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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 THURSDAY 30 SEPTEMBER, 2021

AT 10.30AM

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THE COMMISSIONER: Mr Haron, just take a seat, thank you.

MR HARON: Thank you.

THE COMMISSIONER: Firstly, my apologies for the delay in starting this morning. I understand there was some technological problem that's been sorted now. Ready to resume with Mr Haron?

MR RANKEN: Yes.

10

THE COMMISSIONER: Now, Mr Haron, what I'll do is I'll have the oath readministered to you, and deal with a couple of formal matters as well.

MR RANKEN: Commissioner, you may recall that Mr Haron took an affirmation.

THE COMMISSIONER: An affirmation, that's right, yes, thank you.

THE COMMISSIONER: Thank you, Mr Haron. Mr Haron, I'll just explain to you, yesterday I made a declaration under section 38, as we discussed.---Yes.

And I just put on the record formally that declaration continues to apply to today's proceedings.---Thank you.

10

Anything else by way of formalities?

MR RANKEN: No, Commissioner, other than perhaps one matter to correct for the record. Commissioner, you may recall that yesterday I asked some questions of Mr Haron about the transcript from the public inquiry at page 1758, and you may recall there was some difference between myself and Mr Neil about what was actually recorded. It appears that inadvertently the version that was appearing on the screen was a version which had not been proofed, that had since been rectified, which is why Mr Neil quite properly raised the matter, because the copy that Mr Neil had was a copy of the proofed transcript, which said the - - -

20

THE COMMISSIONER: This is the transcript of page - - -

MR RANKEN: 1758 of the public inquiry, which did use the word "invited" instead of "involved".

THE COMMISSIONER: So the transcript, the un-proofed version, had the word "involved" in it?

30

MR RANKEN: That's correct.

THE COMMISSIONER: And I think it's agreed, is it, between you and Mr Neil that that should read - - -

MR RANKEN: That should be "invited", and that was pointed out to me by Mr Neil and his learned junior.

THE COMMISSIONER: "Invited", and you accept that that's appropriate to have that correction noted.

40

MR RANKEN: Yes, just to note that correction.

THE COMMISSIONER: That "involved" was an error, and it should have been "invited", as Mr Neil has raised. Very good. There's one other matter, the live streaming, there has been a little difficulty occasionally in the voices being heard sufficiently clearly for people to hear, and the importance of that of course is also the importance of accurate recording of the

proceedings. I think it's mainly concerning, perhaps Counsel Assisting and myself are closer to the microphone.---Ah hmm.

But, Mr Haron, no criticism of you at all, please don't misunderstand me, but if you wouldn't mind just being conscious of keeping your voice up, perhaps a bit more than you're used to, customarily speaking, just so that we do ensure that the volume is adequate, both for people to hear and for recording purposes.---Of course (not transcribable) yep. All right.

10 If I remind you occasionally, please don't take offence at that. We all slip into the unconscious, inadvertent perhaps dropping of the voice, but I just sound that as a piece of advice really.---Understood.

Yes, Mr Ranken.

MR RANKEN: Yes, thank you. Now, at the conclusion of your evidence yesterday, we were dealing with the document that contained or comprised of some typewritten notes, and there were various handwritten additions and purported corrections to those typewritten notes on the document that you
20 have received, you understand from Mr Andersen sometime in the middle of April 2021. Do you recall that?---Yes. Yes.

And you had provided the notes to your secretary, your, sorry, personal assistant by way of scanning them and forwarding that onto her - - -?
---Correct.

- - - so that she could copy type and I think you told us that you did not actually read either the typewritten notes or the handwritten changes to it before you scanned it and sent it to your secretary.---Very basic skim, yes,
30 and gone.

But not reading it - - -?---No.

- - - word for word and in detail?---No.

And I think it was also your evidence that she, that is your personal assistant subsequently did undertake that copy-typing process and returned it by email that same date.---Yes.

40 And you produced to the Commission a copy of the email from your personal assistant attaching the copy-typed version of the document.---Yes, I did.

I wonder if we could have that document brought up on the screen. And do you recognise the document you see on the screen now?---Yes, I do.

And is that the email from your personal assistant to you on Thursday, 15 April, 2021 - - -?---It is.

- - - at about 3.32pm?---Yes, it is.

And if we could scan through a couple of pages. If we could stop there briefly. Do you see that it is in response obviously to your email of about an hour and a little bit earlier?---It is.

Which requested the copy typing. And if we can continue on.

10 THE COMMISSIONER: Sorry, are you bringing that up on the screen?

MR RANKEN: Yes, it's up on the - - -

THE COMMISSIONER: Oh, I see. It's not on the monitor here that I have, Mr Haron. Is it on your - - -?---No.

It's not.

MR RANKEN: Oh, okay.---I can read, I can read it though from here.
20

THE COMMISSIONER: You can read from there?---Yes.

All right. It may be necessary to adjourn to have this corrected if we're going to go to other documents.

MR RANKEN: We will certainly be going to other documents and perhaps if we could do that briefly now. I would expect it would only take - - -

THE COMMISSIONER: A short time.
30

MR RANKEN: - - - a very short time.

THE COMMISSIONER: All right. I think it's better to try and sort it out now as you suggest so I'll adjourn for a short time so that can be rectified. I think it is better to have the monitor.

MR RANKEN: Might I inquire of Mr Neil and Mr Tyson whether or not they are able to see it on their screens?

40 MR NEIL: Yes.

THE COMMISSIONER: You are able to see it, Mr Neil?

MR NEIL: Well, I'm looking now at – Commissioner, I'm looking now at the front page and I can see it's starting at - - -

THE COMMISSIONER: It's the email of 15 April, 2021.

MR NEIL: Yes, we can see that.

THE COMMISSIONER: All right. Well, you're seeing more than I'm seeing. I've got a blank screen. So it sounds like it's a problem more localised to the screen on the bench and Mr Haron's witness box. So I think we'll get that fixed and then we'll resume. I'll adjourn for a short time.

SHORT ADJOURNMENT

[10.38am]

10

THE COMMISSIONER: Yes, ready to go?

MR RANKEN: Yes, we are. I think those screens are now able to show the documents.

THE COMMISSIONER: Yes, I can see. Yours is working?---Yes. Yes, Commissioner.

20 MR RANKEN: And if we could just bring up that document again, the email and its attachment, please, and if we could scroll through. I've scrolled through the email I think, but if we could go to the attachment. And you see that appears to be the typewritten version of the notes, but without any handwriting on it, it seems to have been incorporated into the - - -?---Yeah, it's, it appears my assistant typed, retyped some of the handwriting as well, yes.

30 But this is, you're satisfied having – if we could scroll through further to the end of that document.---Yes. Yeah, Danielle's shown the, in the question marks, the things she didn't understand, but yeah, well, she's fairly accurate.

And are you satisfied though that that is the document, the email and the attachment that you located a couple of days ago, is that correct?---Yes. Yes.

I tender that email dated 15 April, 2021 and the attached typed document.

THE COMMISSIONER: Yes, is that Exhibit - - -

40 MR RANKEN: 47.

THE COMMISSIONER: 47, yes. The email from Mr Haron's assistant dated 15 April, 2021, 3.32pm, both documents, the email and the attachment will be admitted as one exhibit, Exhibit 47.

#EXHIBIT 47 – EMAIL AND ATTACHMENT YAGONG TO HARON DATED 15 APRIL 2021

MR RANKEN: Yes, thank you. And just could I confirm of what I understand was your evidence from yesterday, was that prior to coming across the email a couple of days ago, you hadn't actually read the email or the attachment?---No.

10 Now, I want to just clarify some evidence that you gave yesterday, and to that end I wonder if we could bring up page 1880 of the transcript, which is the transcript from the afternoon session of yesterday.

THE COMMISSIONER: I take it it's essential to have the transcript page before you can deal with the matter?

MR RANKEN: Perhaps I might deal with it by reading out the relevant portion.

THE COMMISSIONER: Either that or you can – here we go, yes.

20 MR RANKEN: We have it now.

THE COMMISSIONER: Good.

MR RANKEN: And do you recall that I was asking you some questions about the meeting that you'd had with the female solicitor from Mr Kazi's or KPL Lawyers who had attended upon you at your business premises in the city?---Yes.

30 And I'd asked whether or not you had been left with any notes that she might have typed and I think you said "No" and she hadn't shown you any documents, whether she'd shown you any documents during the course of the meeting and you said "No" but you did say that at some stage later, you were handed a document by Mr Andersen?---Mmm.

40 And I asked you the question you may see at line 8. Sorry. Can we scroll down a little bit? Sorry, at line 8. "So a few days after this meeting, do we take it that between that meeting" that is the meeting with the solicitor, the female solicitor "and Mr Andersen providing you with the document, you didn't have any contact with anybody in relation to the matter?" And you said, "I believe so, yes." I just wanted to clarify what you meant by that answer and no criticism of you. It's actually a criticism of myself, perhaps, and the way I asked the question. Was the situation that you did have contact with someone in between the meeting with the solicitor and receiving the document from Mr Andersen or is the situation you did not have any contact?---I, I can't recollect. I, I can't recollect. Sorry. So I don't believe so. I, I think there was the meeting the solicitor and then I can't remember whether I got a call from Lisa Andersen or Mr Andersen

saying "I've got a document" and then Mr Andersen coordinated dropping off that document.

So as far as your recollection is concerned, any contact that there was between the meeting with the solicitor and you receiving the document that you then passed on to your personal assistant - - -?---Yeah.

- - - it was contact from either Lisa Andersen or Mr David Andersen. Correct?---I, I believe so.

10

And was that contact telephone contact?---Yes.

And were they brief telephone conversations or text message?---I, I, I can't remember. I, I, I think, I, I believe they were just short phone calls to coordinate - - -

And was the only topic discussed in those phone calls the coordination of getting the document to you?---Yes. For my comment, yes.

20

Was there any discussion during the course of those conversations about the content of the document?---I don't, I don't believe so, no.

And, indeed, I think you've said that when the document was provided to you, it was actually provided to you by your daughter.---Yes. Mr Andersen delivered it to my home, the front door, yeah.

I understand that. But you didn't have any interaction with Mr Andersen when it was dropped off at your home?---I don't believe so, no.

30

Could we then go to page 1889 of the transcript.

THE COMMISSIONER: One eight?

MR RANKEN: Eight nine.

THE COMMISSIONER: Eight nine.

MR RANKEN: You were asked a series of questions by the Commissioner.---Mmm.

40

This is very much towards the end of your evidence yesterday. And the Commissioner directed your attention to that time period between the time you had the call from Mr Kazi until the dates that you actually met with Mr Andersen to finalise your statutory declaration at the Starbucks café near your work.---Mmm.

And the evidence you gave in this passage of transcript indicates that after the initial contact with Mr Kazi, and apart from the attendance upon your office by the female solicitor - - -?---Mmm.

- - - any further communications that you had concerning the statutory declaration and its preparation were with either Lisa Andersen or her husband.---Yes.

10 And one of the things the Commissioner asked you was whether you spoke with Lisa Andersen and I think you said that you spoke with her on two occasions.--- I believe so, yes.

And you were also asked and you also indicated that you didn't have any face-to-face meetings with Mrs Andersen.---No.

