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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 WEDNESDAY 10 FEBRUARY, 2021

AT 10.30AM

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

Sensitive

THE COMMISSIONER: Mr Ranken.

MR RANKEN: Yes, good morning, Commissioner.

THE COMMISSIONER: Good morning.

MR RANKEN: Mrs Lisa Andersen, A-n-d-e-r-s-e-n, has presented herself before the Commission in answer to her summons.

10 THE COMMISSIONER: Very good.

MR RANKEN: She's in the hearing room.

THE COMMISSIONER: Ms Andersen, would you mind coming forward, thank you, just down here. Good morning. Ms Andersen, we're going to conduct this examination, Mr Ranken's going to ask you some questions.

MS ANDERSEN: Yes.

20 THE COMMISSIONER: Before we start you need to either take an oath or an affirmation.

MS ANDERSEN: An oath.

THE COMMISSIONER: An oath.

MS ANDERSEN: Oath.

30 THE COMMISSIONER: There should be a Bible there, if you just pick it up, and if you wouldn't mind standing and I'll administer the oath.

<LISA ANGELA ANDERSEN, sworn

[10.20am]

THE COMMISSIONER: Thank you very much. Take a seat. Would you mind just stating your full name for the record.---Lisa Angela Andersen.

Thank you. Ms Andersen, in a moment Mr Ranken will ask you some questions, but I'll just deal with some formal matters before we get to that stage.

10

MR RANKEN: Sorry, Commissioner, I think we may have a problem with the - - -

THE COMMISSIONER: Sound system? Yes. The witness. I see. What do you suggest, we adjourn so it can be sorted or – I suppose that's the obvious course.

MR RANKEN: I think so, unless this - - -

20

THE COMMISSIONER: You might just check with the monitor, Mr Ranken. Do we still have a problem? All right. Well, Ms Andersen, with the best will in the world the technology always fails just when you want it. I'm going to adjourn and we'll get some technical people to have a look at it and sort it out, so I'll adjourn.

SHORT ADJOURNMENT

[10.31am]

30

THE COMMISSIONER: I understand the system is now working. I direct that the following persons may be present at this compulsory examination: officers of the Commission, including transcription staff; the witness, Ms Lisa Andersen. I note that Ms Andersen is not legally represented.

40

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

The direction accordingly is as follows, that being satisfied as I am that it is necessary and desirable in the public interest to do so, I direct pursuant to

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1183PT

section 112 of the Independent Commission Against Corruption Act that the evidence given by the witness, Ms Andersen, the contents of any exhibits that are tendered, the contents of any documents that may be shown to the witness, any information that might enable her to be identified and the fact that she has today given evidence shall not be published or otherwise communicated to anyone except Commission officers for statutory purposes or pursuant to a further order of the Commission.

10 **SUPPRESSION ORDER: BEING SATISFIED AS I AM 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 THE WITNESS, MS
ANDERSEN, THE CONTENTS OF ANY EXHIBITS THAT ARE
TENDERED, THE CONTENTS OF ANY DOCUMENTS THAT MAY
BE SHOWN TO THE WITNESS, ANY INFORMATION THAT
MIGHT ENABLE HER TO BE IDENTIFIED AND THE FACT THAT
20 **SHE HAS TODAY GIVEN EVIDENCE SHALL NOT BE
PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE
EXCEPT COMMISSION OFFICERS FOR STATUTORY PURPOSES
OR PURSUANT TO A FURTHER ORDER OF THE COMMISSION.****

THE COMMISSIONER: Ms Andersen, the other matter I just want to deal with briefly is, because you're not legally represented, you're entitled to be informed as to what your rights are and so on, as any witness is, and you understand that having been summonsed to give evidence and taken an oath, that you must answer all questions truthfully - - -?---Yes.

30 - - - and if you're required to produce any documents, you must do so.
---Yes.

But there is a procedure under the Independent Commission Against Corruption Act whereby a witness is entitled to object to answering a question or producing an item. I'll explain the reason for that. The effect of any objection is that although you must still answer the question, and do so truthfully, or produce the item, your answer or the item produced cannot be used against you in any civil proceedings or, subject to an exception I'll
40 mention in a moment, any criminal proceedings. That exception does not prevent your evidence from being used against you in the prosecution of an offence under this Act, that is under the Independent Commission Against Corruption Act, such as an offence of giving false or misleading evidence, for which the penalty can be imprisonment for up to five years. The purpose, however, is that by objecting you do have the protection that the evidence can't otherwise ever be used against you. This may or may not concern you. But you're still entitled to object if you wish.
---Thank you.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1184PT

I can make a declaration that all the answers and all the items produced are to be taken on objection if you wish to object. Having that explanation, do you wish to object to giving evidence?---Yes.

10 Very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Ms Lisa Andersen, and any documents or things that may be produced 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 in respect of any particular answer given or document or thing produced.

20 **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 LISA ANDERSEN, AND ANY DOCUMENTS OR THINGS THAT MAY BE PRODUCED 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 IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

30 THE COMMISSIONER: Very well. Now, Mr Ranken, I think we're ready to proceed.

MR RANKEN: Yes, thank you, Commissioner. Now, Mrs Andersen, you are the sister of John Sidoti, is that correct?---Correct.

And the daughter of Richard and Catherine Sidoti. Is that so?---Correct, yes.

And what is your current occupation?---Three weeks ago I actually resigned. So I'm currently at my leisure.

40 At your leisure?---Yes.

Was that a retirement - - -

THE COMMISSIONER: Just before we go, Ms Andersen, could you, if you can, just moved close to the microphone a bit? Keep your voice up, if you would.---Yes.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1185PT

Sometimes the microphones don't pick it up unless you do that. So we'll see how we go.

MR RANKEN: And when you say you resigned, was that by way of retirement or - - -?---No. I left, I left the previous employment just to take care of family matters.

And what was your occupation up until three weeks ago?---I worked as a senior adviser with the President of the Legislative Council.

10

Sorry, I just missed the last bit. Senior adviser to?---John Ajaka, MLC, the President of the Upper House.

Thank you.

MR RANKEN: So you're presently not in gainful employment, you're attending to family matters. Is that right?---Yes, yes. I'm taking a few months off.

20

And for how long did you work with Mr Ajaka as the - - -?---Just short of, just short of two years and before that I was with Ku-ring-gai Local Council.

And what was your role with Ku-ring-gai Local Council?---I worked in their Sport and Strategy, Recreation Department, predominantly with customer service.

You have a legal degree, is that correct?---Yes.

30

And have you ever practiced as a solicitor or other legal practitioner?---Yes. Straight after admission in the early '90s, private practice for a short time, then then the Office of the Director of Public Prosecutions. I also worked as an investigator/legal – oh, solicitor. It was a solicitor's role but more in the investigative nature at the Police Royal Commission, the Wood Police Royal Commission, and then I had two children, and then in the late '90s I, I basically did ad hoc work. I didn't return to practice as such, it was impossible, particularly after my first child was diagnosed with autism, it was not, not going to work.

40

And when you say ad hoc, was that ad hoc practice as a solicitor?---No, no. No, I did everything and anything. So, I, I, I do some local consulting for action groups with local councils that needed help with writing letters, deciphering plans, that sort of thing. I had a little bit of knowledge in that area, but it was not, not as a solicitor, no. I'm not even sure if I kept my practising certificate up at that time.

Do I take it, then, that you don't presently have a practising certificate as a legal practitioner?---I don't think so. I, I renewed it briefly a couple of

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1186PT

years ago because I wanted to help a friend whose son had a DUI in front of the Local Court, but I don't recall if I've renewed it since. I don't think so.

Well, it's an annual renewal process, is that right?---Yeah, then, then not likely, no.

But you remain on the roll of legal practitioners, just not one who has a current practising certificate.---Correct. Correct, yep.

10 And do you recall the year it was in which you obtained a practising certificate for that limited period?---I would say it was '17 or '18.

As in 2017 or 2018?---Yes, yes. Yep.

And was it a practising certificate for the entirety of that practice year or of a more limited period of time?---Yeah, it was for the whole year, yep, yep.

And apart from appearing on behalf of your friend's child, I think you said it was - - -?---Yes, yes, at Burwood, Burwood Local Court.

20

- - - in respect of the DUI matter in the Local Court - - -?---Yes.

- - - did you do any other legal work during that year?---Not, no, not that I can recall, no. I was working for the Ku-ring-gai Council at that time and it, that role didn't require a certificate.

And when you were working with the Ku-ring-gai Council, did you live within that area at the time?---No, we were living at that stage at Ryde.

30 At Ryde. You currently live at an address on [REDACTED] at Drummoyne, is that correct?---Yes, yeah.

And how long have you lived at that address?---Since late March of last year, 2020.

And prior to March 2020, where were you residing?---At Ryde.

At Ryde. And the address at [REDACTED] is within, plainly enough, the electorate of Drummoyne, is that correct?---Yes, number [REDACTED], yep.

40

And does your – your brother John resides within that electorate as well or - - -?---He's next door.

