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05/02/2021

WITNEY
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COMPULSORY
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

COMPULSORY EXAMINATION

OPERATION WITNEY

Reference: Operation E19/1452

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 5 FEBRUARY, 2021

AT 11.30AM

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

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1019PT

THE COMMISSIONER: Mr Ranken.

MR RANKEN: Yes, good morning. Commissioner, this morning we have an examination of Mrs Sandra Sidoti, who is the wife of Mr John Sidoti.

THE COMMISSIONER: Very good. Is Ms Sidoti there?

MR RANKEN: Mrs Sidoti is, yes, right at the back of the room.

10 THE COMMISSIONER: Yes. Would you mind coming forward, please, Ms Sidoti?

MS SIDOTI: Thank you.

THE COMMISSIONER: Just take a seat there for a moment. Firstly, to give evidence you need to give evidence on an affirmation or an oath. Which one would you prefer?

MS SIDOTI: An oath.

20

THE COMMISSIONER: An oath, yes. Thank you.

MS SIDOTI: Thank you.

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THE COMMISSIONER: Just take a seat. Just state your full name?
---Sandra Sidoti.

Thank you. Ms Sidoti, Mr Ranken of counsel is going to ask you some questions, but before we get to that stage I just want to deal with some preliminary matters and then we'll start with the examination.---Thank you.

10

So, firstly, I direct, pursuant to section 31A of the Independent Commission Against Corruption Act, that the following persons may be present at this compulsory examination: Commission officers, including transcription staff, and the witness, Ms Sandra Sidoti. I note that Ms Sidoti is not legally represented.

I propose to make a direction under section 112 of the Independent Commission Against Corruption Act. The effect of which is to restrict the publication of information with respect to this compulsory examination.

20

The direction will prevent those present today, other than Commission officers, from publishing or communicating information relevant to this compulsory examination. It will permit Commission officers to publish or communicate information for statutory purposes or pursuant to a further order of this Commission. The direction may be varied or it may be lifted by the Commission without notification if satisfied that it is necessary or desirable to do so in the public interest. It is important that I note that it is a criminal offence for any person to contravene, that is act contrary to a section 112 direction.

30

So in this matter I make the following direction. Being satisfied that it is necessary and desirable in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by Ms Sandra Sidoti, the witness, the contents of any exhibits or the contents of any documents that may be shown to her, any information that might enable Ms Sidoti to be identified and the fact that she has given evidence today shall not be published or communicated otherwise to anyone except by Commission officers for statutory purposes or pursuant to a further order of the Commission.

40

SUPPRESSION ORDER: BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY MS SANDRA SIDOTI, THE WITNESS, THE CONTENTS OF ANY EXHIBITS OR THE CONTENTS OF ANY DOCUMENT THAT MAY BE SHOWN TO HER, ANY INFORMATION THAT MIGHT ENABLE MS SIDOTI

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TO BE IDENTIFIED AND THE FACT THAT SHE HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR COMMUNICATED OTHERWISE TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO A FURTHER ORDER OF THE COMMISSION.

10 THE COMMISSIONER: Ms Sidoti, I just want to make you aware of the fact that under the Act this Commission operates, witnesses are required to attend and they're required to answer questions put to them and it's important that I emphasise that all answers must be truthful.---Yes.

20 There is a provision in the Act whereby you may object to answering a question or producing an item of some kind if required. The effect of that objection is that although you still must answer the question or produce the item, it might be a document, then your answer or the item or document cannot be used against you in any other proceedings, civil proceedings or criminal or disciplinary proceedings, subject to one matter which I will mention in a moment, and that is this, that if you wish to object to give evidence in relation to questions put to you, you are entitled to do that and the Act enables you, any witness, to take an objection and the protection that then the evidence can't be used in the future in any proceedings is available, results, you have that protection. The only circumstance in which however the evidence could be used against you would be if you committed an offence under the Act, such as giving false or misleading evidence, and the penalty for an offence of that kind, giving misleading or false evidence intentionally, is a term of imprisonment, it can be up to five years. So that the evidence could be used if a witness committed an offence under the ICAC Act such as giving false or misleading evidence intentionally, but it otherwise operates as a blanket protection. So I'm giving you that explanation because you're not legally represented and you're entitled, in my view, to know that that's the way it operates.

30 If you do wish to make an objection I'll ask you to indicate that you do. It means that you don't have to object to each and every question or each document. If I make a declaration that all answers given or any document or item you produce are subject to your objection, then that saves you having to object all the time.---Yes, okay.

40 Do you understand what I'm saying now?---Yes and no. Sorry, is this – I've been asked to ask for a section 38 certificate.

Well, that's what I'm talking about now.---Oh, thank you. I didn't know.

So I take it from what you've said that you do wish to have the protection - - -?---Yes.

- - - offered by that section.---Yes, thank you.

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(RANKEN)

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Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Ms Sidoti, and all documents and things produced, if any, by her during the course of her evidence at this compulsory examination are to be regarded as having been given or produced on objection. That being the case there is no need for the witness to make objection to any particular answer given or document or thing produced.

10

DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MS SIDOTI, AND ALL DOCUMENTS AND THINGS PRODUCED, IF ANY, BY HER DURING THE COURSE OF HER EVIDENCE AT THIS COMPULSORY EXAMINATION ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THAT BEING THE CASE THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION TO ANY

20 **PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Very well. Now, Mr Ranken, are you ready to proceed?

MR RANKEN: Yes, yes, thank you, Commissioner. Ms Sidoti, you've given us your full name.---Yes.

30 And you are the wife of Mr John Sidoti. Correct?---Yes, I am.

He is the state member for the seat of Drummoyne in the New South Wales State Parliament. Is that correct?---Yes.

Are you currently gainfully employed?---No.

And so how would you describe your occupation?---I'm a mum and a housewife.

40 And for how long have you been in that role?---Yes, for 12 years.

And prior to that role as mum and housewife were you gainfully employed? ---Yes, I was.

And what was your occupation then?---I was a wedding coordinator/host/waitress for my in-laws at their reception lounge.

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(RANKEN)

1023PT

And is that the reception lounge that the Sidoti family operated at 120 Great North Road in Five Dock?---Correct.

And was there a point in time when the Sidoti family ceased running that function centre themselves?---Yes, in 2008 when they sold the business.

And at that point did you cease having that role and moving to your current role as a mum and - - -?---I retired.

10 Your husband, Mr John Sidoti, became involved in local government politics. Correct?---Yes, correct.

And was that around about the same time as your parents-in-law sold the business?---I think he joined Burwood Council in 2008.

Yes, correct.---Am I correct? Sorry, I don't, yeah.

20 And thereafter he ceased, that's been his sole source of gainful employment. Is that right? He's been either local government councillor or mayor or a state parliamentarian. Correct?---That's it.

THE COMMISSIONER: Can I just ask you, how do you pronounce your name?---Sandra.

Sidoti, no, or Sidotti apparently is the Italian pronunciation.---Yeah, Sidoti's fine, Sidoti. Thank you.

30 MR RANKEN: And a moment ago you indicated that, I think that someone had suggested to you that you should get a section 38 certificate.---Correct.

Do I take it, then, that you've spoken to someone prior to coming today - - - ?---Correct.

- - - and told them that you had received the notice that required your attendance, is that correct?---Yes.

And who was that person?---It was a legal adviser.

40 Have you spoken to your husband about the fact that you have received the notice?---I have not spoken to him, but it was sent to our home email, so he is aware of it. He's seen it on the home email.

But other than, so you assume that he is aware that you are here today, is that correct?---Well, it's on the home email.

And your home email, is that sandrasidoti@[REDACTED], is that correct? ---Correct, yes.

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And that email address, is that your only personal email address?---Yes, that's it, but it's actually a family home email for the whole family to use.

And when you mean the whole family, you mean you, your husband, your children?---My children, yes. Yeah, for university, high school, that sort of thing.

10 But you don't know whether or not your children have their own separate email addresses?---Yes, they do. They have laptops. Yes, they do.