And insofar as your contact with Mr Andersen is concerned that there was some contact on the phone a few times.---Yes.

20 And I just want to ask you about the nature of your communications with Mr Andersen relating to the statutory declaration.---Sure.

Were they lengthy telephone conversations or were they brief telephone conversations?---Fairly brief, yeah.

Were there any discussions about the content of your statutory declaration? ---So, so in essence they wanted a statement from me and I was busy. Time was of the essence for them so I suggested they prepare something and submit it to me for comment.

30 But were there any questions where, for example, or was there any conversation with Mr Andersen, for example, where he is asking for you to relay to him a narrative or asking questions about what happened and what you recall of particular things?---I, I don't recall that sort of discussion happening. We were both short of time. I was very stressed, moving office and various things happening, and I just said, "Send me something and I'll look at it," which I did. I subsequently replied via email.

40 And so any reply or response you gave was actually in writing by email? Is that what (not transcribable) - - -?---All the, any detail relating to the statement was I believe written.

That you did?---They, they sent me a draft to make it easier for me to comment on something, much shorter than this long document we've previously spoken about, and I provided feedback on the alternative clauses to things they were suggesting and some modifications.

And insofar as the preparation of the draft statutory declaration was concerned, apart from the meeting, the relatively brief meeting with the

female solicitor who attended upon your office, there was no one who you actually went through the narrative of your recollection of the relevant events that were to be covered by the statutory declaration?---No, only via email and then finally when I – it might have been on the phone about the date because I was concerned about exactly what date it was. So the second draft and the final document varied just in that issue alone I believe.

10 In relation to a particular date?---Yes. Because I was uncertain. I didn't write it down or whatever what day I saw Mr Sidoti but, so I had to think about all the things that have happened and try to put a date on it, and because I was unsure I didn't want to state a particular date that could be wrong, so I said it was about early April because I wasn't exactly sure.

But as I understand your evidence from yesterday you now have some confidence in it being the very first weekend in April - - -?---I believe so but - - -

20 - - - which was the Easter weekend? Is that - - -?---But I didn't have that confidence when I signed - - -

I understand.--- - - - the stat dec so I didn't want to make a misstatement, so I asked that it be changed to say early April rather than a particular, sorry, early, early April rather than a particular date.

And that change and that discussion about that aspect of your statement was a telephone discussion, was it?---I believe it was because there's no correspondence.

30 And was it a discussion that you had with Mr Andersen or with Mrs Andersen?---I'm not sure.

You're not sure. And sorry, you said you believe it was because there's no correspondence. Are you saying because you've recently reviewed email correspondence or some other kind of forms of correspondence and haven't seen any reference to - - -?---Yes.

- - - you suggesting that change. Is that - - -?---Yes.

40 But you have seen that a change was made.---Yes.

And you have seen some correspondence where there is some confirmation that that change has been made.---Yes. There's three versions of the stat dec and then the final one I don't, I don't have a copy of.

But the final one does not – it reflects the change that you recall raising? ---Yes.

But given you have that recollection is it the situation then that there was no other aspects of the substance of the statutory declaration that you actually discussed with, being a conversation with either David Andersen or Lisa Andersen or any other person between the meeting with the solicitor and when you came to finally sign up to your statutory declaration?---Sorry, could you just, could you say that again? Sorry, I'm - - -

Any conversation where you discussed the – other than that discussion about that discreet topic, about the date.---No.

10

There were no other discussions between you or any other person, be it Mrs Andersen, Mr Andersen - - -?---I don't believe so, I, I, I, I - - -

I'm not suggesting there was, I'm just trying to ask you whether - - -?---I, the, most of it was about us getting together to review it, because that was the difficulty of me being busy and they having, time was of the essence, so it was about organising a meeting somehow at, at - - -

20

When you refer to getting together to review it, you mean making arrangements for you to be able to sit down with the final version to read through, sign so it could be completed, and - - -?---Well, hopefully was a step before that, but that didn't happen, so I got the final electronically. It was developed, and then the final document I signed, yes.

Now, I understand that as far as the copy-typed, that process of having the notes that were provided to you by Mr Andersen is concerned, your intention initially was to have it scanned, copy-typed, and then you would review the copy-typed version.---Yes.

30

And you appreciate though that the document that you had received had various portions of it where there appeared to be changes being made to the substance of what was in the paragraphs?---Oh, I paid no attention to the, to what that was, but yes. The, the marked-up version I received, yes.

40

And did you expect that when your personal assistant would copy-type it that the copy that would be provided to you would reflect those changes having been made and being tracked, or did you expect that it would just be changed?---I, I gave her, I gave her no specific instructions. She, she made the decision. Oh, as I said, I was incredibly overloaded at the time with various things happening, and so Danielle I trust to make a, a value judgement. It was, the instruction was on the basis of me having something that I could electronically modify easily, because my handwriting's not the greatest.

Because I just want to take you a couple of aspects of the handwritten document. So if we could go to page 61, and could we scroll down to paragraph 14, which I think might be on 62. If we could just pause there. Do you see at paragraph 14 what is recorded initially in handwritten, in the

type was “I cannot any dates in particular in 2014”, and somebody has written in the word “recall”, but then it’s also been struck through?
---Ah hmm.

So that initially that sentence would have said “I cannot any dates in particular in 2014, but I do recall meetings where the urban study was discussed.” Do you see that?---Yes.

10 And that would appear to reflect that the source, whatever be the source of the information for the original version of this, that there appears to be an absence of any actual recollection of particular dates in 2014 when things might have occurred, but a recollection that there were meetings about the urban study, at some stage.---Yes. Yes.

And then at paragraph 15, do you see the first sentence includes the words “the meeting where the urban study was discussed had about 30 attendees” and someone has handwritten above to insert after the words “urban study” the reference to “occurred in April 2014”?---Ah hmm.

20 Now, is it your recollection that when you spoke to the female solicitor, you did not actually have an independent recollection of any particular dates in 2014, but you knew that around that time there were meetings where the urban study was discussed?---Yes.

But you weren’t in a position to be able to identify the date or when they occurred?---Seven years ago.

No, I’m not expecting - - -?---Yeah.

30 - - - that you necessarily should have but that was effectively your recollection?---I, I remember details of the meeting but I don’t remember what, exactly what date it occurred on if that makes sense, yes.

But someone has come in and suggested these changes that are not changes that reflect your actual recollection at the time. Correct?---Correct.

40 And then if we could go to Exhibit 47. And if we could go to those same paragraphs, 14 and 15, do you see that what we see in Exhibit 47 is that, in effect, those suggested changes to the document - - -?---Mmm.

- - - have been made. Correct?---Yes.

And what we can’t see is what was there before?---Correct.

And those changes of the handwritten documents were not changes that you made and were not changes that were made as a result of you speaking with anybody and suggesting those changes be made. Correct?---Correct.

And if we could go back to page 62, I think it was. And if I could direct your attention to paragraph 16. Can you see there that there is a sentence that has a fair bit of editing to it in terms of scrubbing out of certain words that are typed and other handwriting?---Yes.

10 And if I was to suggest to you that the typewritten material stated, “It was frustrating that Labor seemed to have their strategic thinker and Liberals had no one. Megna and Sidoti attended but when it came to voting or such things, they recused themselves saying ‘can’t push too hard on this issue’ and left Liberals with no one to represent them.”---Mmm.

Have I accurately - - -?---Mmm.

- - - as far as you read - - -?---Yeah. Yeah.

- - - given that some of those words are struck through - - -?---Yes.

20 But there has been some changes and some additional words added beneath saying “I recall asking John to get three Liberal councillors to attend a meeting” and the dash “took place at JS office” and there’s some other handwriting?---Mmm. Yes.

Could we go back to Exhibit 47 then. And do you see that the reference to, it still says, “It was frustrating that Labor seemed to have their strategic thinker and Liberals had no one. Sidoti attended I recall asking” and then there’s some question marks - - -?---Mmm.

30 - - - “to get three Liberal” question marks “to attend a” and then questions marks.---Mmm.

Those question marks are in red. Correct?---Yes.

And you understand that they indicated parts of the handwriting that your personal assistant was - - -?---Yeah, she was unable to decipher.

- - - not confident she could decipher?---Yeah.

40 One of the things that has been taken out of the paragraph that had existed was a reference to the fact that Megna had attended?---Yeah. It appears to be. I, I can’t remember, yeah, there, there were, sorry.

Well, I can take you back to that previous document at page 62.---If you say, if you say so, I’m, I’m, yeah, happy to agree with that, yeah.

MR NEIL: Well, Commissioner, could I just ask if my learned friend is suggesting that at page 62, the name of Mr Megna had been scrawled out? Thank you.

MR RANKEN: That's what I was going to - - -

THE WITNESS: Yeah.

MR NEIL: Thank you.

MR RANKEN: Yes. Do you see that one of the words that - - -?---Yeah.

- - - it was "Megna and", the word "Megna and"?---Mmm.

10

And the other aspect of it that was scrubbed out were the words "but when it came to voting on such" I think it might be or, maybe or "such things, they recused themselves saying 'can't push too hard on this issue' and left Liberals with no one to represent them."---Mmm.

20

That would seem to be a reference to, when it came to voting on such things as possibly the urban study, Mr Megna, and you were suggesting Mr Sidoti, indicated that they could not push too hard on the issue and left the Liberals with no-one to represent them. That is, they weren't - - -?---Five Dock, Five Dock-based people couldn't – yes, Five Dock-based. So on Five Dock issues they couldn't represent people in Five Dock.

That was the frustration, that seems to explain the basis of the frustration that Mr Megna and Mr Sidoti were not able to vote on these matters, because of their, either Mr Megna's direct financial interest or property interests in the area, or the property interests that Mr Sidoti had.---Correct.

30

But of course Mr Sidoti was not a member of council.---He wasn't yes he - - -

So he could not vote on such things in any event, correct?---Correct.

So that was the basis of the frustration that was expressed there, correct? ---Yes.

40

And what we see though, if we go back to Exhibit 47, is just – sorry, I'll wait till that document's on the screen. At page 16. It now refers simply to a frustration that Labor seemed to have their strategic thinker and Liberals had no-one.---Ah hmm.

And a reference to the fact that Sidoti attended. And then the words that follow seem to be relating to that part of the handwriting that recounted that you recall asking Mr Sidoti to get three Liberal councillors to attend a meeting. If I can take you back to the handwriting on the document. ---Mmm.

If we could go now back to page 62.---But this, this is not my statement. This is a, like a, this is not me.

I appreciate that.---Oh, sorry, I want to be clear on that, yeah, that's not my statement. It's, it's a record that someone's prepared.

THE COMMISSIONER: Sorry, Mr Haron, sorry, the point you're making?---It's, it's not my statement. It's the, it's something that someone else has prepared or recorded, based on discussions and interpretations.

Quite. Yes.

10

MR RANKEN: But that's the point - - -?---Sorry, I just, I just want to – because it, it's, it's quite different that being said and my stat dec. They're two very different things.

I understand that.---That, I just want to be clear, that's all.

We're just trying to explore that.---I understand.

And in fact, that's the very point that I wanted to make.---Okay.

20

These were changes that were made to this document that is headed Meeting with Glen Haron.---Yes.