Right next door?---He's right next door.

Your parents also reside within the Drummoyne electorate, is that correct? ---Yes, they're at Chiswick, which is a five-minute drive or 15-minute walk away.

Sensitive

And how close are you and John as far as ages are concerned?---I'm, I'm three years older.

And do I take it that there is a close relationship with you and, between you and John as you grew up?---Oh, look, like every brother and sister, I hated his guts until he was probably 25. But, yes, no, we're very close.

Very close.---As adults, yes.

10

And also with your parents, are you close with your parents?---Yes, yes.

How regularly do you meet as a - - -?---As a family?

- - - as a big family? Yes.---Well, because I'm in area now, it was only since 2014 that we lived at Ryde and now Drummoyne, we probably meet weekly. And I, when I say "we", I mean myself, whichever of the adult children are available – because they're at uni and various other activities – and my husband rarely, because he's a solicitor and works long hours. And my brother up until COVID, almost never, because he's, also works long hours. So I would say weekly. We have a bit of a thing on a Thursday. Whoever's free. It's a standing invitation. We have dinner at my father's. Prior to 2014, though, we lived at Thornleigh for eight years so we're always on the north-west. Probably fortnightly, monthly, depending on my commitments.

20

But to your knowledge, though, was it more weekly for those who were, to use your words, in area?---Yeah, yeah. Whoever was free, basically.

30

And would Sandra Sidoti, does she attend those gatherings?---Mostly, yes.

Even if John is not available to attend?---Oh, yes, yeah. We, look, it's just the way. The, the boys tended to have longer hours.

And I mean at those family gatherings is there discussion about general family matters?---Sure, whatever's current.

Now, your parents for a number of years ran a function centre in Five Dock. Is that correct?---Correct, correct.

40

At an address at 120 Great North Road.---Correct.

Are you aware of that?---Yes, yes.

And you yourself did not work for that, in that business?---Oh, look, only I did a little bit of waitressing, and very poorly I might add, and a little bit of assistance while I was finishing uni, but no, not, not, not regularly, no. Once I became, once I was admitted and working as a solicitor, no.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1188PT

And can I just ask, for how many years did you work for the Director of Public Prosecutions?---I think four.

And did that include the period of time that you were in an investigative role with the Police Royal Commission?---No, because I wasn't seconded. The commission was poaching a lot of staff, so the director at that time basically just said, "Make a decision, stay or go," and I chose to, to go for the experience.

10

But there were, were there not, a number of solicitors who were seconded as well?---Yes, yes, yes.

So your period of time with the Director of Public Prosecutions was prior to your period of time with the royal commission.---Correct, correct.

Now, and that was in the 1990s, which was around about the same time that your parents were involved with the function centre. Correct?---Yes, I think, I think they purchased around '92-ish, yeah, it would have been, and they hosted my wedding there.

20

And in fact they continued to run the business there until about 2008. Is that correct?---That's right.

Thereafter the property remained within the family. Is that correct, and has to this day?---Yes, yes. They, they rented it out. Yes, correct, correct.

And do you have an understanding about what the, how that was done in terms of the ownership of the property at 120 Great North Road?---Sorry, what, what, what - - -

30

Do you understand how it is done, like who actually is on the legal title and how that it was done?---Not at the time. I, I know that since because, because of this matter coming to the Commission, I last year, early last year I assisted my brother in getting some documents together and that's, that's how I saw how, at the time I had no idea.

But were you aware though prior to this matter, or prior to that time in assisting your brother to get documents together, about the existence of a family trust known as the Sidoti Family Trust?---You know, I really can't recall. My mother often spoke of, you know, doing things using a trust and whatever, but to me it was all a bit blah, blah, it effectively meant a taxation device. That's, that's the, that's all I can remember. I'm afraid it was a little bit of white noise.

40

But what sort of things did your mother talk about doing with the trust? ---Look, I can't, I can't recall specifically. Just let me think. Is there a particular time that you're referring to or just generally?

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1189PT

Just what sorts of things was your mother - - -?---Sure, sure.

- - - expressing interest in doing with the trust. Was it for example being involved in particular investments?---Oh, sure.

Was it in relation to perhaps purchase of properties or was it - - -?---No, it was always about saving on tax. They didn't like paying tax.

10 THE COMMISSIONER: Tax minimisation I think they usually refer to it as.---Correct, correct, correct. I mean I was aware that mum and dad were buying some properties, I didn't really know at the time I don't think through what entities. Yeah, I honestly can't remember. It's a little bit, what was that, five or six years ago, seven years.

MR RANKEN: So was it five or six years ago that they were buying the properties, is that what you're talking about, or are you talking about other properties or - - -?---Do you mean the Five Dock properties or, or just properties in general?

20

Well, you referred to you were aware of some properties, purchasing properties. Have you got some - - -?---Yeah.

When you gave that answer, did you have some particular properties in mind?---Yeah. Oh, look, I was aware they, they bought the two little shops next door to their core property in the last four or five years, and then the other one behind 120 Great North Road. I think it's Second, 2 Second Avenue. And I was involved in that through the Anderlis Fund at the time, Anderlis Trust, I should say. But before that I know there were some West Ryde units that they'd developed. I think they might have still been in the function business at that time. Look, I, I've often liked in the past to, to, to keep an arms-length with my family's business as such.

30

Why is that?---Well, not to put too fine a point on it, my mother's got the biggest heart in the world but with a mouth to match, and I – she and I clash a lot. And I just, it just was better for us both to have that little bit of distance. I, I lived in Thornleigh and South Turrumurra for 20 years before I dared cross back over the bridge. I mean, she's, she's not nearly the boxer she used to be.

40

Was there some falling out between you and your mother?---No, no, no. Never anything formal, no. No, it's just personality clash.

But you specifically referred to keeping an arms-length from your family's financial matters.---Not necessarily financial.

Was there something particular about financial matters that - - -?---No, not financial necessarily. Just their business. I, I just didn't want the hassle is, I

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1190PT

just didn't want the phone calls, I didn't want the – I think, I don't know what it is for other people in the legal profession, some Italian families do require a lot of mollycoddling, and I had a few years' experience in prosecuting, not a lot of experience in commercial stuff. And so I'm not a specialist, and it's very hard to communicate that to lay people. I just found mum very hard work. And with two children and one with autism, I really just didn't need the, the extra hassle.

10 Was there – and tell me if I'm putting words in your mouth.---Sure, sure.

Was your concern that their – was about the expectations of you, as someone who has a legal background, could assist, might be able to assist with legal matters that were in fact outside of your real experience as a lawyer?---Oh, of course, yeah. I always would refer my parents to someone else or their local solicitor who – that's his bread and butter, conveyancing and all that sort of thing. And, look, eventually they understood that.

And is that the case also with your brother?---What do you mean?

20 Well, has your brother ever wanted you to do legal work for him or - - -?
---No, no, not - - -

- - - placed expectations on you, as someone with a legal background, that might be able to assist him with legal advice or anything of that nature?
---Not that I can recall. John's a lot more – well, he understands. In his role there are certain boundaries that one doesn't cross, certain things that you understand and don't understand. I mean, we might have general discussions about, you know, someone bashes my car, what do I do, so some procedural advice. But I wouldn't even call it legal. It's just probably
30 from experience.

Now, you mentioned before, when we were talking about the properties, and we might just focus on those properties in the Five Dock area that you referred to.---Sure. Yes.

Firstly that you were aware or became aware that your parents had purchased the two neighbouring properties to the function centre.---Ah
hmm. Yes.

40 And they were numbers 122 and 124 Great North Road.---Ah hmm. Yes.

Was that something that you were aware of happening at the time?
---Probably. I'm sure mum would have mentioned it.

And mentioned it, is that mentioned it at some of these family gatherings that you would have attended to?---Oh, yeah, yeah. I'm sure, yeah. I mean, I, I have known of it. I'm not sure of the date and exactly who, how and where, but mum's a very talkative person and I'm sure she would have

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1191PT

mentioned it because she often spoke of Five Dock, it was her baby, and that's not an unusual conversation for her to have.

10 And so she would not feel – well, in your experience, she would be pleased to talk about those matters in front of yourself and John and Sandra and - - - ?---Sometimes, not always. I think my sister-in-law found it rather irritating and repetitive. Well, that's the opinion she's expressed to me over a number of years, and being that bit closer, I think they may have seen more of mum and they had worked with her for 16 years. So, their bandwidth of tolerance was a little less than mine. But yeah, I'm sure there would have been discussion.

So, from that answer it suggests that, at least insofar as what your sister-in-law, that is Sandra Sidoti, had said to you, that your mother had repeatedly discussed matters to do with property acquisitions and the like?---Sure, in, in general.

20 With her and John.---If you say discuss in a consultative manner, no. It was – I don't wish to be disrespectful. I mean, I love my mother very much. She did blab a lot and we'll listen for 30 seconds and then the rest is just a respectful nod. So, not discuss, no. It would be just, "Here, this is what I'm doing. What are you doing?"