But as far as you are concerned, that's the only email address you use and you've ever used?---Yes, correct.

And apart from your two children and yourself and your husband, is there anyone else who uses that email address?---No. Oh, could you be more specific? By using my email address, I meant - - -

20 As in sending and receiving emails from that address.---I've actually sent emails from that address for my mother-in-law.

You've sent emails. And what were the circumstances in which you sent emails from that address on behalf of your mother-in-law?---Oh, it's not so much sending emails. It was photocopying documents for her.

Sorry, perhaps if you could explain that a little bit further.---Sorry, I'll be a bit clearer.

Yes, so what were the circumstances?---Yeah. Sorry, I'll - - -

30 Would she email to you the documents - - -?---Yes, sorry, sorry.

- - - and then you would print them off for her, is that what you're suggesting?---I'll be a bit more clear. In many occasions she would give my email address out because she's not very computer savvy. Her computer skills are shocking. And she would give it to me and then she would give me a ring and say, "Sandra, there's a document for me. Can you print it off and bring it over?"

40 But other than that use, which is effectively you using the email address, she wasn't the person who was accessing the email on that occasion?---Oh, no. No, no. It's at home. No.

The extent to which your mother-in-law would use the email address was simply to inform other persons to send documents that she needed - - -?
---Correct, yes.

- - - to your email address, so you could print them out and provide them to her in a hard form, is that correct?---Yes, correct.

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A hard physical form, I mean.---Yes.

Thank you. And is it the case that the only device on which that email address is used is your home computer?---Correct.

But you don't have it linked to a smartphone or anything?---No.

Or an iPad?---No.

10

And to your knowledge, as far as your children are concerned, they only are able to access that email address from your home computer?---Only from home, yes.

From the actual – but I'm talking about the physical device.---Oh, just from the computer.

Yes.---Yeah.

20

As to their own laptops and smartphones and tablets, if they have tablets - - -?---Yep.

- - - is it your understanding that they don't have access to the [REDACTED], the sandrasidoti@[REDACTED]?---No. No, no.

No.---No.

Thank you. So it follows, does it, just so I'm clear, that any email that is sent from that account - - -?---Yes. As in sandrasidoti@[REDACTED]?

30

Yes.---Yep.

From, sorry, yes, from sandrasidoti@[REDACTED].---Yes.

Is sent physically from someone typing at that computer, the computer in your - - -?---That's right.

And that computer's located at your home, is that correct?---Yes, it is.

40

Thank you. Now, you've been married to Mr Sidoti since, I think, 1994. Is that right?---That's right, yes.

But prior to that, the two of you lived together for a period?---Never.

Never?---Sorry, very traditional.

Did you, but did you purchase property together prior to actually getting married?---I was engaged when I was 19 and we purchased our family

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home, which was in Waterview Street. I think I was still engaged. I, I don't think we were married yet.

So you lived at that property together until - - -?---No.

- - - a later point in time after you were married, is that right?---After we were married, yes.

10 And when you said the property in Waterview Street, was that number 39 Waterview Street?---Number 39, correct.

And how did you meet Mr Sidoti, as in your husband?---Yep. He was my bridal partner at my brother's wedding.

And in what year was that?---Oh, I don't know what year but I was 16 and John was 17, yeah.

20 THE COMMISSIONER: Can I ask you, just getting back now, you attended secondary school in Sydney?---Yes.

And did you go on to do any other courses or - - -?---I did a diploma.

Diploma of what?---Yeah. In, like a secretarial course in the city.

And you used that qualification for work purposes?---I did, yes.

30 MR RANKEN: And there was a time though, wasn't there, when you came to join the Sidoti family business at the function centre in Five Dock, is that right?---I started at the same time they started, yeah. So I left my job to go and work for them.

But by that stage you and John were already an item, is that correct?---Oh, yeah, we were together but we weren't married yet.

Was that in around about 1992 or thereabouts or earlier?---No, 1992, yep.

That was a family-run business, is that correct?---Yes, yep.

40 And were there discussions about the family business amongst yourselves, that is just you and John and his parents?---Yeah, what - - -

Well, the day-to-day running of the business?---When we were in the business?

Yes.---Yeah, I guess so. Yeah.

And, I mean, from those discussions were you aware as to who owned the building and things like that?---Oh, yeah.

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And what the business structure was around the business?---No. I know who owns the building, that's my in-laws, yeah.

And how did you come to be aware of that?---That they owned the building?

Yeah.---Because I was going to be their future daughter-in-law.

10 So there were discussions about the property ownership of the family and - -
-?---Oh, yeah, yeah, yeah.

And sorry, I should just for completeness.---Yeah, sorry.

There was another member of the Sidoti family as well, which is Mr Sidoti's, as in John, your husband's, sister?---Yes, correct.

And her name is Lisa Andersen, is that right?---That's right.

20 But that being her married name?---Yes.

Now, the property – I want to ask you some questions about the property at 120 Great North Road and also a couple of family structures, trusts and the like.

---Sure, okay.

You're aware that there are various trusts that have been set up by the Sidoti family?---I became aware of it in 2017.

30 Do you say that the first time you became aware of any trust structures was in 2017?---Yes.

And you were never aware that you were listed as a beneficiary under any trusts prior to that time?---No.

And do you say that you weren't aware of any income that may have been disbursed by those trusts to any beneficiaries?---No.

40 Whether or not you received any income from those trusts?---No.

And what was it in, what was the event in 2017 that brought to your awareness that there were these trust structures and that you may be a beneficiary under them?---Yep. Well, I was watching Question Time.

So it was something that was said in State Parliament, is that right?---Yep.

In 2017?---Yep.

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I wonder if – I may take you to some documents from time to time.---Sure. Okay.

And ask you questions about it and what you recall and what you know about it. So you are now aware, if you weren't aware prior to 2017, that there is an entity called Deveme Pty Ltd?---Yes.

THE COMMISSIONER: What is that, what is Deveme?---I, I don't know, the name of a company.

10

But in what context do you understand - - -?---Do I understand what Deveme - - -

- - - it's had any relevance?---That it was the name of something on my mother-in-law's bank account. That's, that's Deveme Pty Ltd.

And what was Deveme, what was it there for?---I don't know. Yeah, I - - -

20

Was it connected with something that - - -?---Yeah. It connected to her super fund.

What was its purpose? Sorry?---Connected to the super fund.

MR RANKEN: Is that your only understanding about what Deveme Pty Ltd did?---Yes.

30

Were you aware, so does it follow that you weren't aware and seem to still not be aware that Deveme Pty Ltd was a trustee of a trust known as the Sidoti Family Trust?---I had no idea.

And do you say that in fact it's only now that you've been made aware of that?---2017.

So in 2017 you became aware that Deveme Pty Ltd was a trustee not only of the superannuation fund but also of the Sidoti Family Trust?---No, no. All I became aware of was that day when they were holding up the sheet of paper saying that my husband was an owner on some land title. That's all I know.

40

So what happened in 2017 was this, was it, was that another member of parliament raised the fact that your husband's name was listed as one of the legal or registered proprietors of some property in Five Dock?---Yes.

And was that property in fact 120 Great North Road?---That's the one.

And were you aware that in fact you were also listed as one of the registered proprietors - - -?---No.

- - - on that property?---I was not aware.

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Are you aware, I mean prior to coming to attending this hearing today were you aware or is this the first time you're being told that?---No, I'm aware because I know that in 2017, that's when I became aware.

That's what I was asking.---Yeah, sorry.

So in 2017 did you also become aware of the fact that you were - - -?---Oh, yeah, sorry, yes, yes.

10

I might just, if I could just go to, and bring up on the screen in volume 1, page 645.---Do I look at this?

Yes, it should come up on that screen.---Okay.

Now, that's the first page of a deed that's referred to as the deed of settlement for the Sidoti Family Trust.---Yes.