And then commences with the "I am Glen Haron of Haron Robson and Light Matters," which suggests it's almost in the form of a draft statement that is being prepared, correct?---Sure.

30

But it does not record anything – well, it does not record accurately anything that you had to say about the matter.---Yeah, oh, it appears to be so, it - - -

These are changes that were being made to this document without you being consulted or spoken about when they were being made.---Yes, it appears so, yes.

So the changes weren't being made at your instigation, they were somebody else making the changes, correct?---Correct.

40

Then it was provided to you, and you then passed it on to be copy-typed. ---Mmm.

And of course, you never came to review it.---No, I ignored it, yep.

But what you can say is that those changes do not actually reflect your recollection of events or what - - -?---Some of them are not correct, yes.

And particularly the changes that I just took you to.---I believe so, yes.

Your particular frustration was with the fact – and I’m just dealing with your recollection of the events – frustration was more in the nature of a realisation, was it not, that happened at the conclusion of the meeting as a result of discussions, including a discussion with Mayor Tsirekas, that you needed to speak to the non-Five Dock councillors - - -?---Liberal councillors.

Well, non-Five Dock councillors.---Oh, yeah, in general, yes, oh, sorry, correct, yes.

10

In order to be able to put across the views of the Chamber of Commerce regarding the Urban Design Study, because Mr Sidoti obviously as the federal member could not vote on the matter.---State member.

THE COMMISSIONER: State member.

MR RANKEN: Sorry, as a state member, could not vote on the matter. And Mr Megna, he could not vote on the matter because of his pecuniary interest. And there was a Labor councillor who was also a member of the Chamber of Commerce, Mr Fasanella, and he couldn’t vote on the issue either, correct?---Correct.

20

That’s the essence of the frustration is about making sure that those who could vote were aware of what the concerns and understood the concerns of the business community at Five Dock had.---Correct.

THE COMMISSIONER: Mr Ranken, are you coming back to this document? That’s the document that has got the handwritten changes on it, page 61, 62.

30

MR RANKEN: Yes, there’s another aspect to the document I was going to go to, Commissioner.

THE COMMISSIONER: Very well. That’s okay. Just in all good time.

MR RANKEN: So the next part of that document that I wanted to take you to, to direct your attention to is paragraph 20. This part of this document refers to “The relationship between height and floor space ratio is key as if”, and somebody has put in the words “you give too much FSR it is then limited by height. The council was making statements that weren’t true.” Now, it’s not your evidence that the council was stating things that weren’t true, is it?---No. I wouldn’t have said that.

40

So that does not, that does not reflect anything you would have said? ---That’s a big call.

THE COMMISSIONER: Well, my understanding you had dealt with the council officers not necessarily in relation to this matter but other matters

over time including your own property interests. I think you had raised questions with them and so on.---Yes.

Did you get to know Mr McIntyre? I think he's the Head of Planning. Was it - - -?---McNamara.

McNamara. Thank you.---Tony, Tony McNamara, yes.

10 I knew it was a Scottish name. Mr McNamara. In other words, him and his staff in the planning department you had dealings with.---I've, I've run a business in, in that area for 35 years or since 35 years ago.

And you also had discussions with one or more of them about the town centre design study.---Indeed I did.

Can you ever recall any occasion in which any of those officers made any inaccurate statements of any material kind about anything?---No, I can't.

20 Did you find them to be reliable people to deal with?---Yeah, yes.

MR RANKEN: Then related to that, if we go to paragraph 21. Do you see that what's typed in the first sentence is that "The statements the council made were not accurate."---Mmm.

"Their vision was flawed and no vision at all. It was not progressive but rather staying the same." That wouldn't be an accurate reflection of your recollection of the events, would it?---The bit about the vision is probably in line with my thinking.

30 But the council had no vision at all.---Well, the, the vision was lacking I guess. It wasn't as - - -

Do you understand there's a difference. There's two aspects to that.---Yeah.

Their vision was flawed and that there was no vision at all which was not progressive.---Well, they obviously had a - - -

40 That wasn't true, was it?---They obviously had a vision but that vision didn't align what the Chamber was, there were two different visions I guess so they didn't align.

It goes on to say, "Council were recommending whatever was in the documents and this was being questioned by Chamber of Commerce because it needed to be increased to stimulate development and effect on surrounding areas." See that?---Yes.

Do you say that reflects your recollection?---Yes.

THE COMMISSIONER: And then there's a statement that "They had scrambled the egg." What does that mean in this context?---Oh, I have no idea.

MR NEIL: Well, Commissioner, could I just point out that my learned friend asked the witness a question about the, I think the second sentence in 21. Then, Your Honour, you, Commissioner, asked the witness a question about the third sentence but he didn't in the meantime answer my learned friend's question about the second sentence.

10

MR RANKEN: I thought he said yes it did.

THE COMMISSIONER: I don't think I asked him about the third – sorry, I asked him I thought about the first line of 21, statements the council made were not accurate. I don't think I went beyond that, did I?

MR NEIL: No, but as I understood it my learned friend went to the second sentence and before the witness had answered you, Commissioner, took the witness to the third sentence about scrambling the egg.

20

THE COMMISSIONER: Oh, just then, yes.

MR NEIL: And all I'm pointing out is I don't think that the witness has answer my learned friend's question about the second sentence, "council were recommending" et cetera.

MR RANKEN: I'm happy for - - -

THE COMMISSIONER: All right, let's go back and do it in sequence, perhaps Mr Neil's raised the question of the second sentence, and you should deal with that first.

30

MR RANKEN: Yes, certainly.

MR NEIL: Yes, because I think my learned friend had dealt with vision, gone to the second sentence, you Commissioner went to the third sentence, and I just don't – I may be wrong, but I don't think the witness answered the question about the second sentence.

40 THE COMMISSIONER: Yes, fair point. Okay.

MR RANKEN: Things might have got lost in the sequence of questions, but I have directed your attention to the second question, second sentence, sorry, of the "Council were recommending whatever was in the documents, and this was being questioned by Chamber of Commerce because it needed to be increased to stimulate development and the effect on the surrounding areas."---Mmm.

And does that reflect your recollection, does it, at the time?---It probably needs to be given context in that the urban plan is a starting point, and the council were happy with that starting point, but we felt it needed to move further forward.

Wasn't the situation this though, that having received the report that had involved a fairly lengthy consultation process that council had endorsed the report and proposed to put it up for public exhibition over the months of December and January?---Sure, ah hmm.

10

And the purpose of doing so was to receive further feedback from the community about what the report was proposing. Is that right?---Yes.

And so there was – it wasn't simply a matter of the council just accepting or recommending whatever was in the documents, was it?---True. No.

It was about them seeking feedback from the community including, relevantly, the business community, correct?---Yeah. Yes.

20

THE COMMISSIONER: The document being referred to is the PDA report.---Yes.

MR RANKEN: And indeed after that, as part of that consultation process, you and your fellow representatives actually attended a specific meeting with Ms Kelly to raise the particular concerns.---I've, I saw minutes of that meeting, yes, but yes.

Yes, and you've seen that.---Yes.

30

And again, there was reference to things being raised at the meeting of the Chamber of Commerce and the minutes of the meeting there as well, correct?---Yes, yes.

And we saw what was attributed to what Mayor Tsirekas had said.---Yes.

And there was nothing in there that suggested that they were simply recommending anything that had come before, was in the documents.---So, so, sorry, so you're saying they, they were accepting the report as submitted, they're actually going to allow development of it?

40

No, that they weren't simply just – as appears to be recorded here, and again, allowing for the fact that this you've said and have said repeatedly I think, this is not your statement.---It, yeah. It's probably a result of a discussion, a wide-ranging discussion, but - - -

But I'm just trying to explore whether or not this actually does accord with your recollection. I think you said that this second sentence does accord with your recollection. But if that's so, your recollection I'm suggesting

must be faulty, because the council was not simply recommending whatever was in the documents.---Sorry, I understood that the urban plan was the basis of discussion.

But so it couldn't be said then that that aspect of the sentence that I took you to, "council were recommending whatever was in the documents", that could not be – you would not accept that to be an accurate statement, would you?---No, it's obviously not, no.

10 THE COMMISSIONER: Can I just understand, my understanding is the PDA report became available, it was a very lengthy, detailed, technical report, as I recall it. Is that - - -?---It was.

That the council then were proceeding on the basis of that report in recommending, well, not recommending, but in actually holding a public exhibition to get feedback from the community.---Yes.

20 I think the word "recommending" might be a bit ambiguous in this context because council can through the councillors make a recommendation on a decision in formal proceedings of the council.---Yes.

But we're here dealing with a very much antecedent stage in that after the PDA report's been available, there's been a public exhibition, there's been feedback, including from the Chamber of Commerce.---Ah hmm.

30 There's no, council was not, correct me if I'm wrong, as at April, making any formal recommendations itself. It was just, it had commissioned PDA and Arup to do the necessary foundational work, that happened, that went on exhibition and then there was feedback but council hadn't, as at April, formalised any recommendation in that technical sense of the recommendation, had it?---No, and, but they were proposing to, two weeks, I believe, after that meeting, so it was quite short, the, the, the time frame.

But they hadn't, again, correct me if I'm wrong, by the April meeting, hadn't received submissions from Chamber of Commerce and sort of said, "No, I'm sorry, we're not going to deal with that."---I, I, I can't - - -

40 That was still an open question?---Yes, it was still open. I, that's the only thing - - -

And, indeed, it was worked through, as we discussed yesterday, so that by May, council did come around in terms of changing the FSRs and height levels limits.---Yes, I think there were two council meetings to discuss it. It was deferred to another meeting, so we could discuss it further because the time frame was quite short.

So I'm just trying to get what happened actually as a matter of facts in the past, and I think we seem to have identified the stage we're talking about as

of April 2014. Just looking at your second sentence so that I understand the context - - -?---Sorry (not transcribable) this is, this is not my statement.

That's right.---And I can't, I need to keep coming back to that but the, it's the, it seems to be the result of a discussion and there's obviously interpretation in what's said but it's not my, my statement.

MR RANKEN: Well, that's why - - -?---Yeah.

10 - - - I'm trying to, we're trying, I'm trying to - - -?---Yeah.

- - - ascertain from you, to the extent to which - - -

THE COMMISSIONER: I perfectly understand what you're saying, Mr Haron.---All right.

We're not trying to - - -?---No, I understand.

20 - - - reprimand you or suggest that you've done anything wrong or anything of that kind.---Thank you, Commissioner.

But, you know, I understand your point. All right. Yes, Mr Ranken.

MR RANKEN: So then if I could then direct your attention to paragraph 23. We see there have been some changes to this paragraph. And, initially, it stated as follows, in terms of typed text, "I asked John a few times to organise meeting with Liberal members because Chambers needed to see where they were at, what their thoughts were. We were becoming frustrated because Megna and Sidoti couldn't vote at the meetings that were occurring."---Mmm.

30

Now, do you agree that I read out the typed portion of that paragraph correctly?---Mmm. Yes.

But the handwritten amendments include the addition of the word "a" so it says, "I asked John a few times to organise a meeting with Liberal" and then the word "members" is crossed out and the word "councillors".---Mmm. Mmm.