Now, can I ask you then, particularly in relation to the purchase of 2 Second Avenue in Five Dock, because that was a matter in which you did have some involvement.---Yes.

30 And do you recall the circumstances in which it was that you came to be involved with the acquisition of that property and the Anderlis Investment Fund?---Sure. Look, only in broad terms. My recollection was that the property was on the market and at the time of exchange my parents were going, were, were going to be overseas. It was their practice since, since retiring from their reception business to be in Italy for the, most of the duration of our Australian winter and I think that I was involved with the exchange. Sorry, I haven't refreshed my memory, so I might need a bit of a hand with that.

40 Perhaps if we can start by just firstly dealing with Anderlis Pty Ltd and the Anderlis Investment Trust.---Yes.

Do you recall being involved in the establishment of firstly the company, Anderlis Pty Ltd, and secondly the Investment Trust?---I, I definitely recall the company. The trust is a little vaguer, a bit, bit more vague, yeah.

Are you aware that you would fall within the definition of a general beneficiary under the Anderlis Investment Trust?---I will take your word for it. I, I can't, I can't recall.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1192PT

Are you aware that you also fall within the definition of a general beneficiary for the purposes of the Sidoti Family Trust?---I know that now, yep.

So, I wonder if we could bring up on the screen from volume 1, page 619. This is the first page of an ASIC extract report for the company, Anderlis Pty Ltd, correct?---Yes.

10 And what I, I appreciate it may have been some time, but are you familiar with these sorts of documents from your time as a lawyer, even as a prosecutor, having seen company extracts and the like?---Sure, sure.

So we'll try and go through this relatively quickly. If we could move to page 620, is the first kind of substantive page of the historical extract, and you can see that the registration date was the 15th of September, 2014. And if we could go to page 622, if we could scroll down a little bit, it has the current shareholders being Richard Sidoti and Catherine Sidoti, your parents.---Yes.

20 But it also has the former shareholders, and the former shareholder is only yourself, Lisa Andersen.---Yes.

Now, if we could go then to page 621, 621 lists the current directors, again your parents, and it has their appointment date as 21 October, 2014. Do you see that?---Yes.

That being a month after the registration.---Right.

30 Or a little bit, a month and a week after the registration of the company, and you are identified as being the previous director and also the previous secretary, having been appointed at the time of registration on 15 September, 2014, and the cessation date being the 21st.---Yes.

40 And do I understand that your evidence is that the reason for that was that your parents were overseas at the time this company was being established or for the purposes of purchasing the property?---Well, both, the, I think they were back for settlement, and the other reason I'm pretty sure is that the property, number 2 Second Avenue was owned by a physiotherapist or foot (not transcribable) or whatever it was, something like that, and that vendor, according to the, my parents, would have deliberately inflated the sale price had she known that it was the adjoining property that wanted to buy. So I think there was some attempt to conceal their identity from her.

Is that something that you became aware of from a conversation with your parents?---I must have. I wouldn't know that myself.

So when you were – from whom did you get your instructions, for want of a better word, to be the person involved in setting up the company rather than

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1193PT

your parents and for the purposes of purchasing 2 Second Avenue?---Sure. That would have come direct from mum. Mum's always been the driver.

THE COMMISSIONER: When you say would have, I take it by that answer you don't really have first-hand - - -?---Well, I don't recall the - - -

- - - detailed recollection of it, but you're saying, you're surmising, based on knowing how your mother - - -?---Oh, of course, yeah.

10 - - - operates so that she would have - - -?---Yeah, definitely. I don't recall when or, but that's, that's mum to a T.

MR RANKEN: And do you say though that also part of this was because your parents were overseas for their annual trip to Italy during the Australian winter as well?---They, they normally, I don't see why that year would have been any different. I'm, I'm almost certain they were not there for exchange.

20 Well, how did that, how did – if they were overseas, and when they were overseas they were usually overseas for a number of months. Is that correct?---About 10 weeks, yeah.

And if they were overseas, how would they become, or how did they become aware, to your knowledge, that the property at 2 Second Avenue was available to be purchased?---I don't know, you'll have to ask them, but - - -

Did they contact you from overseas to - - -?---All the time.

30 But did they contact you for the specific purpose of saying, listen, we want you to go and set up this company because we don't want our name to be on it because she's going to inflate the price if - - -?---Oh, look, I can't recall that specific conversation, but they would, mum would ring often and I do recall attending with the, her accountant to set things up. I not sure where that occurred, if it was at his office or, or even at, at 120 Great North Road, there was a little office underneath. But there were some arrangements in place before they went overseas, so not necessarily something that would have happened while they were there.

40 Well, what arrangements were they?---Well, the property was on the market for a little while. It wasn't, I don't think it was an auction. So I think there had been some negotiations with the agent who, I think, my memory is the current agent who looks after the, the rent. And I think the purchase price was agreed on and then everything else was done accordingly.

Sorry, just on that, who was involved in the negotiations with the agent? ---Oh, that would have, well, look, I'd be surmising. I don't know. But I, I would say mum.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1194PT

But it wasn't yourself?---Gosh. I can't categorically say no. I know there were some phone calls but I, I – no, I wouldn't have taken control to that extent to agree to a purchase price, no.

So to the best of your knowledge, it was your mother negotiating with the vendor's agent about the purchase price?---Correct, yeah.

10 And the vendor's agent would have known that it was your mother at that point, correct?---I guess.

So this idea of setting up a company to conceal that the purchaser might, was in fact your parents, that doesn't actually hold as a matter of logic. If your mother has been involved in the negotiations with the vendor's agent - -?---Well, they're all – sure, sure. Yeah, sure.

Correct?---If all of that's correct. But they're all hypotheticals. I don't know if she met with him. I don't know if it was phone calls.

20 If it wasn't yourself and it wasn't - -?---Well, I can't categorically rule it out. I don't think so. I just don't have enough recollection of it. There were some phone calls but I don't know if it was just exploratory discussions or if it was nuts and bolts discussions, yeah.

One thing that you are clear on, though, is this correct, is that the reason for setting up Anderlis Pty Ltd and having it purchase the property was principally to conceal your parents' names from being associated with the purchase of the property, correct?---From the vendor?

30 From the vendor.---Correct, yep.

And that would mean that therefore there would not be, well, as a matter of logic, the Sidoti family name wouldn't be associated with the company that was purchasing the property, correct?---Yeah, I daresay, yeah.

And obviously using your married name meant that you could be the director and secretary and shareholder of the company that purchased 2 Second Avenue, correct?---Ah hmm. Yep, yep.

40 Now, was that done only to conceal the fact that it was being purchased by the Sidoti family from the vendor? Or was it also intended to conceal that fact from other persons?---Like who?

Well, was it intended to, so that – was it intended so that it wouldn't be apparent on the record that the Sidoti family had an interest in that property at all?---There's no reason to do that.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1195PT

THE COMMISSIONER: Sorry, I couldn't hear.---There's no reason to do that.

MR RANKEN: To your knowledge, there was no reason to do that?---No.

Was that ever discussed with you with your family or any member of your family?---No.

10 Did you have any discussions with your brother John about the purchase of 2 Second Avenue?---Not at length that I can recall.

THE COMMISSIONER: It was, though, wasn't it, a significant acquisition for the family to be able to buy an adjacent property. Would you not have discussed that amongst family?---Yes, because - - -

20 In terms of the desirability of doing it?---Sure. Of course. Of course. And significant because at that time my parents had 120 Great North Road rented out, that was their principal source of income that they were retiring upon, and there was a driveway that was adjacent to this Second Avenue, so you'd have a commercial zoning abutting potentially a domestic zoning. There was always the concern that if an outside purchaser bought it, that it would be rented out and there would be continual complaints about noise and garbage, et cetera, et cetera, as you would have in a 24/7 business. So my parents were happy to buy that to protect their principal asset and also because at some later date they'd always thought about possibly developing the site.

30 So the benefit of going ahead, as you've just described surely was a matter of family discussion.---Oh, I'm sure.

Which would include perhaps your parents obviously and your brother, John, and perhaps others.---Yes, yeah, sure.

Is that right?---At that time John was in politics, you know, I could count on one hand the number of times I saw him, if I did see him, sure, there would be no reason to hide it.

40 No, and indeed you speak to him by phone from time to time?---Of course, yeah.

When are we talking about, 2014 here?---Yes.

October, whereabouts, November 2014? You'd communicate with your brother as well as your parents by phone from time to time I dare say? ---Oh, yes, yes, yes.

Okay.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1196PT

MR RANKEN: Now, just going back to Anderlis Pty Ltd and the Anderlis Investment Fund or Investment Trust.---Yes.

I've taken you to the establishment of the company.---Yes.

10 Could we then go to page 645 of volume 1. That's the first page of the deed of settlement for – that's the Sidoti Family Trust, I'm on the wrong one. Sorry, could we try 739. That's better. That's the deed of settlement to establish the Anderlis Investment Trust. Do you see that? And the accountant, Tony Zaccagnini, is identified as the settlor.---Yes.