20

And if we could go then to page 651, I'm just going to jump around a few pages in this document, Ms Sidoti, just to point out a few matters to you. Now, if you can see there that essentially you'll see there's a clause 3.2. ---Yes.

And it refers to the fact that, "The trustee shall stand possessed of the trust fund or any part of it or the income or any part of the income of the trust fund or any combination in trust for all or such one or more exclusively of the others or other of the general beneficiaries." Do you see that?---Yes.

30

And it also refers to, "In such shares or proportions that the trustee may in its uncontrolled discretion revocably or irrevocably from time to time before the vesting day appoint and with such provision for their respective advancement, maintenance, education and benefit as the trustee shall determine at the time of such appointment, provided that no such appointment shall be revoked or revocable after the vesting day." Do you see that?---Yes.

And then at 4.1 there's a further clause that essentially refers to that after the appointment under clause 3.1, that the trustee - - -

40

THE COMMISSIONER: That's the clause entitled Distribution?

THE WITNESS: So where is it?

MR RANKEN: Yes, that's distribution. And essentially this clause, perhaps if I can paraphrase it for you, gives the trustee discretion to distribute any income or property of the trust amongst the general beneficiaries.---Okay.

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Now, as to, the trustee of this trust was Devenme Pty Ltd.---Yes.

And if we could go to page 665. This is a schedule and you can see item 2 lists the general beneficiaries.---Yes.

And which include your parents-in-law, that is Richard Sidoti and Catherine Sidoti, and the persons related to them, including spouse or children. That would include your husband John.---Ah hmm.

10 And then if you go further down to the bottom of those Roman numerals, Roman numeral VI, “Spouses of any of the foregoing.”---Okay.

That would include you.---Okay.

So you were a beneficiary of this discretionary trust known as the Sidoti Family Trust.---Okay.

But you say you had no knowledge of that until such time as 2017.---No. That’s right.

20

And you had no discussions with either your parents-in-law or your husband about the fact of this trust being created?---I don’t even know when this was created. Sorry, when is it?

So if we can go back to page 645. And if we can go the next page. Can you see it’s 15 May, 1992?---That means nothing to me, sorry.

30 So I take it, then, that there were no discussions amongst yourself, John, or with your parents-in-law or your sister-in-law about this trust structure?---I can’t even, I can’t remember that far. I don’t know.

At any time prior to 2017?---No.

No, okay.---No.

40 And what about after 2017, when it was said in parliament that your husband was the registered proprietor of a particular block of land? Was there discussions about the trust structures at that point in time that existed? ---No, I, I remember him contacting the solicitor and contacting the accountant so that everything could be explained to us.

Now, I want to also ask you, then, about – and I’ll come back to the Sidoti Family Trust a little bit later.---Yeah, ‘cause I want, I want to know when that was, yeah.

Sorry, the date of the trust?---Yeah. Oh, is that the one in 1992?

Yes, that is.---Oh, okay.

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S. SIDOTI
(RANKEN)

1031PT

So that's the deed that established the trust.---Okay.

Of which you and your husband are named as general – well, fall within the definition of general beneficiaries.---Okay, okay.

Now, you mentioned before the superannuation fund.---Ah hmm.

10 And again is it your evidence to the Commission that you only became aware that there was this superannuation fund in 2017?---No, I know that there was a superannuation fund because I worked for my in-laws and I'm part of the super fund. Yeah, I know that, I know that, yeah.

And were you aware that Deveme Pty Ltd was initially the, was the initial trustee of the superannuation fund?---No, no.

Did you know who was the trustee of the superannuation fund?---I didn't know, I don't even know, didn't know what trustee was. I don't – yeah.

20 You don't know what a trustee is to this day, is that right? Or you've - - -? ---Oh, no. I'm aware of what it is today, but it means nothing. It meant, would have meant nothing to me. I don't know. I, I just worked for them, like, yep. But I knew I was part of the super fund because I worked for them. That I know.

And do you ever recall an occasion when you were appointed as a trustee of the superannuation fund?---No. No, no.

30 Do you recall any conversations either with John or with his parents or other members of the Sidoti family about the prospect of you becoming a trustee of the superannuation fund? Or you and John and others. No?---No. Never heard the word trustee.

So I wonder if we could bring up page 677 in volume 1. Can you see this is dated the 15th of June of 1992?---Yep.

So a little bit over a month after the Sidoti Family Trust deed.---Okay.

40 And it identifies Deveme Pty Ltd as being the trustee.---Yep.

And - - -?---Where, where does it say that, sorry? Where am I reading?

See "By Deveme Pty Ltd"?---Oh, yes.

And it defines it as the trustee. Do you see that?---Yep. Yep.

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And it refers to the trustee deciding to establish an indefinitely continuing superannuation plan, to be known as the Deveme Pty Ltd Superannuation Fund. Do you see that?---Yeah.

And did you understand that Deveme Pty Ltd Superannuation Fund was a superannuation fund for the employees of the function centre?---No. No. I
- - -

10 Well, I thought a moment ago you understood that you – you were aware of the superannuation fund because you had worked with - - -?---No, I know it was part of a super fund.

Yes.---Was that the question you just asked me?

Yes. Were you aware that this superannuation fund that's referred to in this deed is the superannuation fund that was for the employees of the function centre?---I don't know. Yeah, I - - -

20 I thought I asked that question, Mrs Sidoti - - -?---Yeah, sorry. Can you just be a bit clearer? Are you asking me if I knew this was a trustee of the super fund, is that what you're asking?

No. I'm asking whether - - -?---No.

Sorry, perhaps I'll go back.---Yeah, sorry, sorry. Can you just – yeah, yeah.

You told us that – that's fine, Mrs Sidoti.---Yeah. Sorry.

30 You told us a moment ago that you were aware of the superannuation fund - - -?---I knew I was part of a super fund, yeah.

Yes. And you knew about that before 2017, that you were part of a superannuation fund?---Because I worked for my in-laws, yes.

And that's what you told us, because you worked for your in-laws.---Yes, yes, yes.

40 So you were aware that there was a superannuation fund that had been established for the employees, the people who worked for your in-laws at the function centre?---Yeah, yeah. I'm not aware that it was established, I'm just aware that I signed documents with the accountant. That's what I'm aware of, that I was part of the super fund. Yeah.

So you when you were working for them, that is working for your in-laws, you signed a document in order to allow you to become a member of the superannuation fund, correct?---I, no, I don't know, I don't recall that. I don't, I don't remember. I think I was 20 when I started there.

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Back in 1992?---Yeah.

Yes, I understand that.---Yeah.

THE COMMISSIONER: I understand from what you've said is that once you started working, you became aware of the fact there was a super fund and you were a member of it?---Yeah. I know that I signed, like, tax documents and that I worked for them and I got super. That's what I understand.

10

And this was the position over the years from the time you started until the present?---While I worked. No, while, no - - -

I'm sorry, until you ceased working, yes.---Yeah, until I worked, yeah, until I worked there, yeah.

So during the whole of that period - - -?---Sorry, that's what I understand.

20 - - - are you aware there was a superannuation fund that had been established and that was for the benefit of the employees of the business, including yourself?---Okay.

Are we right now? That's from the time you started, or soon thereafter perhaps, until the time you finished?---Yeah, yeah. Like I said I, know - - -

Yes, it's okay. I just - - -?---I was part of super fund. I'm not familiar with the jargon and, yeah.

30 No, no, no. Just, yes, but don't – just listen to each question at a time, please.---Yeah, okay.

Listen to it carefully and just answer the point of the question.---Okay, yeah.

MR RANKEN: So while it is the case that you were aware that you were a member of a superannuation fund that related to your employment with the family business at the function centre, as to whether or not it was called the Deveme Pty Ltd Superannuation Fund or not, you're not aware?---Okay, no, no.

40 Perhaps if you, would you accept from me that in fact that Deveme Pty Ltd Superannuation Fund was the actual name of it and that - - -?---That's what it says there.

Yes. No, no. I'm just asking you to accept that from me for the time being. This is the fund of which you were a member when you were working with the, as a result of working with - - -?---Okay. I accept that because it's on the screen, yep.