40 "Liberal councillors because Chambers needed to see where they were at, what their thoughts were. We were becoming frustrated because" and then the words "Megna and Sidoti couldn't vote at the meetings that were occurring" have been struck out and someone has written in hand "they were not doing anything".---Mmm.

And would you agree that that is not something that reflects your recollection of the events?---Yes, no, it's not. That's not.

So, sorry I just wanted to check one other matter. You agree, though, don't you, that there is nothing in this typewritten document that reflects any frustration at the fact that Liberal members had failed to turn up to a meeting to which they had been invited?---I don't believe that that, as I said, it's not my statement but the, the document doesn't seem to indicate, well, I don't believe it indicates no one turning up anywhere, does it? Just not, it says, "they were not doing anything" that mark-up, that's all.

10 Nothing happened, obviously, after you received the copy typed version of this document. Correct?---Correct.

And did anybody follow up to – did you receive any follow up from either Mr Sidoti's lawyers or Mr Andersen or Mrs Andersen?---They would have. They would have.

Shortly after this, after you had copy typed?---I can't, probably but I can't recollect exactly the timing of that.

20 Well, what was your recollection or what is your recollection now of any follow up in relation to having provided this document to you for your - - -? ---I basically ignored it.

And why did you ignore it?---I just didn't have time and it was quite a long document and that wasn't the intent of my statement. I was addressing I believe some, the meeting, the, the, I don't know, accidental if you want it, meeting that Mr Sidoti referred to here at ICAC.

30 I just want to make sure that you're clear as to what time period we're talking about.---Oh, I see.

We're talking about in the middle of April 2021. That's during the, in the middle of the public inquiry.---I, I don't, I think, I think there was - - -

Sorry, yesterday you told us that you'd had this chance encounter with Mr Sidoti on the first weekend of April.---Yes.

40 And at the conclusion of that encounter you'd said, "Oh, if there's anything I can do to help let me know." And he'd actually then called back out to you, "I might get my solicitor to contact you." Correct?---Correct.

Then there was some delay, a week or two, and then there was - - -?---A couple of weeks at least.

- - - contact from the solicitor.---Yeah.

That was only a very brief telephone conversation followed by an attendance upon your office by a female employee of the firm. Correct? ---Yes.

And then shortly after that you received this document.---Yes.

Which you provided to your personal assistant to copy type but did not read it before doing so and did not read it afterwards.---Correct.

10 In the period after having provided it to your personal assistant why was it that you did not do anything about it?---There was a lot going on and it was, it seemed to be quite a long document so I just didn't have the time to review it and think about it fundamentally and then it just got lost it just, I -
- -

But did anybody follow you up? I think you suggested that - - -?---I think they did.

20 - - - someone may have followed it up.---I think they did a week after – I'm not sure whether it was the last week of the Commission sitting which would be the end of April or the – it was late. It was, there was a gap. There was a significant gap.

THE COMMISSIONER: And who did the following up?---Again it would have, would have either been Lisa Andersen or David Andersen.

MR RANKEN: And what was the nature of the communication?---That they wanted to see if I would provide a statement.

30 Sorry, I might not have been clear. Was it a telephone conversation or was it a text message or was it an email?---I think it was a telephone conversation.

And to the best of your recollection was that a conversation with Lisa Andersen or with David Andersen?---I couldn't tell you. It was one of them but I couldn't tell you.

And do you recall the terms of the conversation?---They were just following up to see if I'd make a, a statement fundamentally and I agreed to do that and so I was intent on doing what I'd agreed to do.

40 So what, you mean you had agreed to do that earlier from early on in the piece. Is that what you're talking about?---Well, when they, when they submitted this to me they were saying, "Would you make a statement?" And I said, "Well, I have to consider it." But I'd agreed reluctantly I guess to, to become involved in it and, and make a statement.

When we look at this handwritten, sorry, this document that includes both typewritten and handwritten notes there is no reference to any detail of this chance encounter that you had with Mr Sidoti.---Ah hmm.

Do you agree, that doesn't seem to be any part of the subject matter of these written notes?---Ah hmm.

But you - - -

THE COMMISSIONER: Sorry, you have to say yes or no.---Oh, sorry. Yes, yes.

10 MR RANKEN: But I think you seem to suggest that the purpose of this was, I thought you suggested earlier the purpose of this was to make a statement about your chance encounter.

MR NEIL: No, I don't understand that to have ever been his evidence, Commissioner.

MR RANKEN: I thought that was a response that he gave in answer just a short while ago.

20 MR NEIL: I didn't understand it that way at all.

THE COMMISSIONER: Perhaps approach it in a different way.

MR RANKEN: That's why I wanted to clarify it. Is it your evidence that, or your understanding or recollection that this document, which is a combination of handwritten and typed words - - -?---Ah hmm.

- - - was developed for the purpose of you making a statement of some sort. Is that the case?---Yes.

30 And was that statement to be about the fact of your interaction with Mr Sidoti in early April of this year?

MR NEIL: I object. On no account is that available, Commissioner. Exhibit 47 makes plain that, and combined with this witness's evidence, that the document that he received - - -

40 THE COMMISSIONER: Mr Neil, to interrupt, I think – I'd ask Counsel Assisting to withdraw the question and ask a non-leading question, namely what was the purpose, et cetera, as he understood it. I think that will meet your objection.

MR RANKEN: I'm happy to deal with it that way.

MR NEIL: Well, yes and no. But the object - - -

THE COMMISSIONER: But I don't want the witness to be in the hearing room when - - -

MR NEIL: No, no, I just want to draw your attention, Commissioner, to the top part of Exhibit 47, in particular the fourth line.

THE COMMISSIONER: I just don't have a copy of the document actually, because it's only just come into evidence, but we can get it up on the screen.

MR NEIL: Well, I don't want, I only want you – I don't the witness to be seeing it, I just - - -

10 THE COMMISSIONER: No, I understand, and that's the problem.

MR RANKEN: I'm happy to withdraw the question and ask it differently. I didn't think I was putting a leading question, but - - -

THE COMMISSIONER: All right, well, perhaps try and reapproach it in a different way, and see if that meets Mr Neil's objection.

MR RANKEN: What did you understand the statement was to be directed to that this was a part of a process of developing?---Well, it's to address, I think, what happened during the development of the urban plan.
20

THE COMMISSIONER: I'm sorry, could you again just keep your voice up, because of what I said earlier.---Of course.

Just repeat what you said again.---It, it was to address the process or the, the interactions involved in developing the urban plan.

MR RANKEN: And then if we then move forward from this time in mid-April 2021 to the further contact you had, I think you've now said it was either towards the end or at the end of the public hearing, is that right?---I believe so.
30

And can you just assist us in how it is that you're able to fix the time period as being then?---I was mentioned by Mr Sidoti here in the Commission.

So was it drawn to your attention in some way that your name was mentioned in evidence given by Mr Sidoti?---Yes.

How was that drawn to your attention?---The Sydney Morning Herald website.
40

THE COMMISSIONER: Sorry, I can't hear.---The Sydney Morning Herald website.

MR RANKEN: And so you have read an article on the Sydney Morning Herald website, and it referred to some evidence that Mr Sidoti had given at this public inquiry that had referred to you by name.---Yes.

And what was the specific nature of the evidence that was reported in The Sydney Morning Herald that caught your attention?---The, the fact that I think you, you questioned the validity of Mr Sidoti's statement that the meeting actually had occurred.

When you talk about "the meeting", you're talking about your chance encounter with Mr Sidoti on the first weekend of April of 2021?---Yes, yes.

10 So that was, if you would accept from me that that was evidence that was given on the last final day of the public hearing, is it right that it would have been sometime that day or evening or possibly even the next day?---Yes.

Then did you do something to contact either Mr Sidoti or Mr Andersen or Mrs Andersen, or how did the communications that you've referred to - - -? ---No, I, I, I was passive, I didn't chase anything. Then I believe I got calls from either Mr Andersen or, or Mrs Andersen.

THE COMMISSIONER: So just keep your voice up again.---To, to - - -

20 You think you got a call from?---One of the Andersens, about making a stat dec.

MR RANKEN: And what, did you understand that the stat dec would be to cover the very same things that you had previously discussed with the solicitor who attended upon you, or did you have some understanding it would be about a different topic, possible the fact of your meeting with Mr Sidoti?---Yes, I, I, I saw it as a smaller, a more focused - - -

30 THE COMMISSIONER: The smaller being?---Just confirming that that meeting did occur.

That chance meeting with - - -?---Yes. Yes.

MR RANKEN: Was there any indication given to you or suggestion that you might also give some evidence in the statutory declaration concerning the events of 2014?---Yes, that I, I may, that I may have to expand on that to confirm the nature of the discussions, yes.

40 And what were the arrangements? Did you, at the time when you had those conversations, go into the detail of what occurred in your meeting with Mr Sidoti in early April 2021 with either Mr Andersen or Mrs Andersen?---I, I must have because there's content in, in the statement but I don't recollect exactly what it was.

But I want to be specific about this. So just to be clear, did you speak with them about the circumstances of that encounter in the sense that did you say "This is what happened. I said this, he said this." Was there any - - -?---Not that deep, no.

Did they ask you questions, either of them ask you questions as to what do you recall was said, what do you recall happened?---I, I don't recollect that happening.

THE COMMISSIONER: Sorry?---I don't recollect that, any, any detailed discussion but it may have happened but I don't recollect it.

10 MR RANKEN: Well, try to search your recollection because it's not a long time ago. I appreciate it's earlier on this year but it's not seven years ago. ---I understand.

Did either Mr Andersen or Mrs Andersen ask you to recount for them your recollection of the circumstances of your interaction with Mr Sidoti?---I, I don't believe they did in detail, no.

How long was the conversation you had?---It was short, very.

20 When you say short, short is a - - -?---Oh, 30, 30 seconds to a minute.
Right.---So short.

So, given it was 30 seconds to a minute, is it unlikely that there was any discussion about the detail of the conversation that you had with Mr Sidoti? ---It would appear, it would appear to be the case, yes.

Was it the case that those communications were more about the facilitating a process by which you could make the statement?---Indeed.

30 And as part of that process, was there any discussion about how the statement would be drafted?---No.

Well, did you just simply indicate that you would be happy to make a, to make a statutory declaration, is that the - - -?---Yes. And I suggested that they provide me with a draft on which I would comment.

So there was then a -- sorry. I don't mean to be critical but - - -?---That is a very, that's basically what was said. So it was a short conversation.

40 So you simply suggested to them that they prepare a draft and send it through to you to have a look at?---Yes. I've done that in previous legal issues.

And in due course, did you receive a draft of some form?---I did.

And from whom did you receive that draft?---I think I received it from Lisa Andersen because I remember I couldn't find it and, and I rang, yeah,

because it went to spam because it was a, not a, like, it was a Gmail account or something. So - - -

What, do you mean it was sent to your Gmail account?---It was sent to my, no, it was sent to my business account but for some reason, the email went to spam. So when I searched for it couldn't find it and then I, we had a few text messages and emails about resending it. So I remember that. So it must have been her than sent it to me.

10 THE COMMISSIONER: Mr Ranken, I'll just interrupt. We haven't taken a morning tea adjournment because we already had interruptions earlier but it might be fair to the witness to break for a short time.

MR RANKEN: Yes.

