably that we started.

So is this the situation, you have the interaction with Mr Sidoti. There's then a gap where you don't hear anything. There's some telephone contact with Mr Kazi.---Yes.

And did he, was there any conversation at that point about the detail of the information or evidence you might be able to provide.---I, I don't, don't recollect. They just wanted to have a meeting with me, a chat with - - -

40 And relative to that conversation with Mr Kazi, when did the female solicitor attend upon your offices? Was it the next day, was it a day or two afterwards - - -?---I, I can't, I, I don't know, but it was, I think it was days.

Days.---Yep.

Okay, was it more than a week or was it less than a week?---I, I, I can't tell you accurately.

And this female solicitor, do you remember her name?---No.

And when she attended upon you, was she on her own?---Yes.

And did she have any notepad or - - -?---I think so.

- - - or was there, did she have a laptop with her or something of that nature?---I can't recollect.

10 And had you prepared any notes in advance of the meeting?---No.

Did she have any documents with her that she might have provided to you or shown to you?---No. No, I don't, sorry, she had paperwork. I think she may have had a laptop in her hand. I don't know. She had a bag so I don't know what she had in it but, no, I was not, I don't think I was given anything.

And how long was the meeting for?---10 minutes, 15 minutes at the most.

20 10 or 15 minutes?---Probably, maybe.

And during the course of the meeting, was there discussion about the substance of evidence that you might be able to give in relation to the events of 2014 and thereabouts?---I believe so.

And was this female solicitor, was she writing things down on a piece of paper at all or - - -?---As I said, I can't recollect whether it was written or typed. I can't remember.

30 Well, did she had a tape recorder with her and recording the audio of the conversation?---I don't, I don't remember a tape recorder. I, I can't recollect.

I'm just trying to just - - -?---No, I understand. Well, you can imagine I'm in a demolition zone basically, we were pulling out an office and so she was meeting me while were pulling down - - -

40 Do you recall anything of the terms of the conversation you had with her? ---I believe so. Well, I spoke about how the plan had gone, all the various ins and outs of that, that we've been through today.

What do you recall yourself saying to her about the planning - - -?---Where do we start? So, it's really the things that we've spoken about today, went through various things about the urban plan, how John was involved in the meeting of the councillors, how I was disappointed with the result of the whole thing. That, that's about it.

So this process went for some time?---It did.

And the fact of the matter is, is it not, that there were different iterations and different changes to the plan from time to time, correct?---Yes.

And is the situation that ultimately at the end of it all, after it had gone for some years, you yourself were not happy with the ultimate result of what the council approved?---I, I don't know where it's up to now. Just at that point in time it was a disappointment and I thought it was a missed opportunity.

10 Well, what about when you left the Five Dock area in terms of relocating your business - - -?---Not in, not in that, but I'm talking about, I, I felt disappointed in 2015 or whatever, which was the - - -

THE COMMISSIONER: Sorry, I'm having trouble hearing. What did you just say?---Yeah, sorry, I was disappointed about the result at that point in time and then I guess I pulled out of the area and had very little to do with. So my disappointment about the plan, and I have seen buildings now built, and it's sort of like, it could have been great, you know?

20 MR RANKEN: Now, is it possible that your disappointment with what you see in terms of the buildings now has coloured your recollection as to how you perceived the plan as it was, contemporaneously, with the events in the correspondence that we've taken you to?---I don't think so but perhaps, but I don't think so.

So, what happened? This solicitor attended upon you, you can't recall whether she was even writing things down.---She was recording but I'm not sure whether she was tying it or writing it. I can't, I can't, I can't remember.

30 Did you see or were provided with a copy anything that she did write down or - - -?---I believe I was provided with something by David Andersen, hand delivered. I think that was the result of her - - -

THE COMMISSIONER: Now, you're talking about on a later occasion?

MR RANKEN: Sorry, I might have - - -?---Oh, sorry, did she provide me with something?