He's your family's, or sorry, your parents' longstanding accountant. Correct?---Yes.

And he also does I think accounting work for your brother and sister-in-law. Is that correct?---Yes.

20 Is he your accountant as well or - - -?---No. When I was first married in '94 he did I think a year or two for us, and we, we just found his location at Liverpool inconvenient so we ended up going through my husband's accountant. So no, I haven't had anything professionally to do with him personally or since that time.

And can you see that on the front page, Anderlis Pty Ltd is described as being the trustee?---Yes.

30 If we go to page, perhaps go to page 740 and 741 and 42. That's the page I wanted, yes. Again we see Mr Zaccagnini as the settlor, identified as the settlor and Anderlis Pty Ltd identified as the trustee. And do you see that the date of the deed of settlement is dated 15 September, 2015?---Yes.

Now, that would be a year to the date, if that date was correct, particularly insofar as the year was concerned, that would mean that the Anderlis Investment Trust was not in existence until a year to the date from the day that Anderlis Pty Ltd was first established. Would you agree with that? ---Yeah, sure. There's another date at the bottom of the page.

40 Yes, I was going to draw your attention to that as well. Can you see there's a date there that seems to be a date in September 2014?---Yes.

Or refers to September 2014 in the footer.---Yes, yes.

Now, I appreciate this is not a document, this is not your document and not one which you've necessarily had a signature on.---Sure.

But could we then go to – could we go to page 2,337 in volume 1? That's the front page of the contract for the sale of land for the property at 2 Second Avenue, Five Dock. Do you see that?---Yes.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1197PT

And the contract date is identified as 15 September, 2014.---That's, that would be correct, yeah.

That is the same day as Anderlis Pty Ltd was established or registered, correct?---Yes.

And do you see that the purchaser is identified as being Anderlis Pty Ltd but as trustee for Anderlis Investment Trust, correct?---Yes.

10

And if that is so, would you agree that the date of 15 September, 2015, on the trust deed could not be correct?---Yeah, but it looks like an error.

And can you identify – well, do you recall seeing this contract for the sale of land?---No but that's, that's my writing on it, so - - -

The handwriting?---The handwriting is mine.

You recognise that handwriting as your own?---Yep.

20

And is it fair to say, would you agree, that this is a copy of the contract for the sale of land that was exchanged?---Yes.

On 15 September, 2014.---Was that the exchange date? Yes.

It's ordinarily the case, is it not, that the contract is dated on the day that the contracts are exchanged and then settlement occurs some six to eight weeks later, correct?---Yes, yes.

30 So, and that would all line up with the date of the registration of Anderlis Pty Ltd, correct?---Sure, yes.

And your parents, the information that the Commission has is that your parents had returned to Australia from overseas on 3 September, 2014.---Okay.

That is over a week prior to, well over a week prior to this being exchanged. ---I thought exchange was sooner than that.

40 THE COMMISSIONER: Sorry, I can't hear you?---I'm sorry. I thought exchange was sooner than that. Because I thought, I thought my, my parents had organised a power of attorney to handle the funds for exchange. I, I just have a recollection of that. But if that's what the dates say, then that's what they say.

MR RANKEN: And then if we could then go to page 2345. Do you recognise that type of document, a transfer document?---Yes.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1198PT

And you understand that's the document that's lodged with the Property Office in order to register the transfer of a property at settlement or upon settlement?---Yes.

And it identifies the transferor being Ms O'Hazy, who was the vendor.
---Yes.

And Anderlis Pty Ltd as the transferee and it was registered on 13 October, 2014.---Yes.

10

Do you see that?---Yes.

Thank you. So that would suggest that there was a relatively short period between exchange and settlement.---It looks like four weeks, yeah.

Now, apart from, obviously very shortly after that, on 15th of – so if we could just go back to page 622, or maybe 621. So a little over a week after that, we can see on the 21st of October is when you cease then being a director and your parents then became - - -?---Yes.

20

- - - the directors and secretaries of the property and also the, of the company and also the shareholders of that company.---Yes.

From that time on, did you have any involvement with 2 Second Avenue in Five Dock?---As in - - -

Any involvement with renting it out or any decisions that were being made in respect of it?---Not decisions, no. I think I may have had some discussions with – sorry, I think I may have had some discussions with some, I'm not sure what they're called, professional consulting town planners.

30

THE COMMISSIONER: Sorry, professional consultant - - -?---Yeah, or town planning people. Not, not council officers. When there were some amendments to the local zoning that were happening. I was trying to discuss with mum the implications of that, but - - -

Do you remember the name of the town planners?---It was something planning. Sorry. And the planner - - -

40

What was your purpose in speaking to them?---Mostly to just decipher how to manage with what was before my parents, what their options were moving forward. I know what mum and dad wanted, but their ability to speak with technical people was a little bit limited.

Who asked you to make contact or to speak to those planners?---Oh, mum did.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1199PT

Your mother did?---Yeah, yeah. Yeah, she, she knows her limitations.

10 What did she say to you?---Oh, look, I, I don't know the exact conversation, but it, it was always in the nature "Could you help me out with this?" And I'm not, I have some knowledge of planning just through experience, not because I've worked in the area. Not as detailed as my brother's knowledge, but just processes. So I was happy to, to make some exploratory calls and then to explain anything that might have come her way if she asked. It wasn't that often but it happened.

And apart from yourself, did your brother also help by speaking to the planners?---I don't know. Probably. His, his technical knowledge is outstanding.

Technical knowledge in relation to - - -?---Of planning. Of planning.

20 Planning. Mmm.---Yeah, he, I mean, he's been the Mayor of Burwood and, yeah - - -

Yes.--- - - - his involvement with councils, all that sort of thing. I would defer to his knowledge but he, he would defer to my understanding of process, so it was complementary skills.

MR RANKEN: So just in terms of your view or your impression that your brother has an outstanding technical knowledge of planning.---Yeah.

You've referred to the fact that he was the Mayor of Burwood.---Ah hmm.

30 And in fact he was a councillor at Burwood from, I think, 2008 till he was elected to parliament in 2011, correct.---I'm not sure, but that sounds right.

So that would be about three years in local government.---Yes.

What else is it that gives you the impression or the understanding that his understanding in planning is outstanding? Have you had conversations with him - - -?---Yeah.

40 - - - in which you have seen that technical knowledge on display?---Yes, I have, and I've even been present when staffers from the previous Planning Minister before the current one – I think Pru Goward – would call him, asking for assistance, and he would often laugh, like, "Why are they calling me? I'm not even in their office." But - - -

Was that when he was a member of parliament?---Oh, yes. I think he was, he was Planning Secretary for a little, a little while, and this would have been, oh, definitely while he was an MP. So I'm sorry I can't be more specific but, I - - -

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1200PT

That's quite all right.---Yeah.

And did you ever have any discussions with him about particular planning matters? Like perhaps planning matters that related specifically to the Drummoyne electorate?---Oh, sure.

One of the matters that is of interest is the Five Dock Town Centre Study process.---Yes, yes.

10

Did you have any discussions with your brother John about that and the planning aspects of that?---Yeah, yes, I do recall some.

And what sort of conversations did you have with John about that?---I just wanted to understand it better so I could help mum and dad out, but it was complex. It seemed, from the little bit that I could understand, it seemed that there were certain decisions made, depending on where the properties landed within particular zones or areas of the Five Dock Town Centre and that would have implications for development down the track. And based
20 on that, my advice was always, to mum and dad, that this was way beyond their skillset, that they should get – and, and my skillset – that they should get some professional assistance. Notwithstanding John's great skill, he had duties as an MP that would obviously conflict, so it wasn't a good look to, to have him involved.

20

THE COMMISSIONER: So, what I understand you to be saying is that the purpose of retaining these town planners, whose name we can locate in a moment, was to advise your parents on the approach one would take to a development and the upside, downside of matters that might be, they would
30 have to factor into their consideration before making a decision to do anything and that's sort of general advice?---Correct, correct. I mean, they, they'd always had a long-term vision for 124 Great North Road, notwithstanding changes in LEP and all that sort of thing. But as things changed around them, they just wanted to keep abreast of what they could do and it required more, more technical knowledge than I had and if one is going to approach a local council, it's best that it's done at arms-length with a professional consultant.

30

And do you know if your parents, or either one of them, met with these
40 town planners to discuss a possible way forward or plans for the future?---I, I'm almost certain dad wouldn't have, it's all double-dutch to him and his, his English is not as good as mum's. I, I wouldn't, I wasn't present. If, if they did meet, I wasn't there.

40

So you don't know - - -?---But, but I, but I met, and I recall one of the planners, I think maybe at the later stage, I specifically remember that meeting because we were going to the council together and he was a very handsome man, so something you don't forget. So - - -

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1201PT

10 However, the position is you don't know or recall whether your mother did attend on the planners to discuss the matter?---I doubt it. I doubt it. So I think, I think if we, if, if she was going to engage a professional, she would have basically have given the instructions to myself or via my brother. I'm not sure what she said to him but to me it's, "I want to know what I can do, when I can do it" and there was a perception that the LEP was somehow defective and the professionals suggested that we go ahead and ask the council to review it, which I think was in the original resolution. But yeah, I don't think mum met on her own.