THE COMMISSIONER: How much longer do you think you might be with the witness?

20 MR RANKEN: I have maybe half an hour, possibly three quarters of an hour.

THE COMMISSIONER: All right. Thank you. Very well. All right. We'll resume at midday. We'll take a morning tea adjournment, Mr Haron. We'll adjourn.

SHORT ADJOURNMENT

[11.43am]

30 THE COMMISSIONER: Yes, Mr Ranken.

MR RANKEN: Yes. Thank you. Now, Mr Haron, I just want to go through the sequence of events from the development of your statutory declaration - - -?---Mmm.

- - - a little bit further. I want to take you to some material relating to your communications with various persons about that. I wonder if we could bring up from the bundle, page 72. Now, this is a series of text messages - - -?---Mmm.

40

- - - and these are not text messages involving yourself.---Mmm.

But if we could scroll down towards the bottom of the page, at the top of the page, you might have noticed that it had been handwritten that it was from 28 April, 2021.---Yeah. Yeah.

Going down to the bottom of the page, the reference to the person sending the text message, that I will ask you to accept from me, it was Lisa Andersen, that is, Mr Sidoti's sister.---Mmm.

Where she has sent a text message to Mr Kazi, the effect of, "Glen Haron happy for you to call. Has not seen a solicitor about this but happy to assist," and then has forwarded your contact details.---Mmm.

10 I only draw that to your attention because it would suggest that at least by about 6.52pm on 28 April, 2021, it would appear from that that there has been some contact with you in the course of which you had indicated that you were happy for Mr Kazi to contact you. Is that right?---Yes.

And if we could then go to page 74. And if we could scroll down. That's an email, again you're not a party to this email correspondence but if we could scroll down, at 18.58, so that's - - -

THE COMMISSIONER: Sorry? What page are we on?

20 MR RANKEN: It's page 74 of the bundle.

THE COMMISSIONER: Yes, thank you.

MR RANKEN: There's an email from Ms Andersen to Mr Kazi that says, "Just confirming Haron wants to assist and has your telephone number." And if we scroll back up to the top he seems to have indicated that he would call you the next day to organise a time. Now, I then want to take you to page 79. These are a series of text messages or messages between yourself and a person identified as Bassam, solicitor.---Ah hmm.

30 And are these text messages that you have provided to the Commissioner. Is that correct?---Correct.

And they're from your phone.---Yes.

And do you see that at 1.54pm on 4 May, so that's a few days after, some days after the exchanges that I just took you to between Mrs Andersen and Mr Kazi.---Ah hmm.

40 There appears to have been a missed call from a mobile number.---Ah hmm.

And underneath it there is a text message saying, "Please call me back. Bassam Kazi."---Yes.

And if we scroll further down that page the reference to at 3.44pm you responding, "Basam, phone battery dead. Will call back when at office." ---Ah hmm.

And then at 8.04pm that same day you indicating that you did, “I did call you back. I’m on a teleconference from 8.00 to 9.00 Wednesday morning but free,” and if we scroll down to page 80. Unfortunately the rest of that message appears to have been cut off in the copy that’s been provided.
---Mmm.

But there seems to be a response, I’m not sure what time, but if we could scroll down further. Certainly at 10.39pm you seem to have sent the thumbs-up emoji.---Ah hmm.

10

So as at late evening of 4 May there seem to be some arrangement being made for a call between yourself and Mr Kazi. And then if we go further down that page there’s another missed call from a number - - -?---Yeah.

- - - with a message saying, “Returning your call from last night.” That would seem to be, even though it was on 6 May, Bassam. And then he’s provided his – so you have provided your address for your workplace.
---Yes.

20 And that seems to be on 6 May.---Yes.

Was there some conference that you had with Mr Kazi on or about 6 May possibly at your office?---No. The meeting didn’t happen.

No meeting happened?---No.

30 Was there some other communication, perhaps it happened by the telephone, a telephone conference or any of that?---As you can see we struggled to get one another and I think it was brief discussion where he was going to come to my office to go through making a statement and I sent him my address but it didn’t happen.

Do I take it then though that there was no discussion about the substance of your recollection of events over - - -?---No.

- - - of events of early April 2014 or of early April 2021?---Nothing. No, no content just organising to, to meet.

40 Can I then take you then to page 83. Do you see down the bottom of that page there is an email from a person who I think has the surname Nejad - - -?---Ah hmm.

- - - from KPL Lawyers?---Ah hmm.

And that would appear to be someone who is an employee of KPL Lawyers.---Yes.

And it's addressed to yourself and copied to amongst other persons Mr Kazi and a Barbara Diaz Escobar and a Rani Narayan.---Yes.

And their email just would suggest that they are also employees of KPL.
---Yes.

And the body of the email refers to "attaching a statutory declaration for your record and consideration".---Ah hmm.

10 And is this the situation, up to this point you have not actually spoken with anybody about the detail of what was said by you and what was said by Mr Sidoti during the course of your interaction?---I believe so.

And that is the interaction in early April 2021?---(No Audible Reply)

And if we scroll further down that page, further down the page to the next page, we see that Soheil Nejad is a solicitor with KPL Lawyers and scrolling down to the next page we see an attached statutory declaration, draft statutory declaration. Do you see that?---Yes, yes.

20

And this draft statutory declaration that was provided to you, is this your evidence, that you did not have any conversation with anybody about the substance of what was contained in this draft before it was provided to you?---I, I just suggested they draft something from mine.

Yes, but as to what it contained, you didn't actually say "This is what my recollection of events was" or this is - - -?---No, no.

30 It was just - - -?---Well, I don't know, I was asking them to help me compile something, yeah. So, no, I didn't have any discussion about the content.

But in asking them to help compile, there was no questions asked of you for you to relay your recollection of what occurred?---Probably not.

Well, just looking at paragraph 1 of this draft of the statutory declaration. Or actually not even paragraph 1 of the draft statutory declaration, at the commencement of it says "I, Glen Haron, of" and it's got a space and then it says "Great North Road Five Dock, make this statement."---Yes.

40 Now, that is not information that you would regard as being correct?
---That's not my address.

You have lived at an address in Great North Road, is that correct?---Yes.

But not one which is within Five Dock?---Correct.

You did own a premises from which you operated your business in Five Dock, correct?---I did.

But that was not on Great North Road, it was on First Avenue.---Correct.

So that information, even recorded in the very first line, is not information that came from you?---I, well, it means it was, it's just wrong. Yeah.

10 And then when you go to paragraph 1, "I watched some of the recent hearings which were part of the ICAC public inquiry into John Sidoti through the video streaming of those hearings." That sentence, that's not something you've ever said to anybody, is it?---I don't recollect, I don't believe so.

Because had you watched any part of the hearings?---No.

Sorry, specifically through the video streaming of those hearings?---No. I, I, I logged onto it but moving office it never, I just didn't get a chance to, to, to watch it.

20 So that can't be information that came from you.---Probably not.

Then it goes on to say, "Some of the evidence I saw and heard was the evidence of former Canada Bay Councillors, Helen McCaffrey and Mirjana Cestar." You hadn't seen or heard the evidence of those former councillors at City of Canada Bay?---No, no.

30 And do you see it goes on to say, "Shortly after I saw and heard their evidence" you saw John Sidoti as he walking his dog in Denning Street, Drummoyne, on about – and there's a date, it's April 2021. That's not correct information either, is it?---Well, they're separate – no.

You did see Mr Sidoti in a date in April 2021, correct?---Yes.

But it was not in Denning Street, was it?---No.

And it was not shortly after you had seen and heard evidence from Helen McCaffrey or Mirjana Cestar, was it?---No.

40 The next sentence, "I was driving my car at the time and stopped when I saw him." That is correct as far as your recollection is concerned, is that right?---That's correct, yes.

But it's likely that this was, that paragraph was prepared without any input from you?---Probably.

And then we go on to see that there was actually, at paragraph 2, drafted paragraph, it says "When I saw John Sidoti, I greeted him and then said words to the effect 'I saw some of the evidence in the public inquiry. Don't you remember you organised that meeting with the Liberal councillors. It

was held in your office. I can't believe they said they don't recall it. you organised the meeting because they hadn't attended the Chamber of Commerce meeting and you were there at the start of the meeting but then left it." Can you see that?---Yes.

And that is not material that came from you telling anybody that, correct?
---I don't recall, no, I don't recall saying that to anyone. I mean, the, the, the essence of it - - -

10 No, but, well, you hadn't seen any of the evidence in the public inquiry, correct?---Correct.

And so you wouldn't have been in a position to say that you could not believe that the Liberal councillors said that they didn't recall a meeting that had been organised by Mr Sidoti.---No.

Because you didn't know what their evidence about that was.---Mmm. But the last, the last sentence is correct (not transcribable)

20 And so you agree with the proposition that Mr Sidoti had organised the meeting?---Yes.

And that meeting had been organised because they hadn't attended the Chamber of Commerce meeting.---Yes.

And that he was there at the start of the meeting, but then left it.---Yes.

You agree with that as according with your recollection, correct?---Yes.

30 But you weren't the person who gave this information to whoever prepared this document.---No, I don't think so.

And if we go to paragraph 3, "I have also now been shown pages 1758, 1781, and 1782 of the transcripts of John Sidoti's evidence at the public inquiry." That statement could not, was not a correct statement as at the date this was provided to you?---No, but they were going to provide me with the documents before I signed.

40 Well, it goes on to say, "But I agree that I said what he said I said to him at page 1758 in the transcripts, except that I did not say anything about seeing the answers John Sidoti gave." Now, you were in no position, in the absence of being provided those transcripts, to be able to make any assessment one way or the other as to whether or not that was a correct statement.---Mmm.

So what I'm - - -

THE COMMISSIONER: Sorry, are you agreeing with that?---Yes.

MR RANKEN: What I'm suggesting to you is that someone has prepared this draft - - -?---Well, I requested that they prepare something for my comment.

Yes, but they haven't prepared it on the basis of anything that you have told them about your independent recollection of the events, have they? They've asked you to review what somebody else has said about the matter, and asked you to agree with the words that have been used.

10

MR NEIL: Well, I object to that. There's nothing that suggests that he's been asked to agree.

THE WITNESS: No.

MR NEIL: As against consider it.

THE WITNESS: It, it was the basis for comment and review.

20 THE COMMISSIONER: Just a moment, yes, Mr Ranken, I think you can – I think the concept of agreement can be left out of it, but I think you can approach the matter in a - - -

MR RANKEN: I'll approach it a slightly different way, if I may. What they were actually asking you to do is not to provide your independent recollection, correct?---(No Audible Reply)

30 But to first review the recollection that had been provided by someone else, and then comment as to whether or not you agreed with that.---They probably have, but that wasn't my proposed action in signing it.

THE COMMISSIONER: No, just try and – I think what's being put to you is this, that the transcripts record the evidence of what Mr Sidoti said, and in the absence of you having read the transcripts, you're agreeing with what he said in terms of what's here in the paragraph.---Yes.

40 "Agree that I said" et cetera "what he said". So I think what's being put to you is that this document was sent to you for your agreement with what Mr Sidoti said in circumstances where you had not yet, as at the time this statutory declaration was sent to you, had the benefit of reading the transcript.---Correct.