40 Did she provide, yes.---No.

So at the end of the meeting were you left with any documents, either notes that she had taken or a copy of notes she'd taken?---(No Audible Reply)

No?---No.

Any other contemporary documents that might relate to the events?---(No Audible Reply)

No. And did she show you any documents during the course of the meeting?---No. I don't, I don't believe so, no.

But you say that at some stage later you were handed a document by Mr Andersen, is that right?---Yes. I think a few days later.

10 So a few days after this meeting, do we take it that between that meeting and Mr Andersen providing you with the document, you didn't have any contact with anybody in relation to the matter?---I believe so, yes.

And what did you understand was to happen at the conclusion of the meeting with the female solicitor? Were you left with the impression that a statement would be prepared on the basis of notes she had taken, or how was that aspect of things left?---I just said we'll be in touch, I guess, was the -

20 THE COMMISSIONER: Sorry?---Just said we'd be in touch. I, I didn't, there was no further commitment.

MR RANKEN: So at this stage had there been any indication to you that you might be asked to make a statement or a statutory declaration or give evidence at the hearing?---Probably. It was probably inferred.

So, well, was it actually said to you?---Sorry, of the three, of the three things?

30 Any one or other - - -?---Probably one, one of them at least, yes. To make a statement - - -

Well, which one do you recall?---Make a statement.

Who do you recall telling you that they would want you to make a statement? I'm talking at this stage when you've had this conversation with the solicitor.---No, I, I, I don't think she said that at that point in time. I, I think - - -

40 Was it Mr Kazi who said it before?---No, he didn't, he just said, "I'll send someone to see you," and then he was going to come and see me, then he couldn't, so he sent someone.

So neither he nor the female solicitor suggested that they would want you to make a statement. Was it Mr Andersen, when he provided, when he handed some document to you a few days later?---I, I can't remember. I, I, I'm not sure whether I got a call from Lisa Andersen saying, "Would you mind making a statement," and then that's when I got a draft of a statement from David Andersen, or not, I can't remember the, the timing of it.

THE COMMISSIONER: Tell me about the, you say you got the statement from David. Where and how?---Oh, they rang and dropped something off at my house, and my, was given to one of my daughters, and they gave it to me.

MR RANKEN: So you didn't actually see who it was who dropped off the document?---No, but I believe it was David Andersen because he rang and said, "I'll be dropping it off." And, yeah, I don't know why I wasn't available, but - - -

10

And had you met David Andersen at that stage, as in - - -?---No.

So you didn't even know what he looked like?---No.

And what about Lisa Andersen? Had you met her?---No.

But you did know that they were related to Mr Sidoti?---They explained that.

20

And what did you do with the document when you received it from - - -?---I think I glanced over the front page and scanned it.

What do you mean by "scan"? Do you mean scanned it with your eyes or scanned it with (not transcribable)?---No, no, scanned it digitally and sent it to my assistant to copy type.

And when it was provided to you, what did you understand you were to do with it?---To assess what was said and make comment on it.

30

So why ask your assistant to copy type it?---Because the easiest way is to do it digitally, type it.

So you scanned it and you sent it to your assistant to, and asked her to copy type it?---Yeah, probably the next day when I went to the office, yes.

So that would have been the next day that you did that?---Yes.

40

I wonder if we could then go to, if we go to page 59 in the bundle. Now, do you see at the bottom of that page there's the beginning of an email from yourself - - -?---Yes.

- - - dated 15 April, 2021 at 2.12pm. And if we follow down, scroll down further, it's to a person by the name of Danielle Yagong.---Yes.

And is she an employee of yours?---Yes.

Is she your personal assistant?---One of, yes, one of our assistants, yes.

And the subject is “Please type ASAP”. Is this the email you’re referring to in relation to you think, as to what you wanted someone to do with the document?---Yes.

If we could scroll down further. In fact, it’s a forwarded message because you had, from the scanner at your business address there was a PDF file comprising three images, which would be consistent would you agree with three pages.---Yes.