So what do, as I understand what comes out of this, from what you've said, is that your parents, not having been property developers, they needed to have the rudiments, if you like, of how one would approach a possible development of the site or sites in question so that they could at least get the basics understood and perhaps the more detailed technical issues in due course.---Sure, correct.

20 Is that a fair summation?---That's fair, Commissioner. I wouldn't call them property developers, it wasn't their main source of bread and butter.

No, I understand that.---But they had developed smaller ventures in the past. So they weren't, they were not unfamiliar with councils but I think when, when one is approaching the council to change a decision or to review something, it requires more than just simply putting a plan in and, and then waiting.

Were any - - -?---So - - -

30 Sorry.---Sorry, I'm finished.

So any potential development of these sites as you would see it, they would be going into a new league, as it were.---Correct.

And they needed, well, hopefully proper and careful advice before they would venture forth into an area they are not familiar with.---Correct.

40 MR RANKEN: And you mentioned before in your evidence that there was a perception that there was something defective about the plan that was being proposed to council. From where did you get that information, that there was this perception that it was defective?---The LEP?

Yes.---Initially from mum, she was not happy with it.

What was her complaint?---Well, using her words, "We were left out." And I couldn't understand at the time what she meant, but I had it explained to me by the planner how lines were drawn to create an area to be considered for future I guess up-zoning, for want of a better word. In her opinion and

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1202PT

many others she tells me, it was a politically motivated drawing. I don't know that.

THE COMMISSIONER: And was this a – you go.---I don't know anything about - - -

And was this a matter on which your brother, John, also had views?---Yeah, yeah, I think he did express that.

10 What was his take on it or what was his general position?---I think at the time he had just won either, I think the second term, and he beat the Labor candidate who was the incumbent mayor at the time and I think is the current mayor, and there was, apparently it was a bitter campaign. That's all John's words. I don't know. I mean I helped on election day, I didn't notice anything in particular, but his view was, and I think it still is, that it was a politically motivated LEP.

MR RANKEN: And is that something that he expressed to you?---Yeah.

20 On more than one occasion?---Probably, yeah.

THE COMMISSIONER: Well, I'd be not putting it too highly to say he had strong views about that, I take it.---Sure, sure.

And was there a particular person he singled out as being the one he believed was in some way associated with this LEP issue?---Probably the, the mayor with the Greek name.

30 Yes. Mr Tsirekas, was it?---Yes, yes. And his cronies, for want of a better word. I hadn't had any direct dealings with the mayor or council officers so I don't, can't comment on any of that.

MR RANKEN: So from where, to your knowledge, from where did your mother get the understanding that this was a politically motivated LEP? ---She would – what did she say, I remember her receiving some sort of feedback from the consultant that it was a poorly prepared one, and at the time she also said, "There's rumours in Five Dock and everyone's telling me and people in, my neighbours are telling me that it's because of John." And as I said before, mum was very verbose so I had to extract what she
40 meant from a lot of that. It seemed to be that she felt that the block on which their property sits was targeted because my brother was in politics against the incumbent Labor mayor.

What would you say to the suggestion that in fact the idea that it was politically motivated, the LEP, came from John, that's where your mother got that idea from?---Sure. I don't know.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1203PT

Well, did she ever say John? I mean you said that your mother referred to that she'd heard rumours.---Sure.

This was something that John was plainly not happy with. He had a strong view that it was politically motivated. Correct?---Sure, sure.

There's no reason he wouldn't have expressed, to your knowledge, that to his own mother?---Oh, I'm, I'm sure. But I don't think it originated from him because – am I permitted to give hearsay?

10

Yes. We're not bound by the rules of evidence in this hearing.---Lucky you. There's a very good friend of our family who's also a councillor.

Is that Mr Megna?---Correct. Michael. And we've known them for a long, long time. His sister was my piano teacher and family connections. But they're, we're not related but mum would often call Michael, and she told me that he told her that this was – wink-wink, nudge-nudge – the mayor's getting back at John. Now, I don't know if that was said to get mum off his back or to absolve himself of any further involvement, I don't know. But it only added fuel to the fire.

20

Were you aware that Mr Megna in fact had a pecuniary interest that precluded him from being involved in any decisions in relation to the Five Dock Town Centre?---Yes, yes, I am aware of that, yep.

So that would be a simple way to get your mother off his back, correct? ---Could be, could be, yeah.

30

But you say that your mother told you that in fact he was the person who told her that it was politically motivated?---Yeah, I don't know if that was where she, where the seed germinated, but he was an important source for her, and I'm sure that John and Michael have had discussions as well, so – but I, I wasn't present when that happened.

40

So, and how was it that it came to be that you were contacted by – or, sorry, I withdraw that. How did it come to be that your mother asked you to have some involvement and dealings with the planners in relation to this issue concerning the Five Dock Town Centre?---I think by that stage I was moving closer in, in proximity, and I, I really found that I could assist a little bit more just being a little bit closer. Kids were getting older. But also she just had no one else, so I felt somewhat obliged to help. I have an interest in, in local government, and but for this matter before ICAC, I, I would have run at the next council election, but - - -

Is that the next Drummoyne council election?---Correct.

Do I take it, then, are you a member of a political party?---I'm for the last couple of years with the Liberal Party, yes.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1204PT

So when did you first join the Liberal Party?---Oh, gosh, back in the Brogden days, Young Liberals of Drummoyne. And then my Liberal Party membership lapsed. I then became disenchanted and I then resumed membership probably, shortly into John's second term.

That would be about 2014, 2015?---Yeah.

2016?---May have even been sooner. I really can't remember.

10

And of what branch?---At the moment we're part of the Drummoyne branch.

And that obviously is at least since you moved in area, as you said.---Sure.

In two thousand and nine – 2019 or 2020? 2020.---Early, early '20.

2020.---And before that, when we were at Ryde, I think we had special permission by the executive to be in the Drummoyne branch. Excuse me.

20

'Cause I lived at Ryde, technically I'm not in that area, but I'd, I'd grown up in, in the whole area and I had views to, looking towards running for local council, so I thought it was best I be in the local area branch.

So insofar as you have been a member of the Liberal Party, has it always been the Drummoyne branch?---I don't know. I can't remember.

Certainly since you recommenced your membership of the Liberal Party, it's been the Drummoyne branch?---Yes. Correct, yes.

30

And that's your brother's branch, correct?---There are a number of branches in Drummoyne. There's Drummoyne Central and there's – they're like little, little, small branches around the one satellite, but we're part of the Drummoyne family, yeah, yeah.

Are you in the same branch as your brother?---I'm not - - -

You live right next door to each other.---Yeah, I imagine we must be, yeah.

40

THE COMMISSIONER: Mr Ranken, I might take a short morning tea break if that's convenience.

MR RANKEN: Yes, Your Honour. Yes, Commissioner.

THE COMMISSIONER: All right. Very well. We'll adjourn now and we'll resume in 10 minutes or so.

SHORT ADJOURNMENT

[11.45am]

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1205PT

THE COMMISSIONER: Yes, Mr Ranken.

MR RANKEN: Thank you, Commissioner. Mrs Andersen, just in relation to your joining the Drummoyne branch of the Liberal Party or when you retook up your membership of the Liberal Party, you said you needed to get dispensation from the secretariat. Was that correct?---Because I'm - - -

10 To be able to be in the Drummoyne branch as opposed to the branch in which you were living at the time, correct?---Right. Yes.

And I think you said at the time that, "We needed to do that." Was it not just yourself who joined the Liberal Party?---My husband.

Your husband did as well?---My husband did as well. Yep.

And he joined the Drummoyne branch as well, did he?---Yes.

20 And were there any other members of your family who joined the Drummoyne branch at that time, your children at all?---Not my children, no.

Are your children adults now?---Yes, yes.

And what sort of reasons did you need to put forward in order to justify you getting dispensation or permission to be part of the Drummoyne branch? ---That I had spent most, all my childhood and early adult years there and that I was still very committed to the area. That was the main reason. And that was where my interest lay.

30 And you remained though residing outside of the Drummoyne branch until 2000 – the catchment area for the Drummoyne branch, if I could call it that? ---Yes.

Until early 2020?---Yes.

40 So, do I take it then that notwithstanding that you were a member of the Drummoyne branch, unless you resided within the Drummoyne branch catchment area, or the local government areas, you would not be eligible to put your name forward as a candidate for a local government?---I'm, I'm not sure if that rule still applies. I think, I think if you have property in the area that's also a reason, but my, my primary reason was, we, as a family we wanted to show unity, that we're all members of the Liberal Party with John, he's the Member for Drummoyne, it made sense for us to join the Drummoyne branch, and that's my home town, so to speak. Yes, I had it in the back of my mind that I would like to run for council at some later stage but it wasn't the primary driving force for membership, no.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1206PT

Sorry, I wasn't trying to suggest that that was the primary driving force.
---Sure, okay.