MR RANKEN: Or in fact the benefit of providing independently your account as to what occurred when you came across Mr Sidoti in early April 2021.---Correct.

And they're not, the paragraph that is being proposed is one that has you agreeing with certain parts of what is said to have been said, but not agreeing with other parts. Correct?---Yes.

About anybody having even spoken to you about those aspects?---Yes.

10 And then also asking you consider making a statement to the effect that the conversation was not made up, but then suggesting a particular correction that you did not say anything about seeing the answers that John Sidoti gave. Correct?---Mmm.

And, again, they were prepared without anybody speaking to you about those matters.---Well, that's a lot of, yeah. I wonder how they knew that? That's just a lot of detail, mmm.

And then if we scroll down a bit further - - -

THE COMMISSIONER: Are we still on paragraph 3 or?

20 MR RANKEN: No, I'm finished with paragraph - - -

THE COMMISSIONER: Just on paragraph 3, I think this has already been covered. In the third sentence, the statement at paragraph 3, "I believe I saw John and had the conversation referred to above after I saw the evidence of the former Canada Bay councillors, Helen McCaffrey, Mirjana Cestar, but before John gave his evidence."---Mmm.

30 Is the evidence you gave earlier about not having, in fact, seen - - -?---I don't think that's correct.

- - - the evidence of those councillors - - -?---Yeah, I don't - - -

- - - given, stand equally here?---Yes.

MR RANKEN: And, in fact, was it not the case that, as best you recall, the conversation you had with Mr Sidoti in his chance encounter was before either Ms McCaffrey or Ms Cestar had given evidence before this inquiry? ---I don't, I don't know when they gave evidence.

40 THE COMMISSIONER: You don't know?

MR RANKEN: You don't know when they gave evidence?---Well - - -

But if it was after that first weekend in April, then it is likely that - - -?---I couldn't have, yeah, I - - -

- - - the encounter was before they had given their evidence?---I don't know when they gave evidence, but, yeah, I don't, I, I can't - - -

THE COMMISSIONER: That's all right. Understood.

MR RANKEN: Now, that's all I wanted to take you to in respect of that draft of the statement but could we go back up to the original email to which it was attached. Do you see it refers to an attached statutory declaration but it doesn't refer to having attached the transcripts that are referred to in the statutory declaration.---That's right.

10 So when this was forwarded to you, you weren't even provided with the transcripts that are referred to within that statutory declaration?---I, I believe I subsequently asked for them.

And we'll come to that in a moment. So that was at 12.53pm on 10 May and you signed your statutory declaration sometime on 12 May. Is that correct?---I believe so.

And then if we could then go to page 79.

20 THE COMMISSIONER: 79?

MR RANKEN: Sorry. If we go to page 82. It's within that bundle of messages but it's at 82. If we could scroll down a little bit further. So at 9.45am on 11 May, that's the following day, there's what appears to be a text message automatically sent to you as a result of a missed call?---Mmm.

That refers to, it says "Glen" and then it says "Bastiami (?) Cathy (?)".---Mmm.

30 And I'd suggest to you that that is probably an automated incorrect spelling of Bassam Kazi.---Sure.

"Can you please contact my office and let us know if you received the stat dec and any changes need to be made I'd like to have it."---Mmm.

And then there's something that's related to the fact that it had come from Telstra at no charge to you. And then if we could scroll further – sorry, not scroll. But if we could go to page 88. At 6.55pm that evening - - -?
---Mmm.

40 - - - there's a missed call you received and another automated text message to the effect of, "Glen, Lisa Andersen here, David Andersen's wife. Just looking to finalise your statement."---Mmm.

Then it says "I can work (?)" which would seem to indicate that perhaps the text message was cut off because there's a time limit. Would you agree with that?---It does, yes.

And if we scroll down a little bit further, you have responded to let Ms Andersen know about the fact that your father had sadly passed away on the previous Saturday, and that you were busy organising the funeral, family and aged care issues, but you did indicate you would look at it that night or in the morning.---Yes.

And Ms Andersen has responded, Mrs Andersen has responded by offering her condolences and it says, "I'm sorry to hassle you at this time."---Yeah.

- 10 If you scroll down further, "As soon as you can sign it let David or myself know. Time is critical unfortunately. Again my apologies for disturbing you at this time. Regards, Lisa." So there were a lot of things happening in your life at this time. Is that correct?---Yes.

With your father's sad passing.---Ah hmm.

You were in the process of moving your business address. Is that correct? ---We did that the previous week so I was still recovering from that.

- 20 You've done that the previous week. And so you hadn't by that evening reviewed the relevant document, that is the draft statutory declaration?---Oh, I, I can't remember the timing. I thought I'd provided feedback but I don't know whether it was before this or after this.

So this is again on - - ?---There are some, I believe there's some emails.

This is on the evening of 11 May and then after it there were some further communication between yourself and do you see it says, "Can I call you later?" And suggesting 8.30.---Yeah.

- 30 And Ms Andersen has responded, "Any time." And then I think you have -- if we scroll down further. She has provided an email address.---Ah hmm.

I wonder if we could bring up a separate document. It has not yet been tendered. It's from some material produced under section 22. It was at tab 1. If we could go to page 2 of that document. So here we see there's that part of that email address, my email, and then it says, "Please note the E in Andersen. When you finish please email it and I will redraft. Cheers, Lisa."---Ah hmm.

- 40 And then you've responded, "Lisa, who would have sent me the email? I get a few hundred a day and have lost this one." Ms Andersen has responded, "No worries. I will send to you. What's your email?" That's at 8.39pm.---Ah hmm.

But in the meantime you found it by 8.41pm and indicated as much.---Yes.

And if we could then, sorry, go back to I think page 90. Scroll down a little bit further. So there was an “okay” from you. Sorry, if we scroll for a little bit. “Okay.” And then there’s a text message at 9.53pm on 11 May. This is the evening before you actually signed your statutory declaration.

---Ah hmm.

“Lisa, I’ve sent a quick email. Needs some work to get timelines right but explains the facts.”---Ah hmm.

10 And when we go to the email which we will find at page 93. If you could scroll to the bottom of that page. There’s an email from yourself that was sent a minute prior to your text message, that is at 9.52pm.---Mmm.

And it says, “See below which replaces item 1 and 2. Not sure about 3.” That’s the first part, first line of the email. Correct?---Yes.

And the references to item 1 and 2, they’re reference to paragraphs 1 and 2 as they appeared in the draft that had been provided to you on 10 May?

---Yes.

20

That’s correct?---Yes.

That I have taken you to already.---Yes, I believe so.

And “Not sure about 3” is a reference you not being sure about paragraph 3 in the draft, correct?---What it, yeah, what it meant, yeah.

30 And paragraph 3 in the draft, was that part of the draft statutory declaration that commenced with the words “I have also been shown pages 1758, 1781 and 1782 of the transcripts of John Sidoti’s evidence at the public inquiry and I agree that I said what he said I said” et cetera, et cetera.---Ah hmm.

And so effectively what you were indicating was that you weren’t sure about that because he hadn’t actually seen the transcripts yet.---Yes, that’s right.

So you weren’t in a position to be able to comment on that part, correct?

---That’s right.

40 And then what you had relayed underneath in your email, underneath that first line is “I then was told of various statements made to ICAC over the hearing, which started on 29 March, 2021, in particular those made by councillors and council staff regarding development and approval of local planning controls.” Then you go onto say “Over Easter, I believe that I subsequently saw John Sidoti whilst I was driving my car along The Parade in Drummoyne. He was walking his dog. I stopped him to talk and subsequently suggested we move any discussion around the corner in Moore Street so I could park my car in a safer location.” And if we continue over

to the next page. “When we restarted our discussion I asked how he was going with the pressure of the ICAC hearing and I reminded him of some of the processes we were both involved in over a long period as the Five Dock Plan developed.” Continuing on. “In particular, I reminded him he had facilitated the organisation of a meeting between the Five Dock Chamber of Commerce” and in brackets you’ve got a reference to what I would suggest is supposed to be Mr di Giacomo.---Yep. Bad spelling, apologies Joe.

10 And yourself “And the Liberal councillors that could vote on the plan.”
---Yes.

Now, that part that I’ve taken to you is an account that you had provided by way of email, setting out your recollection of your interaction with Mr Sidoti, correct?---Ah hmm.

20 What appears afterwards is a statement to the effect of “The business chamber believed that meeting the councillors was required as the two councillors, Megan” which I think is a typographical error and should say Megna “and Faesamella” again, another typographical error, should say Fasanella “who were aware of the details and issues surrounding the plan had pecuniary interests in Five Dock and could not vote on the plan.” So, again, what you were referring to there is not something that was part of your – sorry, I might ask it in this way. Are you saying, when you put this detail in this email, are you saying that that was part of the conversation that you had with Mr Sidoti or were you just explaining your recollection of what the state of mind of the business was at the time? Do you understand the difference that I am asking you to turn your mind to?---Ah hmm. Almost (not transcribable). It was probably a discussion I had with – oh, hang on. It’s probably an expanded version of the discussion I had with
30 John.

So, does that mean that your recollection when you prepared this document was that you said in the course of your discussion with John in early April of 2021 that the chamber had believed that a meeting with the councillors was required as the two councillors, Mr Megna and Mr Fasanella, who were aware of the details and issues surrounding the plan had pecuniary interests in Five Dock and could not vote on the plan?---Yes.

40 So that is actually your recollection of something that was said by you to Mr Sidoti during the course of that - - -?---A shorter version of that, that’s expanding to obviously stand free. When you’re speaking with someone who knew some of the background, it’s obviously a much shorter discussion, but yes.

Well, sorry, so does that not reflect your recollection of something you said to Mr Sidoti during the course of your - - -?---Yes, it’s, it’s in essence what I said to him, yes.

It is in essence.---Yes.

And then it goes on to say, “I confirmed that the Five Dock-based councillors had attended Chamber meetings and participated in the discussions on the issues of business and the development of the Five Dock, and that the other Liberal councillors had minimum involvement with or visibility within Five Dock.” You see that?---Yes.

10 Now, was that something that was part of your, something that you said to Mr Sidoti during the course of your interaction with him in early April 2021, or are we moving onto a discussion, some statement by you about your recollection of the events back in 2014?---That’s recollection of the events in 2014.

So we can be satisfied that that was not something that was part, that was actually said or uttered between yourself and Mr Sidoti during the course of your interaction?---No, it wouldn’t have been, that’s not the sort of – was a conversation, not a, yeah, no background into it, really.

20 I understand that. Because you go on to say, “This last point has caused much angst within the business chamber and on behalf of the business chamber, we sought to understand their position on the plan and to explain ours.” Correct?---Yes.

And what you were seeking to convey by including this in the email is what your state of mind was back in 2014 when you were seeking Mr Sidoti to arrange a meeting with the Liberal councillors.---Yes.

30 Because, because they weren’t Five Dock-based councillors, the three Liberals in particular who could vote on the plan, you wanted to be able to express the views of the Chamber about the plan and also to understand where they were.---Yes. Oh, not, not just me, the Chamber, like there was obviously various members, it’s not, a lot of this is not just driven by me, so, yeah.