10 If we scroll down further and there we can see the PDF icon. If we can scroll to the next page, which is page 61, do you recognise this document?
---Yes.

Is that the document that you received after you’d received a telephone call from Mr Andersen about (not transcribable)?---Yes.

I might just pause. We’ve got some difficulty with the MS Teams. We’re back up again.

20 FEMALE SPEAKER: Apologies. Can I ask for that to be repeated, please?

MR RANKEN: Yes. Just for the, do you recognise that document?---Yes.

And is that the document that you received after you’d received a telephone call from Mr Andersen saying that he was going to drop something around?
---Yes. Yes.

30 Was there any instruction given to you, possibly by Mr Andersen, as to what you were to do with the document?---Just review it and have some, make some comments.

Do you recognise the handwriting that we see on that page?---No.

Up the top, there’s some handwriting in red that says, “Thanks, Glen. David Andersen,” and there’s a mobile telephone number. You don’t recognise that number?---No. That’s David Andersen’s number, I assume.

40 But you don’t recognise – sorry. You don’t recognise the handwriting?
---No.

And the reference to “vol 6 345-60” - - -?---No.

- - - that’s not your handwriting?---No.

And not any handwriting of anyone you - - -?---No.

What about the details of the person referred to as Bryan Belling. There’s some handwritten - - -?---No.

- - - words there, and a phone number?---No.

And what appears to be the word “email” and then an email address for Mr Belling?---No.

Was there ever any suggestion to you that you may wish to speak with a solicitor about these matters?---No.

10 About possibly putting you in contact with someone who could assist you with preparing a statement or a statutory declaration?---Not that I recollect.

There was no suggestion to you of the names of any solicitors that you might be able to see or speak to?---Not that I recollect, no.

If we could scroll down the page, do you see at paragraph 4 and 5, if we could scroll down a little bit further - - -?---Mmm.

20 - - - there’s a number of items of handwriting on the document?---Yes.

Do you recognise that handwriting?---No.

And was that handwriting on the document when you received it?---I believe so.

Equally, was the handwriting that I took you to before at the top of the document, was that on the document when you received it?---I believe so.

30 THE COMMISSIONER: Do I take it that none of the writing you see on the screen now in relation to paragraphs 4 and 5 is your writing?---Correct.

Is that right? None of it’s yours?---No.

MR RANKEN: And if we scroll down further, at paragraph 8 and paragraph 9, any of that handwriting yours?---No.

And do you recognise any of that handwriting - - -?---No.

40 - - - as being anyone you know?---No.

Go to the next page. Handwriting at paragraph 11?---No.

13, any of the handwriting, do you recognise any of that?---No.

Or at 14?---No.

And what about at 15?---No.

Do you see that at paragraph 14, it states, "I cannot" – sorry. I withdraw that. The typed portion of it states, "I cannot any dates in particular in 2014 but I do recall meetings where the urban study was discussed."?---Yes.

Do you see that?---Yes.

But somebody has actually crossed through the words "I cannot any dates in particular in 2014 but" - - -?---Yeah.

10 - - - do you see that? So that it now reads, "I do recall meetings where the urban study was discussed."- - -?---Yeah.

- - - see that? And somebody has actually suggested with handwriting that perhaps the words "Five Dock" should be inserted - - -?---Mmm.

- - - before the word "urban study"?---Mmm.

And if I could go then to paragraph 15. Do you see it states there, "The meeting where the urban study was discussed had about 30 attendees."?
20 ---Yes.

And that somebody seems to have inserted with handwriting that you say is not yours and you do not recognise - - -?---Mmm.

- - - the words "occurred" there might be some words, a short word that had struck through, but then "in April 2014."?---Yeah.

And do you see it goes on to say, "I recall hearing the comments made by John contained in the minutes and I agree with those comments."---I can see
30 that.

Had you looked at the minutes as at 15 April, 2021, to your recollection?
---No.