But what I was wanting to suggest is that you were not in a position, or you would not have been eligible to put yourself forward as a candidate for local government election, for example, in the elections that took place in 2017?
---Oh, no. No, there was certainly no intention then, no, no.

10 And in any event, at that time you were residing outside of the area, correct?---Yes, yes, yeah.

And you didn't yourself own any property within the area?---No.

So on those two bases you would not have been – on either basis you would not have been eligible to be selected, correct?---Correct, correct. Yes, yes.

20 But do we take it that from the time you did rejoin the Liberal Party, and in particular were attached to the Drummoyne branch, that you did become more involved in the local politics of the Drummoyne branch and that area?
---I'm yet to attend a meeting, truthfully. So, so I haven't, I haven't, I've become more aware and more interested but involved is putting too high, yeah.

So, is this the case that, notwithstanding you rejoined some time ago, you have not actually attended a single meeting of the Drummoyne branch of the Liberal Party?---No. COVID kind of put paid to that last year, and every time they organised one, I was working. So it just didn't happen.

30 But did you become familiar though with, or acquainted with other members of the Drummoyne branch, even if you hadn't done so through the attendance at meetings of the branch?---Nobody I hadn't met before, yeah.

Well, obviously Mr Megna, who was a Liberal councillor and I think still is a Liberal councillor. Is that correct?---Yes, as far as I know, yeah.

With the City of Canada Bay Council, previously it was a number of councils amalgamated to become the City of Canada Bay.---Yeah. Correct, yeah.

40 He had a longstanding familial relationship with your family, correct?
---Yes.

But did you know, for example, Dr Tanveer Ahmed?---I've met him once.

When did you meet him and in what context?---Oh, it seemed to be – I can't remember but I think it was some sort of fundraiser and I'm not sure if it was for John or something to do with the doctor's campaign but it, it was a very quick, hello, I'm so and so, and that's it.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1207PT

What about Helen McCaffrey?---I met her – my parents owned property some years ago, back in the late ‘80s, in Concord West and I met her, she was a councillor on Concord Council when it was Concord Council, and I was, I guess, for want of a better word, lobbying on behalf of my parents, as they were trying to develop a function centre there, on that block of land. In the end it was unsuccessful but that was my first foray into that domain, and I met her. And then at a number of Liberal Party functions since. So definitely at one of John’s fundraisers. Not in the last, I haven’t seen her probably for at least seven or eight years. I would say probably when John ran for state member in 2011 was when I last saw her. I’m not even sure she’d recognise me. So - - -

What about Ms Mirjana Cestar, do you know Mirjana Cestar?---I don’t know her. I’ve met her once or twice, again at these sort of events. She’s nice enough, yeah.

Have you spoken with your brother about either Ms McCaffrey or Ms Cestar?---What do you mean?

Well, has he expressed a view about them and about what their competencies were as councillors or anything?---Oh, sure okay. We’ve both expressed a view about Helen, but my, my view was formed when she was on Concord Council. She was not personable, and I just think someone that sits on council does need to relate to people a little better than that, but I don’t know, maybe she’s changed since then.

So your view, you had a view about Ms McCaffrey, but your view was limited to the fact that you didn’t find her personable at the time when you were lobbying on behalf of your parents so that they could develop a particular site for a function centre.---Yeah. She, she struck me as just your typical, oh, so many people that end up on local council just seem to do it for something to do, they’re just not committed.

But that was a dealing that you had with her many years ago. Correct? ---Oh, sure, sure.

Before your parents had the function centre at - - -?---Yeah, yeah, it would have been, yeah.

- - - at Great North Road.---At Five, at Five Dock, yes, correct.

So we’re talking about - - -?---In the late ‘80s.

- - - interactions that you had in the late 1980s.---Yeah. I wasn’t admitted as a solicitor at that point, I was still at uni. Yeah, I just, I didn’t particularly like her. She may have been fabulous at her job, I’m talking about her people skills. I don’t - - -

Sensitive

So as a young university student who hadn't yet completed your career who was engaged in lobbying on behalf of your parents, you formed a view about Ms McCaffrey's competency as a councillor on a local government council. Correct?---Ah hmm. Yeah.

And that's a view that you've continued to maintain since that time, notwithstanding you've had no dealings with her.---Oh, I don't know.

10 Is that correct?---Oh, look, I was young and angry, you know. Who knows. I'm open to the fact that I'm wrong, gosh, it's a long time ago.

But what about your brother, John. What views had he expressed to you about Ms McCaffrey and particularly her competency as a councillor, if any?---Oh, look, he's never talked about her competency, other than that, you know, she's a little bit bland, but that's something that we share, we, we're Italian background, you know, we like people, huggers, and she's just, yeah.

20 Well, what has he said about her?---Pretty much that. In Italian we use the term that she's, she's unsalted pasta, so she's just bland.

THE COMMISSIONER: Sorry, I can't hear you, she's a - - -

MR RANKEN: Unsalted pasta.

30 THE WITNESS: Unsalted pasta, it's not tasty. So it's, it's, it's derogatory but, but we don't hate the woman, we don't even know her, it's just I've only met her on those occasions, just on my very limited interaction I, she didn't leave a favourable impression. With John, he's only expressed just offhand remarks. I wouldn't say he's got great opinion one way or another. I mean I definitely know that he, he, she was at his house for something, I don't know if it was his fundraiser or her fundraiser, so they had a working relationship, so obviously enough that they're professional and civil. I don't think there was animosity at this – well, certainly not then, I don't know if anything's changed now, I don't know.

40 MR RANKEN: Well, you seem to have considered there may be animosity in that answer.---No, no.

Are you suggesting that there is some animosity between the two of them, or – sorry, I withdraw that – are you suggesting that your brother has expressed some animosity about Ms McCaffrey?---No, I just don't know what the current situation is.

Well, what were the offhand remarks that your brother said about Ms McCaffrey?---Well, these are years ago.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1209PT

When you say years ago, how many years ago?---Oh, the last 10 years.

You mean 10 years ago he made these remarks - - -?---Oh, gosh.

- - - or at various times over the last 10 years?---Probably at various times, I
- - -

No, well, let's try to focus in on a slightly - - -?---Sure, okay.

10 - - - narrow period of time. What about the period of time between 2013
and 2017?---Oh, God, I don't know. No, look, I can't, I don't recall the
specifics where we spent time devoted to talking about Helen other than I
was aware she was on council with the other lady, Mirjana.

Mirjana Cestar.---And the doctor and Michael. That's – yeah.

Well, did your brother ever express any views about the way the Liberal
councillors on the City of Canada Bay Council were dealing with the issues
associated with the Five Dock Town Centre?---Just the Liberal councillors?
20

Yes.---I don't, no, I don't think so.

Did he express views about any other councillors?---Just the council as a
whole.

And what was the views that he expressed about the council as a whole?
---That - - -

30 In terms of – and specifically, Mrs Andersen, in relation to the way that the
issues associated with the, or the way that the council was dealing with the
Five Dock Town Centre Study and the planning proposals that emanated
from that.---Sure. He felt that the council as, as a whole was misled by this
report. Either – I'm, I'm not sure if he was suggesting that there was
something untoward that, that the council officers or whoever prepared the
report for the council was somehow involved or if it was just Labor, but, but
he, he certainly said that the council as a whole could have done better with,
with the, with the whole thing.

40 Was there a particular aspect of the report that he had an issue with as far as
what the council could have done better?---Oh, the, definitely the, that block
that, that my parents have property upon, the - - -

Are you talking about the block of land that's bounded by Second Avenue
to the south, Barnstaple Road to the north, the Great North Road - - -?---Oh,
yes, yes.

- - - on the west, and Waterview Street on the east?---Yeah, yeah, yeah.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1210PT

Is that the block you're talking about?---Yep, yep.

So he had expressed to you particular views about the way that block was being treated by council?---Ah hmm. I'd heard of it, look, I don't know - - -

I'm interested in what your brother said to you about that.---Sure.

10 And the views he expressed about the council's approach.---I just can't remember the context or the day. You know what I mean? These things, we've had many chats. I don't know how, if it was me requesting further information or if it was him volunteering it, but the view I, I've come to see that he holds – or held then, I don't know if it's still current – but is that he, that the block was somehow singled out. Now, it seems that there was a study done that didn't include that block that we've, that you've just outlined, and because it was a town centre that was being looked at, he thought it was ridiculous that that property was left out because it's the town centre.

20 THE COMMISSIONER: And ridiculous, you said he considered it was ridiculous that that block had been left out. Ridiculous in what sense and to whom?---Well, ridiculous to the property owners in that block. And in what sense, in a planning sense, that it made no planning sense to, in his mind, arbitrarily draw lines around, well, what seemed to be around the block and exclude it from a study about a town centre when the property was pretty much smack-bang in the town centre.