No, I understand that, I know, and please, I’m putting this to you as, in your position as Vice-President of the Chamber of Commerce, you were wanting to put forward the viewpoint of the Chamber.---Yes.

40 But these were not things that were discussed or were stated in the course of the conversation with Mr Sidoti.---No.

No. And then it goes on to state that “The meeting with councillors was arranged by Sidoti and attended by myself and Joe di Giacomo. John Sidoti introduced everyone and left the meeting room, closing the door behind him. He was not involved in the planning of the meeting discussion or any discussions.”---Ah hmm.

Now, again that is a statement of your recollection of the circumstances in which things occurred.---Yeah, it's quite clear that, yeah.

But if we scroll back up a little bit further towards the top, we see that reflected, do we not, in the second paragraph in that page where it says, "In particular I reminded him he had facilitated the organisation of a meeting between the Five Dock Chamber of Commerce and the Liberal councillors that could vote on the plan." That's the essence, that's the sum total of what you said about that topic to him in the course of your interaction, together with the aspect of the - - -?---Not the sum total, but that was how it started, yes.

But together with what you say you said to him about the Chamber believing that the meeting with the councillors was required, because Megna and Fasanella could not actually vote on the plan.---Yes, yes.

And what, including in this material, as I drew your attention to earlier, you were intending, were you not, that the draft statutory declaration be amended so that this would replace what we see at least at paragraph 1. ---Oh, some of it, yes.

Some, well, what part of it did you think should replace paragraph 1, the whole of it, or just - - -?---I didn't know, I was, yeah, I don't know what was acceptable, and I was discussing that with the Sidotis about how, I wasn't sure how much to put in or, or - - -

When you say you were discussing it with the Sidotis - - -?---Oh, sorry, with, with - - -

- - - did you have any discussions with Mr Sidoti about this?---No, no, no, when I was, I was discussing, I meant, with the Andersens, about happy to, you know, provide a, a statement and this was offered as content for that statement.

Well, when you say discussing it, are you saying in verbal conversations or just in the - - -?---No, no, just this correspondence, yeah.

So when, your reference to a discussion is a reference to this? ---Sorry, an exchange, yes, an exchange.

Yes, I just want to be clear that we're not missing something.---No, I understand.

And if we scroll a little bit further down, underneath – I think I took you to the fact that "The meeting with the councillors was arranged by Sidoti and attended by myself and Joe di Giacomo. John Sidoti introduced everyone and left the meeting room, closing the door behind him. He was not involved in the planning of the meeting, discussion, or any discussions."

Again, that's a statement of your recollection of what occurred back in 2014.---Yes. Yes.

You then go on to say, "He did re-enter the room on one occasion when voices were raised, suggesting we all calm down. He left immediately after getting our agreement to this request."---Yep.

And then the next line we see commences with the letter, with the number 2.---Yep.

10

And is that because you, this is what you wished to replace paragraph 2 of the statutory declaration?---Probably.

If we - - ?---(not transcribable)

I'll just remind you.---Yeah.

We don't need to go back to it, but paragraph 2 of the draft statutory declaration states, "When I saw John Sidoti, I greeted him and then said words to the effect, 'I saw some of the evidence in the public inquiry. Don't you remember you organised that meeting with Liberal councillors?'"
20 ---Mmm.

But here you've stated, "I'm unaware of any evidence John gave to ICAC except that was seen via Sydney Morning Herald reports or free-to-air TV reports." Do you see that?---Yes.

And then you've indicated 4, 5, 6, 7, 8, 9, 10 all okay.---Yes.

30 That was you to indicate that you were happy with - - ?---To sign off on those, yeah.

- - - those - - ?---Yes.

- - - those paragraphs.---Yeah.

But subsequent, we have taken you to parts of those paragraphs that you've subsequently identified, you no longer consider to be correct.---In, yeah, inacc - - -

40

Inaccurate.---Mildly inaccurate, yes.

And then can I then take you to page 95. This is an email in respect of which you were copied, but it's addressed to Rani Narayan, Mr Sidoti and Mr Kazi, copied to you.---Mmm.

And it refers to the fact that she had spoken with you that evening and that you had provided some notes to be integrated into the draft stat dec. See that?---Ah hmm.

Now, just in terms of the conversation you had with Mrs Andersen, was there any part of that conversation that descended into any of the detail of what - - - ?---Nothing was said, no.

No.---I don't - - -

10

Was it just to indicate that you had this, you were going to make the note, make some changes and suggest some changes or - - -?---I can't recollect, I'm sorry. I can't recollect what the discussion was about.

Well, how long was the discussion?---Oh, they were short conversations, less than a minute.

20

Are you able to say, does your recollection allow you to say whether or not there was any discussion about the detail of what was to be included in your statement? That is, the substance as opposed to simply whether or not there were things you want to change?---I think it was all email-based.

THE COMMISSIONER: Sorry, I think it - - -?---I, I believe that the documents that you have are the emails that are, the communication on the detail. Rather than it being spoken, 'cause it's easier to write it down than to (not transcribable)

30

MR RANKEN: The email refers to "I have amended the draft stat dec. See attachment 1. I think it's best to keep it short and simple. The issue is whether a certain conversation took place or not. There is agreement as to the general gist of it. Everything else is detail that is not needed at this point."---Ah hmm.

And so then when we go to the attachment, the attached statement, if we scroll down.

THE COMMISSIONER: So where do we get them? Oh, yes.

40

MR RANKEN: Yes, it commences at page 97.

THE COMMISSIONER: Yes. Yes.

MR RANKEN: That was the original draft statement. If we could go further. And do we see here is what appears to be the content of your email to Mrs Andersen cut and pasted with some portions of it highlighted?---Ah hmm.

And then if we scroll down further to the next page, page 101, we see an amended version of the draft statutory declaration. Do you see that?---Ah
hmm.

It still has the incorrect reference to you being at an address in Five Dock.
---It does, correct.

But we do see some changes, particularly at the commencement of the draft
statement.---Ah hmm.

10

And one of those changes is that “Following the commencement of the
public inquiry on Monday 29 March, 2021, I have read about various
statements made to ICAC during the hearing in the print media. I had also
heard of certain statements made at the public inquiry through friends and
associates, in particular statements by Liberal councillors and council staff
regarding the development and approval of local planning controls of the
Five Dock Town Centre.” And that reflects the effect of what you had said
in your email about how you had heard what you had heard about the
evidence before the public inquiry. And then there’s a new paragraph 3 that
20 states “Over the Easter weekend, Saturday 3 April to Sunday 4 April, 2021,
I saw John Sidoti whilst I was driving my car along The Parade in
Drummoyne. He was walking his dog. I stopped him to talk and
subsequently suggested we move any discussion around the corner in Moore
Street so I could park my car in a safer location. We continued our
conversation.” And can I suggest to you that that does reflect an early part
of your email to Ms Andersen?---Yes.

30

But then do you see when we go onto the substance of the conversation that
you actually had with Mr Sidoti, it has not included, or what has not been
included, is what is stated in your email, which was “When we restarted our
discussion, I asked how he was going with” - - -

THE COMMISSIONER: Sorry, where are you now?

MR RANKEN: Sorry, I am not back at page 94, I think.

THE COMMISSIONER: Yes. 94, did you say? Yes, all right. Go on.

MR RANKEN: Perhaps if we could go back to 94.

40

THE COMMISSIONER: 94, I have page 94.

MR RANKEN: Oh, I’m just wondering if - - -

THE COMMISSIONER: Yes.

MR RANKEN: “When we restarted our discussion, I asked how he was
going with the pressure of the ICAC hearing and I reminded him of some of

the processes we were both involved in over a long period as the Five Dock Plan developed.” That has not been included in that further draft, correct?
---That appears – no.

“In particular, I reminded him he had facilitated the organisation of a meeting between the Five Dock Chamber of Commerce, Joe di Giacomo and myself, and the Liberal councillors that could vote on the plan.” That has not been included?---No.

10 “The business chamber believed that meeting with councillors was required as the two councillors” should say Megna and Fasanella “who were aware of the details and issues surrounding the plan had pecuniary interest in Five Dock and could not vote on the plan.” That hasn’t been included?---No.

If we go back to page, it was 101, was it? If we can scroll down a little bit to paragraph 4. What we see at paragraph 4 is what appeared in the original draft you had received, that is a reference to having been shown pages 1758, 1781 and 1782 of the transcript of Mr Sidoti’s evidence at the public inquiry. Do you see that?---Yes.

20

And also what is still there is “I agree that I said what he said I said to him at page 1758 in the transcript, except that I did not say anything about seeing the answers John Sidoti gave.”---Ah hmm.

And at this point you hadn’t actually even seen this transcript, correct?---No but I assumed it was going to be presented to me before I signed the stat dec.

30 THE COMMISSIONER: Sorry, you’ll have to speak up and just restart?
---I, I, but I assumed it was going to be presented to me before I signed the, whatever final statutory declaration I would sign.

MR RANKEN: But you had already provided though a recitation, or an account of the conversation as you recalled it in your email?---Yes.

And that hadn’t been included in this draft statement.---No.

It came back to you. Correct?---Correct.

40 And indeed – no, I’ll come to that in a moment. What has been added to paragraph 4 though is that you “have not seen any of John Sidoti’s evidence as part of ICAC’s livestream other than what has been reported in print media or free-to-air television”. Correct?---Correct.

And that reflects, does it not, what you had put in your email about having not seen Mr Sidoti’s evidence?---Mmm. Well, his evidence was after, well after our meeting.

Yes, I understand that and that's, but that change has been.---Yes.

The point I'm saying is that some of the changes you had suggested had been incorporated into this document. Correct?---Yes.

But one change that you had suggested that was not incorporated was the account that you gave in your email about your interaction with Mr Sidoti and the terms of the conversation. Correct?---Correct.

10 Instead what remained was a reference to the transcript of Mr Sidoti's evidence about that.---Yes.

And a statement that you agreed with what he'd said. Correct?---Yes.

And even though you hadn't actually seen it at this time.---But again I wasn't going to sign it without seeing it.

I understand that.---But I'm not going to make false statements. It's - - -

20 And a further, moving further down that page at paragraph 5 there's a change to paragraph 5 about that instead of "I believe I saw John and the conversation referred to above after either seeing or hearing of the evidence one of the councillors of the City of Canada Bay" it's been changed to but it had previously referred to "after councillors Helen McCaffrey and Mirjana Cestar's evidence."---Mmm.

So that's been changed and that reflects the fact that you had not actually seen the councillor's evidence. That was a change that had been incorporated and suggested to you.---Mmm.

30 Suggested by you I should say. Now, if we could then go to page 12. Sorry, page 91. Scroll down a little bit further. Yes, thank you. Scroll down a bit further. Do you see that, if you scroll down a little bit further if we could. It appears that Ms Andersen has at some point sent you an email, sorry, sent you a text message saying, if you could scroll back up a little bit, "Glen, I have sent an email to Bassam and yourself with amended stat dec which integrates your recent notes. I think it's all that is required. If you're happy it can be signed tomorrow. Regards, Lisa Andersen." Do you see that?---Yes.

40 So she's suggesting I've done the amendments that you, and incorporated in your notes and I've sent it to you.---Yep.

We can get it signed tomorrow. And I want to suggest to you that the version that she had sent was the one I've just taken you through. ---Ah hmm.