THE COMMISSIONER: Well, how do you explain that inclusion of that in your statement?---Sorry, this was provided to me. I, I, I - - -

MR RANKEN: So you didn't write those words?---No.

40 THE COMMISSIONER: I withdraw that. It's not really your statement. It purports to be a record of a discussion you had with this female solicitor.
---It appears to be, yes.

Yes. And as at that time, I take it from what you've just said that you had not heard the comments made by Mr Sidoti contained in the minutes?---No, I didn't recall those minutes.

Is that right? Is that right? You hadn't seen the minutes.---No, you, you've just shown them to me now.

Yes. A short while ago, yes.---Yeah.

But as at the time of the conference or meeting with the female solicitor, where it says that - - -?---I don't, I don't recall being shown - - -

10 Just hold it for a moment. Where it says the meeting where the urban study was discussed had about 30 attendees. "I recall hearing the comments made by John contained in the minutes." So had you, at the time you had this meeting with the female solicitor, seen the minutes?---I, I don't believe so.

MR RANKEN: And the situation is you assume that this is a record of the meeting that you had with the solicitor.---Yep.

20 But you weren't the person who typed up these notes, correct?---No. The meeting was fairly manic, as I said, 'cause we were demolishing an office fitout, so there was a - - -

And certainly would you suggest that if this document includes the words "I recall hearing the comments made by John contained in the minutes and I agree with those comments," that would not be an accurate reflection of anything you said to the solicitor?---No.

Because you hadn't seen the minutes at that stage.---Correct.

30 So you were in no position to be able to say whether or not you agreed or disagreed with the comments made by John.---Correct.

And in fact you've told us in your evidence today that insofar as the minutes record Mr Sidoti suggesting there should be 3.0:1 floor space ratio on both small and large sites, that's something you in fact do not agree with. ---Correct.

It goes on to say, "During the meeting there was a lot of division about vision." Do you see that?---Yes.

40 "The proposal was intended to keep things as they were, and even though it was a 20-year plan, it was a plan made 20 years ago. Looking around, it seemed Five Dock was staying as," and somebody's crossed out the word "in" and written "is".---Yep.

"And nothing was happening. People mostly driving through it rather than driving to it."---Yeah.

Now, you see there's, other than the reference to there being, during the meeting there was a lot of division about vision, there's no reference to it

being, there being heated debate. They're not words that you've used that appear in this.---True. But the division bit was, people were emotional about it. That's I guess where (not transcribable)

It doesn't say there were people getting emotional about it.---Obviously not stated as emotional but that, that was the fact of what was happening.

And it goes on, and I've gone on the rest of it. Do you recognise any of the handwriting around paragraph 15?---No.

10

There are some questions that appear to be posed in handwriting, who was there? What was said to the best of your memory? Do you see that?---Yes.

And over, and above paragraph 16, there appears to be some handwriting that's encircled, and it's quite poor handwriting, but if I was to suggest to you that it says, seems to say "date show email" and there's a line through it, would you agree with that interpretation of - - -?---"Date show email"? Sorry, I don't - - -

20

Do you see where it says on the left-hand corner - - -?---Yes, yes.

- - - it says April 2014?---Yes.

And, but from the word "April", there seems to be a line that goes down what appears to be - - -?---Oh, I see - - -

- - - a word.---I don't, I don't know.

30

You just simply can't read those.---No.

Because it's too un-neat, the handwriting. That's okay. You wouldn't be prepared to say whether or not it actually said "date show email" or something else?---No, I don't, I don't know what it's, who, who did it, but I had nothing to do with it.

THE COMMISSIONER: Do you recognise any of the handwriting on the document that you're seeing now around - - -?---No.

40

- - - paragraph 16?---No.

17?---No.

No? Not yours?---No.

MR RANKEN: And not any handwriting that you asked someone to place on the document?---No.

But there are some portions of the document that appear to have words struck through, that is, typed words that have been struck through?---Yeah.