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S. SIDOTI
(RANKEN)

1034PT

Now, and in terms of – and I’ve just drawn your attention to the fact that the trustee of that superannuation fund was Deveme Pty Ltd, that company.

---Okay, yeah.

Now, I wonder if we could go to page 698. Now, that’s the first page, Mrs Sidoti, of what’s referred to as a deed of change of trustee of the Deveme Pty Ltd staff superannuation fund, okay?---Yep.

10 And accepting that you didn’t, prior to 2017, know about trusts and the like, you understand that from time to time it’s possible to change who is the trustee of a particular trust?---No.

No.---Sorry, I don’t understand.

So do you see that what it refers to on that first page is firstly that there’s a deed of change of trustees. So on the face of it this looks like something that is intended to change who the trustee of the superannuation fund.

---There’s old, old trustee and new trustee, yes.

20 And do you see that of the persons named as new trustee, your husband, his full name being Anthony John Sidoti even though he’s called John - - -?
---Yes, yes.

- - - and you are both named as being co-trustees, as it were, with his parents?---That’s, yeah, that’s what it says.

And do you tell the Commission that you had no knowledge that you were a co-trustee?---Can you tell me when was this, is there a date or - - -

30 We can turn through that document to the next page. Do you see firstly down the bottom at item 3, that just refers back to that date that Deveme’s superannuation fund was actually - - -?---When, when they were just the in-laws.

When it was established.---Okay. Yeah.

In 15 June, 1992.---Okay.

40 If you could turn to the next page, and we see this is the date it was executed, 29 March, 2000.---Yeah. Sorry, sorry - - -

THE COMMISSIONER: No, just take it a step at a time.---Yes.

You’ve seen a document, deed of change of trustee.---Yes.

Right. Next point, you asked when was it executed.---Yes.

You’re now seeing the date.---Can I - - -

Sensitive

Now, and don't comment any further for the moment, just wait for the next question, please. This may be a strange process to you but it's not a running dialogue or discourse, it's a question and answer format we follow.---Okay. Sorry.

Similar to what occurs in courts, and it's done that way for a particular reason which I needn't go into.---Okay. Thank you.

10 MR RANKEN: Thank you, Commissioner. Now, Ms Sidoti, first of all you can see that the common seal of Deveme Pty Ltd, being the outgoing trustee as it were, is effectively, it's executed by, on behalf of the outgoing trustee by your father-in-law, Richard Sidoti as a director.---Yes.

And also by your mother-in-law, Catherine Sidoti, as secretary.---Yes.

And then we see that insofar as the incoming trustees are concerned, firstly that your father-in-law has executed it in the presence of your mother-in-law. Do you see that?---Yes, yes.

20

And then can you see then underneath that your mother-in-law has executed it in your presence?---Yes.

And that's your signature?---Yes.

And is that your handwriting where the name is printed, Sandra Sidoti? ---Yes.

30 If we could go to page 701, please. And here we see that, that's your – is that your husband's signature first or - - -?---That's John's, that's John's signature there, in presence of – oh, no, over here.

THE COMMISSIONER: On the right-hand side?---On the right-hand side, sorry, on the right-hand side.

MR RANKEN: That's John's signature?---Yeah, yeah.

And that was done in the presence of his mother.---Yeah.

40 And that's your signature then beneath in the final one, correct?---Yes, it is, yes.

So you've signed this document on 29 March, 2000, which was to appoint you, your husband and your parents-in-law as the trustees of the superannuation fund. Correct?---Yes.

And in place of Deveme Pty Ltd. Correct?---Yes, yeah.

Sensitive

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S. SIDOTI
(RANKEN)

1036PT

And do you say you had no idea that that's what you were doing?
---Sorry, can I just go back to the date?

THE COMMISSIONER: No, no, no, just wait a minute. Let's just stay with the question for the moment, please, otherwise we lose track. Just put the question again.

MR RANKEN: Having seen those signatures and you signed this document on 29 March, 2000, and do you say, firstly do you say you've got no
10 recollection of doing so?---I have no recollection of doing so, correct.

And do you say that you had no understanding at the time that you were becoming a trustee of the superannuation fund?---No understanding.

Were there not any discussions amongst the family members about what was intended to be done as far as how the structure was to be set up?
---Sorry, it's Mr Ranken?

Yes.---I gave birth on 1 March, 2000. I looked at that date. It's 29 March,
20 2000. And I have, I also had a 16-month-old son. I can't remember. I - - -

Insofar as those aspects of family life are concerned - - -?---I don't know.
Yeah.

- - - and the family business, that is the Sidoti family business, was it the case that you left a lot of that up to John? If John would come to you and say, look, this is a document you need to sign and - - -?---No. No.

So how is it that you would come to be in a position to be signing and
30 executing this deed relatively shortly after giving birth to - was it your first child?---No, my second.

Your second. To your second - - -?---My other son was 16 months.

Your second child with a 16-month-old as well. How is it that that would come about?---Well, my recollection would have been my mother-in-law would have said, "Sandra, the accountant's coming. You have to be here."

Okay. And - - -?---Yeah.
40

- - - would you, you wouldn't ask about what this was about and what's intended?---I would have, sorry, I, I was in hospital for 10 days and I had a breech birth. I couldn't even remember, to be honest with you. I had a newborn. I - - -

But is that the way things would sort of happen in the Sidoti family, is that someone would say, look, you need to be present because we need these documents signed, so - - -?---Pretty much.

Sensitive

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S. SIDOTI
(RANKEN)

1037PT

And you wouldn't ask any questions as to what was involved?---No. No.

And is that because you - - -?---I was a very respectful daughter-in-law. I never interfered. Said yes.

10 But what was John's involvement in kind of liaising between you and your parents-in-law or in respect of these sorts of arrangements?---He'd just be there. If the, if my mother-in-law said the accountant's coming, he'd just turn up and he was there and we signed the documents.

And are you saying that he didn't ask any questions as to what was this all about or - - -?---No. I'd never talk about stuff like this. I'm not even interested in accounting stuff. It's, you know - - -

But what about John? He wouldn't ask any questions? You wouldn't see him - - -?---No.

20 - - - say, "Mum and Dad," to his mother and father, "what's this all about?" ---No. No way. No. We just did what our in-laws told us to do.

And you said that, so what would happen, and appreciating that in a sense you don't have a, an actual recollection - - -?---Yep, yep.

- - - but do I understand your evidence to be that there were occasions when your mother-in-law would essentially tell you that the accountant was coming over and that you and John needed to be present because there were documents that needed to be signed?---All the time.

30 And would that occur at your parents-in-laws' house or would you have to go to another location or would it occur at your home?---No, it's, no, from memory I think it was at the reception lounge, yeah.

At the reception lounge?---Yep, yep.

This is in 2000, so - - -?---Okay, yeah, 2000, yep.

40 So if this occurred, to the best of your recollection, this would have occurred at the reception lounge?---Yep.

Have you ever attended the offices of the accountant?---Yes. I'm, I'm just trying to think if I went to see him, 'cause we set up a new trust a few years back for John and I. I think we went there. It's in Liverpool. I think I've been there, yeah.

And was that Tony Zaccagnini?---Yes, yes, that's his name, yep.

And you referred to setting up a trust with John a few years ago.---Yes.

Sensitive

And when was that?---Seven years ago, I think. Six years, seven years ago.

I thought you told us at the outset that you weren't aware that you were part of any trust prior to 2017.---Prior to – oh, sorry, I misunderstood you. I thought you were talking about the Sidoti trust.

Okay.---Sorry, I misunderstood.

10 Right.---Yep. We have a JAFS investment trust. Sorry.

Yes, which was set up in about 2014, is that correct?---2014, yep, thank you. Yes.

And you're aware of being a beneficiary under that trust, correct?---Oh, I actually read the document a couple of days ago to refresh my memory, and I'm aware that I'm a secretary, and I think I'm a director, and I'm aware that my husband is a director. I sort of skimmed through the document. Sorry, I didn't read the whole thing. If beneficiary is part of it, then yes.