If we could go back to the document at tab 1 and if we could go to page 1 of that document. Do you see that's the same text message but from Lisa Andersen's perspective I would suggest and it appears that was sent at 10.43pm and your response thanks, "Thx."----Ah hmm.

Was at 10.53pm.---Yes.

So quite late on the evening of 11 May, 2021, the day before you, the evening before you signed your statutory declaration.---Ah hmm.

10

Then could I take you to page 120. If we could scroll down a little bit to the middle of the page, so we can see the first in time of the emails. If you could scroll down a little bit further, please. That hasn't scrolled down. We'll get to it in a moment but what I will do is I'll read out what I - - -

THE COMMISSIONER: You want this email and scroll down - - -

MR RANKEN: Yes - - -

20 THE COMMISSIONER: - - - to deal with the email sent at 6.29am.

MR RANKEN: That's so. Yes. Do you see that at 6.29am, Ms Andersen has sent to you an email saying, "Please see attached final draft for your signature today, only a few minor changes. In paragraph 3, instead of over the Easter weekend, I have inserted 'sometime in in early April'" - - -?
---Mmm.

- - - "as this is more consistent with your recollection." Correct?---Mmm.

30 And, in fact, what your recollection, as you put it in your email was that it was over the Easter weekend. Correct? But I think you've told us earlier that you had some doubt as to whether or not you - - -?---Yeah, I didn't, I didn't want - - -

- - - were quite sure about that, and you didn't want to get it wrong?---No.

And so this suggested change to "sometime in early April" would reflect that uncertainty on your part?---Yes.

40 But since making the statutory declaration, by reference to the dates of the New South Wales Golf Open that was played at Concord, you are quite confident, are you not, that in fact it was on the Easter weekend?---Now I am, yes.

But other than that change, if there was nothing else that you understood was done to it. And if we could scroll down further, we'll come to the actual draft statement. If we go to page 121. So if we could go to page

124. And we can see in this version of the document that that change has been made - - -?---Mmm.

- - - to paragraph 3 but at paragraph 4, it still records, "I have now been shown pages 1758, 1781 and 1782."---Mmm.

And this is at 6.29am.---Mmm.

10 Can I then direct your attention to page 108. At 7.37am, so about an hour later - - -?---Mmm.

- - - you sent an email to Ms Andersen and others, including a person by the name of Rani Narayan, Mr Sidoti and Mr Kazi.---Mmm.

"Seems okay. Just need to understand and see the pages referred to in the stat dec."---Mmm.

20 Now, the reference in your email to "the pages referred to in the stat dec" was that intended to refer to the pages of transcript that are identified in that paragraph 4?---Yes.

And when you sent that email, you had no understanding of what the content of the pages of transcript were. That's so, is it not?---It mustn't have been attached, I guess - - -

THE COMMISSIONER: Sorry? I can't hear your words.---It, it, it mustn't have been attached to the email. When I opened the email, I must have had the stat dec but not the, that's all I can surmise from, from that response.

30 So the answer to the question is is it that you had not seen - - -?---No.

- - - those pages of transcript referred to at paragraph 4 - - -?---It appears not.

- - - as at the time you sent the email, 12 May, 7.37am, on page 108?---It appears not. I, I hadn't seen it.

40 MR RANKEN: So you weren't really in any position to say whether or not it was okay, the content of that statutory declaration in circumstances where you still hadn't seen those pages?---Well, what I'd seen seemed okay, which is what I've said, but I needed to see the, the stat dec before I put the pen on the paper and signed it.

So it's a qualification. It's like, seems okay subject to me reviewing those pages.---Indeed.

Okay, thank you. And can I then go to, back to that page, that email that I had taken to, the earlier in time of those emails, which is at page 120. And

at the top of that page, Ms Andersen appears to have said, “Here’s the finalised statement and transcript sections referred to.”---Mmm.

“Please read through and David will see you at 12.00pm today.”---Mmm.

Now, as I recall your evidence from yesterday was to the effect that you didn’t read or see the transcripts until you actually sat down with Mr Andersen at the Starbucks café to sign your statutory declaration, is that so?--Mmm. I assumed it would be all right, yes, I just, time, time was - - -

10

I’m not saying it critically, I just want to make sure we’ve got the sequence. You hadn’t – even though it was sent to you by email - - -?---I don’t think I read this. I just said, oh, it’ll be all right. I’ll go and meet David and sign it and then it’s done.

You just assumed that it would be okay because, what, you had faith that they wouldn’t put something in there that wasn’t correct?---Yes.

20

Even though they hadn’t actually spoken to you directly about what your recollection of events were and what the conversation was?---I, I didn’t perceive that they were trying to manipulate me (not transcribable)

THE COMMISSIONER: No, that’s not being suggested. That’s not being suggested.---Okay.

So put the question so you get an answer.

30

MR RANKEN: So that was so even though no one had actually spoken to you to get your account of events?---Yes, I, I believe, yeah, I, I was, I, I think I was comfortable with what was written.

But you hadn’t seen - - -?---But I hadn’t seen the transcript, and so I wouldn’t be signing it unless I was comfortable with what that document showed. So it could be a no go at that meeting.

I just want to then go to that, go back to that transcript again at page 1758 of the public hearing.

40

THE COMMISSIONER: Mr Ranken, we’ll take the luncheon adjournment after you’ve dealt with this particular matter.

MR RANKEN: Yes. Have we got that? We might need to enlarge it a little bit. Scroll up a little bit. Firstly, “You don’t know whether they were invited or whether in fact there had been an omission to invite them. Is that the position?” “I subsequently found out that they were because when that happened was I ended up organising a meeting for them.” “When did you subsequently find out that? That is, that they had been invited.” “Recently, when I bumped into Glen Haron.” “How recently?” “In the course of this

inquiry. A couple of weeks. It would have been the first or second week of the inquiry.” So, firstly, in the account that you gave in your email, you made no reference to having told, said anything about whether or not those councillors had been invited to the council meeting, correct? And we already – you need to say yes or no.---No, I didn’t say that, no.

And I think we already dealt with that as an issue that was incorrect as far as your statutory declaration.---Sorry, the issue that was incorrect on the statutory declaration was that - - -

10

You didn’t tell him that they had been invited to the meeting. Because you didn’t know whether or not they’d been invited to the meeting.---I, I, yeah, that’s the, I didn’t directly know but I believed they’d been invited to the meeting.

I know, but you didn’t say that to Mr Sidoti. That’s what you told us yesterday.---In, in the discussion here with John?

20

Yes. On the side of the road.---I told him that he’d organised the meeting.

He’d organised the meeting after the Chamber of Commerce meeting, but this is about the meeting, this is about the Chamber of Commerce meeting itself.---Yeah, I can’t recollect first, first thing, but I would, that I’ve actually said that to, to him.

30

What we don’t see – sorry, and then it goes on. “And how did you come to be discussing with him?” “I think he was watching it, and I was walking the dog and he was driving past and he saw me and he pulled over, and he basically came out and he said he saw what answers I gave, that I didn’t recall the meeting that took place, and he basically said, ‘Are you silly or something? Have you lost your memory? You organised the meeting for us.’” What we don’t see there is any reference to what you had said in your email, that you asked him how he was going with the pressure of the ICAC hearing, and he reminded you, sorry, you reminded him of “some of the processes we were both involved in over a long period as the Five Dock plan developed”.---Ah hmm.

40

In particular, I reminded him that he had facilitated the organisation of a meeting between Five Dock Chamber of Commerce and the Liberal councillors that could vote on the plan. That is recorded there, correct?---In - - -

In, it says, “Are you silly? You organised it. Have you lost” - - -?---Yes, I remember saying that to him, yep.

And then it says, he says, “Of course you were there. You organised it. And then you stayed in your office and you didn’t come in because you just organised it as stakeholders because they hadn’t attended the Chamber of

Commerce to the invites sent to them, and so that's why you organised the meeting so they could be present and hear everything that went on at the meeting."---Mmm.

Now, in your email, you didn't say anything about saying to Mr Sidoti that the reason he organised was because of stakeholders, because they hadn't attended Chamber of Commerce to the invites sent to them.---As I said I, I wasn't involved in sending the invite, and so I, I, I recognised that I couldn't know that an invite was sent.

10

But what you said in your email was, "The business chamber believe that meeting with councillors was required as the two councillors Megna and Fasanella who were aware of the details and issues surrounding the plan had pecuniary interests in Five Dock and could not vote on the plan."---Mmm.

And you told us just a moment ago that that was something that was part of your discussion with Mr Sidoti in April of this year.---Sorry, kerbside there was a lot of things discussed about the whole process.

20

Well, this is about the reason why you wanted the meeting.---Yes.

And what you'd said in your email to explain the reason why you wanted the meeting, and you said was part of your discussion with Mr Sidoti, was because the councillors Megna and Fasanella, who were aware of the details and issues surrounding the plan had pecuniary interests and they could not vote on the plan.---Yes.

30

Do you see that? And that doesn't appear anyway in transcript page 1758, does it?---Oh, can, can I have a look at it? Sorry, I'm - - -

We're on - it's before you.---Sorry, this is - - -

Where does it say, where can you, can you direct our attention to where it says that you said to Mr Sidoti that the business chamber believed that meeting was required as the two councillors, Megna and Fasanella, who were aware of the details and issues surrounding the plan, had pecuniary interests in Five Dock and could not vote on the plan?---Yeah, that, that's not, the reference is not there.

40

See, I'm just drawing your attention to the fact that it's quite incorrect the statement at paragraph 4, insofar as it purports to record the things that you said to Mr Sidoti - - -?---Well, I did say to him, yeah, oh - - -

- - - and the terms of the conversation. There are some things that you said, but some things that just simply were not said by you. Correct?---Mmm.

Is that right?---Some of the detail, yes, that's there.

And there are other aspects of the conversation that are particularly relevant to the reason why the meeting was organised that are not recorded at page 1758 of the transcript, correct?---Mmm, it appears so. Yes.

So, do you agree that it is somewhat unsatisfactory that your statutory declaration does not accurately reflect your recollection of your interaction with Mr Sidoti in early April of 2021?---Yes.

Yes, thank you. They're my questions, Commissioner.

10

THE COMMISSIONER: Very well. We'll take the luncheon adjournment. We'll resume at 2.15 and Mr Haron, just before we do adjourn, Mr Neil, do you have questions for Mr Haron?

MR NEIL: Yes, I seek leave to ask questions, Commissioner.

20

THE COMMISSIONER: Yes. I'll grant leave. Are you able to give us a rough estimate or is it not possible for you to give us an estimate as to how long – I'm only asking from the point of view of convenience firstly of the witness, but also other witnesses.

MR NEIL: Look, as best as I could, at this time, foreshadow, about an hour to an hour and a half.

THE COMMISSIONER: Oh, I see. All right. Okay. Thank you.

MR NEIL: I'll probably keep it within an hour but I - - -

30

THE COMMISSIONER: Yes. I know.

MR NEIL: It depends how things develop.

THE COMMISSIONER: Sure. All right. Mr Haron, I'll let you go for lunch and I'll have you back here at 2.15.---Thank you.

We'll adjourn.

40

LUNCHEON ADJOURNMENT

[1.15PM]