30 And was there a discussion as to how that would impact on any potential value the property had from the development point of view?---Not about value as such.

Well, leaving value to one side, just the general topic.---Sure.

40 Was he expressing the view that this was ridiculous because it would impact on property development in that area that had been excluded? Or that sort of concept is what I'm saying.---I think the concept but also that it would leave the town centre looking strange. Not the word he used. That you would have development of a certain type around both sides of this block and then the block is different, and he, he said that even from just a planning point of view that was, that was odd. I know that he'd received complaints from people in the back street, I think it's Waterview Street, but not, not so much about specific dollar values but just about long-term planning.

Was it the case that over time that he became quite strong in his views about this block having been excluded from the rezoning that the plan or study addressed?---He, he seemed strong in his views. I don't think he was alone in that view, that it had been excluded, as to why that might, there would be differing views about that but - - -

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1211PT

I'm not talking about others for the moment, I'm just talking about him. He did become quite strong in his views about this was not right. And did he say what he was going to do about it, if anything?---At what stage?

10 Any stage.---Oh. Very, very early in the piece – and I, I would only be guessing a date but it was when the LEP was, either it was adopted or about to be adopted. So it must have been '13/'14, something around that time, he seemed at a loss as to how to help the, the property owners who were complaining because his electoral office is in that block as well. So, people know exactly where he is, so they just drop in, that's the sort of MP that he is. But, I, I do recall saying that, you know, "If you, if you truly believe that that's what happened, can you back it up?" Now, obviously he didn't have any proof but – and I personally don't have a view one way or another because I, I just don't know about it. But, you know - - -

20 MR RANKEN: I'll just hold you there. When you say, "If you truly believe that that's what happened," what did you mean by the, "that's what happened"?---That it, it was a politically motivated exclusion. I mean, I believe that that's what he believed, and the things I heard on the grapevine about the council, look, I don't know. You know, there's just no proof but I did say to him that there are bodies out there that will, you could complain to, and I, I don't recall his answer to that but that certainly would have been my approach. I'm not sure if he ever went that, down that road or not, but as an MP I would have thought that if he made a complaint to this body, or whatever other body could have helped, maybe something could have been done. I don't, I don't know.

30 THE COMMISSIONER: But just coming back to my last question. Did he indicate what he proposed to do about it?---No, not – no. Not that I, not, not that I can recall, no.

Well, over time did he give you some idea as to how the issue is progressing and what his involvement was in it?---I think he, I think he was taking an approach of gathering information from those affected and presenting it to the council but I'm not sure how.

40 Sorry, you said gathering information from – I just missed - - -?---From those, from those affected, from the people affected by the, the decision, the LEP. But at, at that stage, obviously because my parents were affected as well, I do recall saying clearly to him that he had to tread a delicate line and only deal with his constituents. I guess my parents are constituents but I, that's, it made more sense to have a third party involved to deal with their concerns, which were valid in their mind, but it couldn't involve him directly because it just, it just would get messy.

Yes, Mr Ranken.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1212PT

MR RANKEN: Yes, did you speak to him about the propriety or otherwise of him dealing with particular councillors on the City of Canada Bay Council about the particular issue as well?---No. I think, I think it's a common practice that people, state and federal members, deal with their locals all the time. And if it's within the same party, that's pretty common, excuse me, communication.

10 But as I understand your evidence in relation to the particular issues concerning the LEP and the council and that block, that you had the presence of mind to tell your brother that he needed to, you need to tread a delicate line in relation to how he dealt with that issue in terms of dealing with council, correct?---No, not council. The delicate line would be that he couldn't be representing mum and dad. So even though they – if, if, if my parents were just Mr and Mrs Joe Blow, not related, then sure, you've got the whole block as the state member. Approach your council officers and council alderpeople and say, look, I've spoken to all my constituents. These are, these are the concerns. But because mum and dad had property there, I did suggest to him that better not to involve, be involved in mum and dad's
20 constituents separately.

And the fact that those interests might entirely align with what your parents' interests were did not, in your mind, create a perception of conflict that your brother might have? Advancing the interests of certain members of his electorate - - -?---Sure.

- - - whose interests were squarely in the same boat as those of your parents.---Ah hmm.

30 But was it your view that, provided he didn't purport to represent your parents, then there wouldn't be a conflict?---Well, yeah.

Even though the outcome that would be being pressed for or being advanced is one that would benefit your parents' property interests.---Well, they're constituents too and they had a third party that was advancing their interests. So I think he - - -

40 Who was that third party who was advancing their interests?---The, the town planner that they engaged. I'm - - -

MG Planning, is that who you're talking about?---The name's familiar but I think they were in the early days.

And then Pacific Planning?---Yes, that's the one.

So you have sufficient knowledge, don't you, of the fact that they're, initially MG Planning were engaged, correct?---Yep.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1213PT

And then Pacific Planning were engaged, correct?---Yeah, yeah.

And those planning consultants were not purely representing your parents' interests, were they?---I think initially they were and then it made sense, I guess, you know, more voices are more powerful than one, that, that the consultants would, I guess, prepare their submission on behalf of the, the affected block.

10 So this idea of there being some division between those who were advancing the interests of the constituents and those who are advancing the interests of your parents is just a fiction, isn't it?---No. No, they're two different roles. I think as an MP he was duty-bound to – he's received complaints and he's doing what he always does, which is help his constituents. And John's absolutely passionate about good planning.

20 As a member of State Parliament whose family has property interests in the very subject matter, the very area that the constituents are raising with him, was he not duty-bound to indicate to his constituents that he had a conflict because of his family's property interests?---Which constituents?

Those who you say were affected by the development or by the LEP that was being proposed and had approached him with their complaints.---Oh, sure.

30 You gave evidence a moment ago that you thought it was appropriate for him to essentially advance their interests, notwithstanding that those interests aligned directly with the property interests of your family. ---I understand. I have no doubt that they knew that John's parents were there, my parents, they've been in that area for decades. John worked there for 16 years, his, his electoral office is four doors down from the reception centre. I, I, I think you'd be hard-pressed to find anyone in Five Dock who doesn't know that the Sidoti family owns property there.

THE COMMISSIONER: Which property are you talking about?---The, the property in Five Dock, Great North Road.

Which one?---Number 120, the big one.

40 Yes, but there are other properties too either directly or indirectly controlled by your parents.---Yes.

To what extent was that public knowledge, or don't, I take it you're not in a position to say.---I wouldn't know.

All right.---The council knew because we, I remember being clear with mum and dad to get the planners to specifically write to them or include in their submissions, I'm not sure how, but that whichever properties they owned, to make sure that it's them and them alone. I'm, I'm quite certain

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1214PT

that that was done. I haven't seen anything to back that up but I, at the time we wanted to make that clear division. I don't know what people in Waterview Street knew, but I know two of the residents myself and everyone knows there that we have property there, and when I say we, I mean the Sidoti family has property there.

10 MR RANKEN: But what you're saying is that you gave advice to your parents to ensure that steps were taken so as to make sure that effectively your brother was not someone who was associated with the properties in that block. Is that right?---Well, that, that the consultant was acting only on their behalf, not on any, not, not for, not, that John wasn't the proponent, so to speak.

And that was because you could see there was, there would be a conflict if John was the proponent?---Potentially, potentially, yeah, sure.

Not potentially, actually.---But he doesn't own it.

20 No, if he was an owner - - -?---Sure, sure.

- - - you accept that there would be a clear conflict in him advancing, in his role as a member of State Parliament, advancing interests that would benefit him directly.---Oh, of course. And, and simply having the conflict doesn't preclude him from involvement as long as it's somehow communicated to the, to the moving parts and my understanding is, and I've only seen the material because I helped him collate it last year, is that there were a number of letters and emails written by him or his staff alerting certainly his State Executive and the Premier at the time and the relevant ministers for whom he was parliamentary secretary, and he seemed to be making every effort to alert people there's my conflict and here's what I'm doing over here.

30 But do you say though that you do not see any difficulty with a member of State Parliament whose family – and when I say family, immediate family, his parents – own property through, whether it be through a corporate or a family trust structure, that is affected by a particular LEP, that there is no difficulty and no conflict if that parliamentarian engages or advances the interests of that family, provided everybody knows that that family has those interests?---No, that's not what I said. I didn't – not, not to advance the interests of the family. He still has to advance the interests of the electorate and people outside the immediate family. They have someone already advancing their interests, they don't need him.

40 THE COMMISSIONER: I think the matter that's being put to you is how can he represent both other property owners and either himself and/or family interests at the same time?---Oh, with great difficulty, but my understanding is that's, that's not what he's done.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1215PT

I just want to know, you said a couple of answers back that you assisted him last year to collate material.---Yes.