20

And what was the context in which you did that? It was a few days ago. Where were when you did that?---At home.

Who was with you when you did that?---By myself.

In, what, in a study somewhere?---No, in my office.

30 THE COMMISSIONER: How did you come to be looking at these documents?---Because something was written on the summons about Betternow.

About?---Betternow.

MR RANKEN: Betternow, being the company that's the trustee of the JAFS Investment Trust?---Yeah. So I wanted to read something on it, yeah.

And how did you find those papers?---I've got a copy of the deed, yeah.

40 And why have you got a copy of that deed?---Because my accountant gave it to me.

And when did he give you that?---Oh, I don't know. I can't recall.

THE COMMISSIONER: What, years ago or - - -?---Oh, I don't know. I'd have to check with – is there a date on it?

Well, was it days ago or was it more like - - -?---No, no, no, no. Not days ago. No, no, no.

Sensitive

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S. SIDOTI
(RANKEN)

1039PT

What, more like years - - -?---It was filed away.

More like years ago or weeks ago or what?---No, more like years ago, yeah, no, it was filed away.

MR RANKEN: As in, was it at the time that the trust was actually set up?
---Yeah, possibly. Yeah, yeah.

10 So, your evidence is that you had no idea that you had been appointed as a trustee of the superannuation fund?---Of the, for 120 Great North Road, yes, no, I wasn't aware. Yeah.

Did you even look at the documents that were being put before you to sign?
---No. I – sorry.

Did you understand that the documents were legal documents?---I just trusted my accountant. He put the documents in front of me. There were little yellow tags that said, "Sign here," and I signed.
20

THE COMMISSIONER: Do you mean to say the accountant didn't say anything to you about the documents and what you were signing?---Oh, I don't know.

Or was it - - -?---Maybe but like I said in 2000 I, I can't remember. I had little kids, I, I don't know, I can't remember.

The accountant had been the accountant for the family for some years?
---Yes. Oh, over 20 years, yeah, for me.
30

And you would have had occasion to be present at least, whether you signed documents on those dates or times that the accountant came?---Possibly.

And was it his practice to explain what the legal documents were?---Yeah, well, oh, well he did for JAFS. I remember that, that I recall.

That's what I'm asking you, was that consistent with the practice you had seen him adopt in the past? That is to say that the documents - - -?---It's consistent with my memory of JAFS but not that far away. Like, back when
40 I was young, no, I don't recall. But I'm sure he did it but I don't recall, yeah, yeah,

Well, did he seem to you to be a careful, professional accountant from what you could judge?---No, I just, I just trust my accountant like I trust my solicitor. Yeah, yeah. It was, it, for me it was like business as usual. I saw him once a year or twice a year and did the same thing every year, just, I signed.

Sensitive

MR RANKEN: But you were aware when he came with these documents that you needed to sign that, particularly in circumstances where your parents-in-law were suggesting that you needed to be somewhere because the accountant was coming around, you did understand that what you were signing was some legal document?---I understood it was tax documents. Like, tax time. That's what I understood. Yeah.

10 So you believed any documents you were signing were only tax related?
---Well, that's what I understand with, with an accountant, that it would have been for tax, yeah.

Now, you told us before that you understood that your parents-in-law were the owners of 120 Great North Road, from which the function centre was run.---Yes.

20 And you told us also that you became aware, in 2017, that you and your husband were named as registered proprietors of that property, correct?
---Yes.

I wonder if we could bring up page 2118 in volume 1? This is, as it says at the title, a contract for the sale of land.---Yes.

And the vendor, that's the entity selling it, is identified as Deveme Pty Ltd as trustee of the Sidoti Family Trust.---Yes.

30 And the purchaser is identified as Catherine Sidoti, Richard Sidoti, John Sidoti and Sandra Sidoti, that's yourself, as trustees of the Deveme Pty Ltd Staff Superannuation Fund.---Yes.

And can you see there's some signatures on behalf of the purchasers, can you identify your signature there?---Yes, it's the third one.

I think go further.---That's right, yeah.

That's the one?---Yes.

40 Thank you. So you signed this contract for the sale of land as the purchaser in your capacity as a trustee of the Deveme Pty Ltd Staff Superannuation Fund.---That's my signature, yes.

And do you say you didn't even identify that it was a contract for the sale of land?---I just signed it. I know that solicitor there. Would we have been at the solicitor's office doing this, Allars Mottee?

I'm not asking that question, Ms Sidoti, please.---Okay, sorry, sorry. What was the question again?

Sensitive

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S. SIDOTI
(RANKEN)

1041PT

Are you saying you didn't even see that this was a contract for the sale of land when you signed it?---Contract for the sale – is this when they sold the business?

Please Ms - - -

THE COMMISSIONER: Please don't ask questions, just - - -?---Sorry.

10 You're entitled to ask to seek clarification as necessary but - - -?---Okay, I'm sorry, I - - -

- - - all you're being asked is a straightforward question firstly, we'll come to that question of yours in a moment. When you look at it, you see in bold at the top of the page Contract for Sale of Land.---"Sale of Land," yes.

20 And the question is, are you saying that when you came to sign it, you didn't know that it was a contract for sale of land, you didn't know it related to land, you didn't read it, or are you saying, well, yes, I appreciated it was a contract for sale of land.---No.

What's your position?---Your first part was correct, I didn't read it, no.

Didn't read it?---No.

But your eyes would have fallen on the page which you see now copied on the screen. Are you saying that - - -?---Yes.

30 - - - you did not know or do you say you don't recall now or what's the position as to whether you appreciated that what you were signing on the same page or the one page, was a contract?---I'm sorry.

Well, what's your position?---I never read – I'm answering the question. I never read the documents. If my in-laws needed my signature on something for whatever it was, I don't know if it was accountant-related or, I just signed. Sorry, I just did. I was a dutiful daughter-in-law, I just, I signed, I didn't - - -

40 Not just talking about your general practice, I'm just asking about this one document.---Yes. I don't - - -

Are you saying that you definitely did not even look - - -?---No.

- - - to see and you did not even bother to look at it or are you saying, look, I don't remember this document bearing the date 2007, I don't remember whether I realised what it was or not. What's your position?---Okay. I don't remember and I don't even understand what it is, what it, yeah, no, I don't remember.

Sensitive

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S. SIDOTI
(RANKEN)

1042PT

MR RANKEN: You don't know what a contract for sale of - - -?---No.

THE COMMISSIONER: Contract for sale of land.---Land.

Do you see that written there?---Yes, I understand contract for sale of land.

So what do you understand that to mean, what is it?---Then I don't understand. I know they sold the business in 2008. I don't, what's, I don't understand what contract for sale of land means.

10

You don't understand what the phrase contract for sale of land - - -?---Well, are they selling the land, is that what it means?

Please, we can't both talk at the same time. It's got to be recorded and taken down, typed up in the transcript.---I understand.

If you talk when I talk, well then Mr Ranken talks then - - -?---I'll do my best.

20

- - - it will mess up the system.---Okay.

So let's just go back step by step.---Yes.

You see it's headed Contract for Sale of Land.---Yes.

Do you understand what that means?---Not exactly, no.

What do you, what's the extent of your understanding - - -?---My understanding - - -

30

- - - as to what it means?---Okay. If someone was buying a plot of land and you were purchasing that plot of land, you would sign a contract for sale of land.

Okay.---Okay.

And now this is your position, just to clarify.---Yes.

40

You don't recall whether you appreciated it was a contract for sale of land or - - -?---No, I don't.

No, wait a minute – or are you saying positively back in 2007, I did not look at it at all and did not appreciate what it was?---No, I don't recall, Commissioner.

Okay. That's okay. Just want to clarify the position, that's all.---Okay, thank you.

Sensitive

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S. SIDOTI
(RANKEN)

1043PT

Yes, Mr Ranken.