And was all of this handwriting that we see at paragraphs 15 and 16 on the document when you received it?---Yes.

Underneath paragraph 16, there's in handwriting the words, "I recall asking John to get three Liberal councillors to attend a meeting." Do you see that? ---Mmm.

10

And then it goes on further in a different pen and apparently different handwriting. Would you, as best as you can make out, can you read that blue handwriting underneath - - -?---No. I can read it but, well, sorry, part of it but I don't - - -

Does it appear to say "took place"?---Yeah, but I don't - - -

At, well, "JS", can you see "JS"?---Yes.

20 And can you make out the letters "O-f-f-i"?---Yes.

Possibly, the beginning of the word – sorry, "office", do you think?---Yes.

"At 5" and then "D-o"?---Yes.

And then in brackets 6th or perhaps maybe uses parentheses or maybe not, but "16.4"?---Yes.

30 And then does it say, are you able to read what appears to be a quote?---No. No, I have bad handwriting but this is worse.

You can't even, you can't make that out - - -?---No.

So you, as a result, being not able to actually interpret what is there, you wouldn't even actually be able to say whether or not that accords with your memory of things?---No. I mean, no - - -

Because you don't know what's actually written?---No.

40 Paragraph 18, do you recognise the handwriting for the amendment there? ---No.

And if we could then go over to the next page, there's further handwriting at paragraphs 20, 21 and 22. And do you recognise any of that handwriting? ---No.

23 and 24?---No.

And below 24?---No.

And do you see where it says, “When you say the meeting was combative, what do you say and to whom?”---Yes.

“What did you say” – sorry, “and to whom?”---Yes.

And if you scroll down a bit further, “You can add how long you’ve known John and in what capacity and your opinion of him.”---Sure.

10

Was all of that handwriting on this document when - - -?---I believe so.

- - - you received it? And did you read through this before you scanned it?
---No.

But would you agree that it rather has the appearance of the beginnings of a draft statement with particular suggestions as to changes that should be made to it, together with some questions for you to perhaps ponder with a view to including further information?---Yes.

20

Is that how you received the document, like, when you received it, that you understood that’s what you were to do with it, make the changes that had been made, that had been identified in handwriting - - -?---Yeah.

- - - and then - - -?---Well, to, to assess it first, I think. Yeah.

But in order to assess it, you asked your assistant to copy type it?---Yes.

30

And by copy typing, did you mean, there’s the document, it’s got all these handwritten changes on it - - -?---Yeah.

- - - make those changes, as well?---No, just, I wanted a basis to electronically respond ‘cause my handwriting’s not great and so that was why I asked her to copy type it, so whatever I ended up, whatever she copy typed, I ended up with.

Well, have you still got a copy of the document that was copy typed?---I found it a day ago.

40

Have you got that with you?---Yeah. And she’s done a better job than you and I of reading the handwriting. That’s it, there.

Can I ask you to produce that to me, to the Commission?---Yes.

Might I approach?

THE COMMISSIONER: Yes. Mr Haron, can I just understand the process that involved you so far as the time you had a call from Mr Kazi until the day you met with Mr Andersen at the Starbucks - - -?---Yes.

- - - premises, at the outset after Mr Kazi spoke to you and the young lady, the solicitor came to you, you had some idea that this might be leading to you being asked to provide some form of a statement or a document that could be used in the Commission's proceedings here concerning Mr Sidoti, is that right?---Yes.

10

And then as events unfolded, after the meeting with the female solicitor, in which you had the meeting with her and gave her some information, from that point after, after that had happened, and from that point until you signed the statutory declaration, there was the creation of documents, one of which we've just been through on the screen.---Yes.

Which involved you. There were communications back and forth on different aspects with Mrs Andersen, Lisa Andersen, and Mr Andersen about obtaining the statement, statutory declaration.---Yes.

20

And there would have been, what, several of those conversations at different points of time with the two of them and yourself.---Probably. Yes.