MR RANKEN: Are you also saying that you did not see that your name was identified as being a purchaser of that land?---Where does it say purchaser?

THE COMMISSIONER: Sorry, I can't hear you.---Oh, sorry. Is this where it says "vendor"? No.

10 MR RANKEN: See where it says, where - - -?---Oh, sorry.

- - - the cursor is being identified, it says "purchaser"?---Yes, I don't recall reading any of that, no.

Could we then go to page 2185. Now this, have you ever seen a document of this nature before? A transfer.---No.

And this is a document that is dated 13 November of 2007.---Yes.

20 Same date.---Yes.

See that?---Yes, yes.

And it refers to, if you accept from me, the land which is the subject of the contract of sale of land. That is, 120 Great North Road.---Yes.

You won't see those words, I don't think, on the page.---Okay. Sorry.

30 Do you see it refers to the transferor as being Deveme Pty Ltd?---I can see that, yes.

And the transferee being you – well, being your parents-in-law, your husband and yourself?---Yes.

And can you see your signature on that page?---Yep, down the bottom.

And you've signed as one of the transferees.---Yes.

40 Do you understand what a transferee is in relation to a transfer of land? ---No.

You don't understand. You don't understand that that is the person whose name the title of the property is being transferred into?---No. Sorry.

You signed this document. Do you tell the Commission that you signed this document without any knowledge or any understanding as to what it was? ---Yes, yes.

Sensitive

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S. SIDOTI
(RANKEN)

1044PT

THE COMMISSIONER: And the solicitor didn't – the solicitor was present, was he?---His name is on the bottom and that's his signature, so he, I'd say he was, yes, he was present.

That's right. The signature as a witness, yes.---Okay, yep.

10 Do you mean to say the solicitor said nothing to you about this document before you signed it?---No, I'm sure he said something but I don't recall. Sorry, I don't recall. I just had a young family. I was just a stay-at-home mum. I don't know.

MR RANKEN: I want to go to a slightly different topic.---Okay.

And back in relation to the Sidoti Family Trust. You told us before that you did not have any awareness of any distributions of funds or property of any trust in which you were a beneficiary. Is that correct?---Correct. Yes, it is, yes.

20 Is it your position that you still are not aware of any such distributions?
---Yes, because I don't work there anymore, yeah.

I'm not talking about necessarily the superannuation fund.---Oh, okay, okay.

I'm talking about – that's a different topic.---Okay.

I'm talking about the Sidoti Family Trust.---Oh, the Sidoti Family Trust. I don't, I'm not, I'm not aware I'm really part of that. I don't know. I don't know.

30 I think I took you at the outset, I think the first document I took you to was the trust deed for the Sidoti Family Trust.---Oh, okay.

Which identified you and your husband as being beneficiaries.---Okay.

General beneficiaries. Okay?---Yep. Okay.

I want to take you to some documents.---Okay.

40 But before I do, as far as income, your personal income and money, what are the financial arrangements you have? Where do you get your money from that you use from day to day?---From, yep, yep, from my bank account. Or my husband's and my bank account.

So you and your husband have a joint bank account, is that correct?---Yes, we do, yes.

And do I take it that his parliamentary salary gets paid into that bank account?---Correct, yes.

Sensitive

Doesn't get paid into another bank account - - -?---No.

- - - from which he gives a kind of family allowance?---No. No. In John and Sandy Sidoti, yep.

And to your knowledge, is that the only source of funds that come into the, into that bank account - - -?---Yes.

10 - - - apart from maybe the odd transfer of money that some person might, if you've lent the money and they transfer money back or something like that?---I don't know. Yeah. Just the parliamentary wage, correct. Yes.

And to your knowledge, there have been no other bank accounts that you hold with your husband?---Just the JAFS.

So there's a bank account with JAFS?---It's on the, connected to the JAFS, yeah, that's it.

20 And is that a bank account in the name of the company Betternow Pty Ltd as a trustee for the JAFS Investment Trust?---Yes, yes, yes.

But other than those two – and you a signatory to that bank account?---Yes, yes.

And your husband's a signatory to that bank account?---I guess so, yes. It's the trust, yeah.

30 So apart from those two bank accounts that for JAFS and that for yours and your husband's, are there any other bank accounts that you have?---No.

Either alone or with your husband?---No. I don't have anymore, no.

Any term deposits?---No.

No other – so the only records of any income would be that which we get from your bank account records?---That's right.

40 And what income goes into the JAFS bank account?---No income.
No income?---No.

Well, do you know how much is in the JAFS account or the - - -?---Yes. We recently have taken out a loan. I think it was July of last year, yep, 2020 and those funds are in that account.

And what's the amount of that loan?---It was for 300,000, yeah.

Sensitive

And for what purpose?---Well, to pay legal fees and we've got a lot of legal fees.

Are you saying that those moneys don't have anything to do with the purchase or development of properties?---That's what I don't understand. - -

-

10 The loan moneys are not loan moneys that have been – the loan isn't for the purpose of developing any property or purchasing any property?---No. No, no, no. No.

Solely for legal fees?---For legal fees.

And apart from those funds in the loan account, or in the account that are a loan, what other property does JAFS own, or assets?---It only has a 10 per cent share in an investment property in Rouse Hill. Yeah.

And are the loan moneys secured against - - ?---My home.

20 Against your home?---Yep.

And not against the share in the development?---No, my home.

I want to take you to some financial statements relating to the Sidoti Family Trust. Could we first go to page 827 in volume 1? Now, this is a profit-and-loss statement from Deveme Pty Ltd as trustee for – that's what the letters ATF refer to.---Okay, yep.

30 For the Sidoti Family Trust and do you see that it lists some details for the years of 2014 and 2013?---Yes.

And in particular it refers to a beneficiary's distribution in each of those years to you in the amount of \$22,000.---Okay, yes.

And it says that it refers to it as a beneficiary account, Sandra Sidoti. ---Okay.

40 Do you know anything about those funds and a beneficiary account in your name?---Absolutely no. No.

Could we then go to – to do this quickly – if we could go to page 893 in that same volume. This is the financial statements for the year ended 30 June, 2016. So I've jumped ahead a couple of years.---Okay, yes.

But we see details for each of 2016 and 2015. Do you see that?---Yes.

And there is a reference there to the beneficiary account in your name and a share of profit in the amount of \$720,000 in 2016.---Yeah.

Sensitive

And \$22,000 in 2015.---Okay.

Do you see that?---Yes, I do.

And are you able to say anything about what that \$720,000 was?---I have absolutely no idea. I have never seen this. I have absolutely no idea. I don't know.

10 Have those funds ever been received in any bank account operated by yourself or John?---No, never, no.

Could we then go to page 911. A profit-and-loss statement from the financial statements of 30 June, for the year ended 30 June, 2017.---Ah hmm.

And again we can see for 2016, in relation to the beneficiary account in your name, there was the \$720,000 distribution.---Okay.

20 And in 2017, a distribution of 36,999.---Okay.

And you have no knowledge of that distribution occurring or what or how it was done?---No. I don't, I don't even know what this is. I don't know. No.

Have you had any conversations with your accountant about this distribution?---No.

30 What about since 2017 and the revelations in parliament that you and your husband were owners, registered proprietors of 120 Great North Road? Did that not prompt some discussions about what the financial arrangements were?---No, we just found out that we were trustees of this 120 Great North Road.

But I appreciate that that's what you found out when - - -?---Yeah, yeah.

- - - when it was raised in parliament.---Yeah.

But as a result of that - - -?---Okay.

40 - - - I thought there was a series of meetings that you might have attended with your husband, with the accountant?---Um - - -

No? I thought - - -?---I might have attended one meeting and Tony may have tried to explain all of this to us, but I, I don't understand any accounting terms whatsoever. To me it means absolutely nothing. I don't understand it.

Sensitive

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S. SIDOTI
(RANKEN)

1048PT

But I think you tell the Commission it was a shock for you and your husband - - -?---Yes, yeah.

- - - when you saw it when it was raised in parliament, in Question Time?
---Yes. Yes.

And that shock quickly was directed towards finding out what actually the true position was in terms of your financial position?---Yes.

10 And – correct?---Yes.

Because the concern, was it not, was that these were interests that your husband had not disclosed.---Yes, that’s right, yes.

And that there was a suggestion being made that he had not disclosed them for dishonest reasons.---That’s right.

Is that right?---Yes. Yep.

20 So I take it, then, that both you and your husband were very keen to get to the bottom of all of this?---Yes, but my husband had met I think with the accountant without me. Yeah, I didn’t - - -

So there were meetings that occurred involving your husband that you didn’t attend and - - -?---Yeah. Yeah.

Sorry, meetings with the accountant.---Yeah, the accountant.

30 But you didn’t attend those.---Yeah, no.

No.---No.

Did he, did your husband relay back to you what the substance of the information that he got from those meetings was?---Oh, he did his best to explain it to me, but even then he couldn’t explain it to me. I still didn’t understand. Yep.

40 And did he ever explain to you that you had been the recipient of distributions - - -?---No.

- - - from the Sidoti Family Trust in 2013, 2014, 2015, 2016 and 2017?
---No. No. No. No.

No.---No.

And is it the case that you, even to this day, until I’ve taken you to these documents, you had no knowledge that you had been the recipient of - - -?
---No.

Sensitive

- - - or that these distributions had occurred?---No.

Or how they had occurred?---Yep. I, beneficiary to me, I don't even understand it. I thought it meant when someone dies. That's, that's my understanding.

Okay.---Yeah. That's it, yeah.

10 I thought you, whilst you didn't have an understanding of trusts before 2017, you did now have some, at least a basic understanding of trusts, correct?---Basic, what I've refreshed my memory in the last few days, yes.

And one aspect of a trust is that there are beneficiaries of a trust.---That's what I've read.

Yes.---That's right.

20 So your understanding is not that beneficiaries are only when someone dies.---I understand that now. I understand that now, yes.

So when I took you to these and I refer to a beneficiary account, you understood that that's what I was referring to was a beneficiary under the Sidoti Family Trust, not someone having died.---No, no, no. I said to you I don't, I don't understand. I thought the term beneficiary is something when someone dies, but I've never seen this before in my life. I don't know what it is.

30 I want to ask you some questions about firstly when your husband was first elected to parliament.---Ah hmm.

And that was obviously a very happy occasion.---Yes, of course, yeah.

A very proud occasion.---Very proud, yeah, yeah.

But it came with other obligations, like having to disclose certain interests. Correct?---I'm not in parliament but I, yes, I'm aware that now of what's happened that he needs to disclose certain things, yes.

40 No, but when he was first elected were there not discussions about, right, now that I've been elected to parliament we need to, or I'm going to need to put on the parliamentary register certain - - -?---No.

- - - information about my financial situation, my assets et cetera? No?
---No. I - - -

There was no discussion with you about that?---No, no.

Sensitive

Were you present or were you aware of whether or not your husband sought advice of an accountant or a lawyer about those matters back in 2011?

---Sorry, I can't recall, I don't know. I don't know.

THE COMMISSIONER: Did he - - -?---Possibly - - -

Did he ever – sorry, go on, you go on.---Yeah, he may have possibly but I, I, I can't recall.

10 Did he ever tell you that he had done that, consulted a lawyer or an accountant about the need to disclose - - -?---About disclosing? No, no. I didn't understand the - - -

He didn't mention to you that he had sought legal advice or accounting advice?---No, no, not that I, not that I recall, not that I recall, no.

MR RANKEN: Now, on a different topic, in 2013 there was, you recall that there was a lot of activity in the Five Dock area about a town centre study?

---No.

20

You don't recall there being a design study for the upgrade of the town centre of Five Dock?---I don't know. I don't know if I recall, no, I don't know, sorry.

THE COMMISSIONER: Did your husband ever discuss it with you?---No.

He never mentioned the Five Dock Town Study for rezoning and other matters?---No, sorry.

30 Did you ever become aware that there was a Five Dock Area Town Study which was designed to upgrade and rezone aspects of the Five Dock area? ---No, I was not aware of that, no.

Never heard of it?---Ah, oh, recently, yes.

When?---Like in the last, through this horrible 15, I don't know how long it's been, 18 months.

Yes.---Yes.

40

But before then?---Well, no, I'm, I'm - - -

Did your husband ever discuss it with you?---Commissioner, my husband has been absent for 10 years as a politician. I've been like a single mum at home.

Please, just answer my question.---No.

Sensitive

He didn't?---No, I don't – no.

Did he ever discuss issues of rezoning under any proposed study that council had received?---No.

Never?---Never.

MR RANKEN: What about your parents-in-law, did they ever discuss this?
---Not that I can recall.

10

No?---No, not that I can recall.

Have they ever asked you questions or asked you for any help with engaging with experts or people they might have engaged to look at the town study?---(No Audible Reply)

No?---No, no. I know my mother-in-law has asked for my email address many times, so yeah.

20

But that email address as you understand was only used to - - -?---To print.

- - - put it down so that you would be able to print out documents for her.

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

Because she's not very good or technologically sound.---No, no.

Have you ever received an email from your mother-in-law?---Oh, probably, yeah.

30

So she is capable of using email?---Oh, very basic. Very basic. Oh, an email from her or, or - - -

Yes, from her.---From her. No, not that, not that I can recall. She's never sent me anything.

She's never sent you an email, okay.---Yeah, no.

40

And you've never seen her send an email, you've never been present with her when she's been typing up and email and sending an email either on a computer or - - -?---I've seen her attempt to send an email. I've seen her attempt to send an email.

And where was that?---At home, at her home.

At your home, at her home?---No, no, no. At her home.

And was that an email she was sending from her own email address?---Yes, yep.

Sensitive

But you've never seen her attempt to send an email from our home, from your computer?---Oh, no, no, no.

Have you ever seen her use your computer?---Never. She can't get up the stairs. My computer is upstairs. She can't climb my staircase.

And upstairs, is that at [REDACTED]?---Yes.

10 And do you still reside at [REDACTED]?---Yes.

And do you and your husband still own that property?---Yes. Well, the bank owns it at the moment, yeah, but yes.

So it's subject to a mortgage?---Yeah.

And that mortgage is to secure the funds that are in the JAFS account?---That's right, yeah, that's right.

20 Now, but the whole time that you've lived at [REDACTED], your computer, the device from which emails are capable of being sent from the sandra.sidoti@[REDACTED] has been upstairs?---Always.

And your mother-in-law is unable to climb those stairs to get up to that room, is that correct?---She can't climb my stairs, that's right, correct.

And she has never been upstairs at your place?---No, never.

30 Never?---She's never been up there. Even after we finished building it, she's never seen the upstairs. She's got bad knees, she had a knee reconstruction and she's pretty overweight, so, yeah, no.

So there's absolutely no way she could ever send an email from that computer?---Absolutely no way.

Thank you. Now, so you've got no recollection of your husband ever raising any issue about a design to the study for the Five Dock Town centre?---No.

40 Design study, sorry, for the Five Dock Town Centre?---No.

Not a topic he ever raised with you?---With me?

Ah hmm.---No.

Ever vented about?---No.

No?---He wasn't home very often, he was always at work. So - - -

Sensitive

What about on weekends?---Well, on the weekends he was always at events and functions.

Were you not attending those events and functions with him from time to time?---Yes. I did, I did. I, I attended functions on the weekends with him at night-time, yeah.

10 Have you ever met a Liberal Councillor, Michael Megna, do you know Michael Megna?---Yes, yes.

And how do you know him?---He is a Liberal Party member and he is a friend of the family, yeah.

And what about, do you know any other Liberal Party members who were councillors on the Five Dock Council?---Yeah, yeah.

Do you know Mirjana Cestar?---Yes, yeah, I know her, yeah.