Then you, did you ever meet face-to-face with Ms Andersen about the statements or the statutory declarations?---No.

Did you have all dealings with her by phone about this matter?---I think I only dealt with her twice by phone.

30 And did you speak to Mr Andersen on the phone (not transcribable) - - -?
---A few times, yes.

- - - about the production of what became the statutory declaration?---Yes.

And eventually it reached the point where the statutory declaration, its final form, was produced to you on the day it was signed.---Yes.

40 But is this right, the involvement of the solicitor ceased after the young lady who had come to your office and had met with you, and from that point forward you were not dealing with lawyers acting for Mr Sidoti, but you were dealing with his sister and her husband, Mr Sidoti's brother-in-law, in the process leading to the production of the final statutory declaration, is that right?---Correct.

So did you ever in that period of time, up to the time you signed the statutory declaration, ever hear from the solicitor again? Did he ever discuss or did the young lady, the female solicitor, ever come back into the

picture to discuss the production of the statutory declaration?---Not that I recollect.

So all dealings that post-dated the meeting you had with the female solicitor to the time you signed the statutory declaration were handled through Mr Sidoti's relatives, his sister and - - -?---Yes.

- - - and his brother-in-law, is that right?---Yes.

10 MR RANKEN: Mr Haron, could you inform us or enlighten us as to how it was you came to locate this document?---I was catching up with emails from Danielle, and she regularly copy types things, and I opened that only yesterday and found it. So I - - -

So was this attached to an email?---Yeah, she copy typed.

Do you have a copy of the email to which this was attached?---It would have been the same day as the email that I sent to her which she just (not transcribable) do it straight away.

20

That wasn't my question. My question was do you have a copy of the email?---I, I would have, yes.

Could you provide that copy, a copy of that email to the Commission? ---Yes.

Did you do anything with this document?---No, I, I, I - - -

30 Is this the situation, the first time you've actually seen this version of the document that you've now provided to the Commission was yesterday when you opened up the email from Danielle Yagong - - -?---Yes.

- - - either of 15 April or 16 April of 2021?---Sorry, so, yes, so she sent it back and yesterday was the first time I opened it. That's why I found it and printed it out.

And you haven't read it, you hadn't read it before?---No.

40 So does that mean, then, that you received the document with the handwriting, you got it scanned in, but you have never actually really read that document in detail - - -?---Not really.

- - - other than me taking you through it now?---Not really. Well, no, sorry, that's the answer to - - -

Commissioner, I note the time, and I still do have some time, a little bit of time to go with Mr Haron. And in light of the disclosure of this document, I'll need time to be able to consider it overnight.

THE COMMISSIONER: Mr Haron, I regret that we can't finish you this afternoon, but it will be necessary for you to return tomorrow, I'm afraid. Now, because it's unexpected, you may have other arrangements in place. I appreciate you're a businessman and - - -?---Yeah.

10 - - - you've got commitments and so on. Does time permit you to rearrange anything you had planned for tomorrow morning to be here at 10 o'clock or - - -?---I just have a teleconference with America at 8 o'clock. I just don't know whether I - - -

Look, I'm happy to try and work around your - if there's commitments you can't change, we'll try and work out a way in which we can take your evidence - - -?---If you could do that, that'd be fantastic.

Would you like to make some inquiries about that, and you can advise Counsel Assisting as to what's - - -?---Sure.

20 Okay. So the present arrangement is to recommence at 10 o'clock tomorrow. If you're able to assist the Commission by rearranging business arrangements or other personal arrangements to be here 10 o'clock, I'll ask you to do that. If, however, you do have a commitment that you just simply can't change, then if you'd discuss with Counsel Assisting the best way around that and we'll try and accommodate it.---Thank you.

All right, thank you. Nothing else?

MR RANKEN: No, nothing else.

30 THE COMMISSIONER: Thank you. Then I'll adjourn.

THE WITNESS STOOD DOWN [4.02pm]

AT 4.02PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.02pm]