20 And how do you know her?---Yeah. She, she's a member of the Liberal Party and she's actually worked on some of my husband's campaigns, yeah.

And what about Helen McCaffrey?---Yes, yes. Member of the Liberal Party.

And Tanveer Ahmed, Dr Tanveer Ahmed?---I don't really know him but I had heard of him, yeah. I know, I've heard of him, yeah.

30 And has your husband ever spoken about those persons from time to time? ---No but we've seen them at functions and, yeah, I've seen them at functions and we spoke at functions.

So, leaving Mr Megna to one side because you said he was a family friend. ---Yes, yes.

40 But as far as your knowledge of those other three, and particularly Ms Cestar and Ms McCaffrey, is that solely through seeing them at functions? ---Yeah, yeah. And fundraisers and I can recall, or remember, that I have done two fundraisers, or opened my home for Helen McCaffrey. She asked if I would host her fundraisers for some branch or her branch or something, if she could use my home. So yeah, yeah.

And your husband, did he never, your husband never spoke to you about what he thought of either of them as councillors or as people?---No.

Did he ever speak to you about his life in politics? Or does he ever speak to you about his life in politics and - - -?---Oh, sure.

Sensitive

- - - issues that he's facing during his day-to-day?---Only in the last 14 to 16 months 'cause he's been home a lot.

THE COMMISSIONER: Can I just ask you another question before we adjourn for lunch?---Yes.

You had good relationships with his parents over the years?---Yes, I've, yes.

10 And I think you said that his mother's not a computerised, skilled person?
---No. No. No.

And - - -?---Not with computers. She's shocking.

And over the years, since – sorry, I withdraw that. I think the business was sold in 2008, is that - - -?---Yes. Yep, my daughter was 2, yes, yeah.

20 All right. And say from 2008 to the present time, has your husband's parents been interested in matters of buying and selling, redeveloping property?---Since I've, for as long as I've known my in-laws, but particularly my mother-in-law - - -

Sorry, I can't hear.---Sorry. Sorry. I was going to say, for as long as I've known my in-laws, but in particular my mother-in-law, she's always been very passionate and she's always talked about properties, and she wants to buy this and do this and – yep. So that I know, 'cause she constantly talked about that, yeah.

30 But in relation to any transactions or local government issues, has either of his parents been involved in matters that you recall?---With, so with, what do you mean? With - - -

Well, anything to do with property development, for example, involving the council or rezoning issues?---No, not that I know of. I know that they wanted to lodge a DA last year. I know that, yes.

Apart from that - - -?---Yeah, apart from that, no.

40 - - - has either of his parents exhibited to you they're interested in getting involved in property development?---She's always talked about wanting to develop.

Develop a particular property or just in general?---Oh, she's always sort of banged on about, "Oh, I'd love to buy this and that." But in particular, it was 120. Yep, I know that. Yep, that I know.

Any other properties or any other specific properties or not?---For, what do you mean, by the, putting a development application or something? I don't
- - -

Sensitive

Well, talking about, you know, what council's doing and how that might impact on - - -?---No, no.

- - - redevelopment in Five Dock area?---No.

Okay, thank you.---No.

10 MR RANKEN: I appreciate the time, Commissioner, but I only have a few more things to finish off.

THE COMMISSIONER: I'm sorry?

MR RANKEN: I only have a few more brief topics if I could.

THE COMMISSIONER: Yes, certainly. You proceed.

MR RANKEN: And then I think we can complete Ms Sidoti's evidence.

20 THE COMMISSIONER: Yes, indeed.

THE WITNESS: Thank you.

MR RANKEN: I just want to – on the topic of your parents-in-law.---Yep, yep.

They never discussed engaging people to liaise with council about development matters, other than this DA that you've talked about - - -?
---Yeah, yeah, yeah.

30 - - - more recently.---Yeah, 'cause, yeah. Um, you mean with me, is that what you mean?

Yes, with you, yes.---Yeah, yeah, no, not that I recall, yeah.

And did John ever tell you that they had engaged experts to raise matters with the council about development?---I only know of this recent one, the one that they wanted to lodge a DA last year. Yep.

40 THE COMMISSIONER: Aside from that. I think the question - - -?
---Yeah, yeah.

MR RANKEN: Yes, besides from that, yes.---So besides that one, no, not that I'm, not that I'm aware of, no.

And as far as that one's concerned, that's something that was only in the last year or so, is that right?---Are we talking about the one that they were going to lodge?

Sensitive

Yes.---Yes, yes, yeah.

I just want to go back to the evidence you gave about those distributions that you weren't aware of that indicated that the moneys from the Sidoti Family Trust had been distributed to your beneficiary account.---Yes, yes, yep.

10 As far as the preparation and lodging of your personal income tax returns, are they something you do personally or through an accountant?---No, through Tony.

Through Tony.---Yep.

And then he prepares, you provide him with such information and - - -?
---Yep. Whatever he asks for.

- - - that he asks for?---Yep.

20 And then he prepares the tax return and asks you to look over it and ensure that it's all correct?---Ah, well - - -

He hasn't asked you to check that it's correct?---Not that I recall. I just, he's got the yellow tabs there and he said, "This is for you, Ms Sidoti, just sign on the yellow tabs."

But do you understand what you're doing when you're signing the yellow tabs?---Yes, tax returns. So whatever I've given to him, he's put it all together and I sign and then he puts it into the Tax Office, yeah.

30 But did you understand that by signing it you're verifying that the information that has been included is correct, is true and correct?---Yes, yeah, yeah.

So that act of signing by you is a statement to the Taxation Office that you are warranting that the information there is correct?---Yeah, yeah, I, I trust my accountant. Whatever he put there and told me to sign, I just signed it.

40 But do you say that you don't look over the information to satisfy yourself that it's correct before you actually sign it?---I can say that I'm very slack in that department so - - -

Are you aware that your personal tax returns do show income declared as having been received from the Sidoti Family Trust?---No, no.

And is that because you say you've never looked over the tax returns that have been prepared by your accountant - - -?---That's correct, yes.

- - - before you sign them?---Yep, yep.

Sensitive

Just one moment, Commissioner. Yes, thank you, Commissioner. They're my only questions of Ms Sidoti.

THE COMMISSIONER: Thank you. Then do you wish the summons to remain on foot?

MR RANKEN: I think it perhaps may need to.

10 THE COMMISSIONER: So, Ms Sidoti, that completes the examination today.---Okay.

Just a couple of points. You are under summons, as you know.---Yes.

I will at some point in the future discharge that summons, but at the moment it's still operative in the event of something arising that we need to examine you or put to you in the future. That may or may not occur.---Okay.

20 In the meantime I'll just remind you, as I do with every witness. You'll recall that I made an order under section 112 of the Independent Commission Against Corruption Act which has the effect of suppressing, that is restricting and prohibiting, the communicating to anyone the fact that you've come here, although as you say, your husband would be aware.---Yes.

But you're not entitled to tell anyone of your attendance here or of proceedings here or the questions and answers that have taken place. Do you understand that?---Yes, I read that.

30 I remind you because it is a - - -?---I read that on the summons yeah.

- - - criminal offence to contravene that order and I just didn't want you to find yourself in a position where you had overlooked the fact that that order continues to operate and restrict you. So in your interests as well as the Commission's I've reminded you of the fact it's there.---Thank you. Thank you. I am fully aware, thank you.

Thank you for your attendance.---Thank you.

40 You may step down, thank you.---Thank you.

You're excused for today and you'll be advised about the summons as to whether there's any future requirement for you.---Okay. All right. Thank you very much. Thank you. Can I take this bottle of water?

THE WITNESS WITHDREW

[1.08pm]

Sensitive

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S. SIDOTI
(RANKEN)

1058PT

Yeah, sure.---Thank you, thanks.

All right. I will adjourn.

AT 1.08PM THE MATTER WAS ADJOURNED ACCORDINGLY
[1.08pm]

Sensitive

05/02/2021
E19/1452

S. SIDOTI
(RANKEN)

1059PT