What sort of material again was that?---Just let me get my timeline right. Sorry, I'm referring to last year as - - -

10 Just a general description.--- - - - the wrong year. 2020, so it was actually the year before, 2019, when he engaged his current solicitor and barrister. It was in, in preparation of a, a timeline, you know, when the properties were purchased, when decisions were made. Now, he, he had a fair amount of material that we, we had basically put in chronological order. So I was able to see some of it. I haven't – although I'm aware that he received a summons to attend a compulsory hearing, because I was part of the advisory team on advice of Mr George, his solicitor, after that first meeting, I no longer was involved on the chance that I would be called to give evidence. So, I, I've just got a very rough knowledge of the documents, not, not an in-depth one.

20 Have you from time to time discussed with your brother the investigation that's going on?---Yeah.

And for what purposes? Just simply updating or for - - -?---Updating, whinging, complaining, woe is me, that sort of thing. I, it's, it's a very protracted matter and it's impacted the family greatly, so it is a source of conversation and I think I, I wrote to you, Commissioner, late July last year, and I received a response from Mr – I've forgotten his name. Roy.

30 Mr Waldon, the solicitor?---Waldon, correct. But that's been the extent of my interaction with the Commission up until today.

MR RANKEN: Is your brother aware that you've attended the Commission today?---No. No. We've been very careful about that.

You said that you had some dealings with the planners on behalf of your parents – sorry – the planning firms that had been engaged.---Yes.

And you're clearly aware that there were more than one set of planners? ---Yeah. Just briefly I recall the first lot.

40 Did you engage with both sets of planners or - - -?---No, no. Not the first ones. I think mum was dissatisfied with, with them and - - -

So you had no involvement with MG Planning?---Not to my recollection, no. I don't think so.

Because I think before you mentioned having met with one of the planners and you described it as, you used the feminine pronoun. You said, "She said this." So that seems to suggest that you met with a female planner, is

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1216PT

that correct?---Oh, look, I – no. My, my recollection of Pacific Planning is that they were both male.

Do you remember their names?---I think it was James, was one, and I met with him particularly for the amendments, the report they put, they prepared for submission to the council. I know of the name Matt but I don't think I actually met with him.

10 Okay. I think that's Matt Daniel?---Matt. That sounds familiar, yeah.

Have you met Matt Daniel?---If I have, I wouldn't know what he looks like, no.

But you have met James Matthews?---Yeah.

The other - - -?---Yeah.

20 And did you – so how many times did you meet with Mr Matthews?
---Oh, no more than twice. Most of the – by the time that they were engaged, I think the lion's share of work for the LEP had already been done by the previous planner, and I think they were engaged for amendments that were to follow or proposed amendments that were to follow. So they had a lot of material that they could work from.

Where did you meet with him?---Oh, it would have been outside council.

But where? Where physically? Was it in an office?---No, no, no. No.

30 So you just – sorry, did you just meet with them outside the council chambers prior to going into a meeting involving council?---Yeah. Yeah. Yeah, yeah, yeah. That one I remember, it was in December. And before that I'm not sure. But - - -

Was that the last occasion? Sorry - - -?---Yeah, yeah, I think that - - -

Was the last occasion that you met with Mr Matthews outside the council chambers before a meeting of the council that took place in December of one, of a year, a particular year?---Yeah. Yeah, I think so, yeah.

40 And was that December 2016?---That sounds right.

Did you attend a meeting, or do you recall what happened at that meeting of the council?---They, they didn't, they didn't adopt the resolution, didn't adopt the amendments that my parents were seeking. They adopted one or two of the council officers' recommendations that were within range of what they could do. It was, it was a satisfactory result. Wasn't the one they, we aimed for but good enough.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1217PT

Could that have been a later meeting in February of 2017?---What meeting?
You mean at the council?

The meeting you had in mind where there was a resolution that was passed
but - - -?---Oh, right.

- - - didn't actually have all of the changes that had been advanced.---Oh,
sure. If, if that's what your timeline indicates, I, probably, I don't know.
Could be, yeah.

10

But you certainly attended at that meeting?---Yeah, yeah, definitely, yeah.

And just, I mean, does this – at that meeting, was one of the
recommendations that was approved of by the council the removal of a
heritage listing on one of the properties? Is that - - -?---I, yeah, I think so.

That's the resolution you're thinking about?---It's, it, yeah, yeah, there was
a group of adoptions made. So that, I'm sure that was done at some point in
that period, yeah.

20

And do you recall whether or not you attended any meetings after that?
That is, meetings of the council.---Oh, right. No, I don't recall.

The information or the council minutes indicated that there was
subsequently a rescission motion that was proposed by a Greens councillor.
---Right. Right.

In particular, proposing to rescind the resolution that you've just been
giving some evidence about.---Oh, okay.

30

Do you recall that?---Was that on that same night?

There was a resolution that same night that was proposed which wasn't
passed.---No, I mean the rescission motion. Was that on that same night?

That was then heard at a subsequent occasion a couple of weeks later, a few
weeks later.---Oh, okay. It sounds familiar but I, I know that the Greens
weren't overly happy. Look, I can't rule it out.

40

And why were you attending these meetings of the council?---Well, I was
interested in it and I wanted to know - - -

What was your interest in it?---Well, I'd had those brief dealings with the
planners and I also wanted to just get just that little bit more knowledgeable
about the way the council's mechanics work.

But if I understand your evidence, you only met with the planners outside,
just outside the council chambers before these meetings, correct?---Yeah, it

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1218PT

wasn't, like, five minutes before, but, but it was, we, we had some, some good - - -

Well, it was with a view to going into the chamber, though.---Oh, sure, sure, sure.

So the purpose of you meeting with the planners, was it not, was in preparation for particular meetings at which the topic, the issue was going to be dealt with by council, is that right?---Yeah.

10

And to the best of your recollection, if I understand your evidence correctly, that occurred on about two occasions only, correct?---Sure.

Is that - - ?---Ah hmm. Yep, that'd be right.

And those occasions were both in the latter part of it. That is, in towards the period of 2016-2017, is that a fair - - ?---You mean to meet with them? Yeah.

20

Yes, and attend these council meetings.---Sure, sure.

Did you attend any other council meetings without the planners where the issues about the Five Dock Town Centre was a topic that was being dealt with by the council?---I don't think so, no, I don't think so.

And who instructed you or suggested that you should meet with the councillors before?---Oh, mum. Mum asked me to go.

30

Did you have any communications with your brother about meeting with the town planners or attending the council meetings?---Oh, he, he said he was thinking about going and, and I just said that I didn't think that was a good look to, because obviously people know who he is but they don't know who I am.

So if he was there people would see, might see a parliamentarian advancing interests that were for the benefit of his family. Is that correct?---Well, I don't know what they'd see, but, but he was, hoping to go and support his constituents, but, but bearing in mind the possible other perception, I said no, don't do it.

40

And whilst you were at these meeting did you communicate with your brother by text message?---Yeah.

During the course of the meeting?---I think so, yes.

So giving him information as to what was, what was taking place?---I think so, yeah.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1219PT

And what was the purpose of doing that?---Just out of interest, he wanted to know.

Why did he want to know?---Because his constituents were there and he was involved in the matter and it, it had an impact on Five Dock.

Are you saying that your brother had no interest in the fact of the possible effect upon your family's property interests that decisions that were being made by the council might have?---Of course, we all did, but not - - -

10

But he was very interested in that, wasn't he?---How would it be different to my interest though?

But I'm asking about your brother, that he was very interested in the council decisions about that block insofar as the impact it had on your family's property interests. Correct?---Sure, sure. Just, just like I did.

20

And he, and would you agree that he was very unhappy with the idea that it might be excluded from being rezoned for example mixed-use zone for the entirety of the block?---I don't know about the specifics like that, no, but I'll take your word for it.

Would you agree that he wanted to see a different outcome to that?---Sure.

30

A moment ago you said that you were, one of the reasons why you attended these meetings was that you were interested in and wanted to get to know a little bit more, what else did you do to inform yourself about the background of the LEP that was being proposed and the process that had led to that LEP? ---I had read the planning, I think it might have been MG's initial report to mum and dad, and that seemed to give a good summary of how things came to be, and then I definitely read the Pacific Planning report.

So you read the reports of the planners who had been engaged to represent the interests of your family. Correct?---Yes.

40

Did you ever go and read the reports that had been prepared by the independent experts who had been engaged by the council to firstly conduct the Five Dock Town Centre Study, did you read those reports?---I've, I've seen a bunch of reports, that may have been in there, I don't know.

Well, they're not part of the MG Planning reports.---No, no, but they, they, those reports definitely summarised the council's position and the procedure they took.

Are you aware of the process of public consultation that was involved in the town centre study?---Not specifically who, exactly who, but I imagine it would have been extensive, if it involved the entire Five Dock precinct it must have been.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1220PT

But did you understand - - -

THE COMMISSIONER: Did your – sorry. Did your brother make you aware of the fact that the council in relation to this town centre plan had outsourced to independent experts the task of assessing and reporting on what in their view would be the appropriate plan for the revitalisation of the Five Dock Town Centre?---I don't know when, Commissioner, but I, I did become aware that it was outsourced. I don't know that they – like every, every
10 outsourcing, whether it's from a council or a private citizen, it's all based on instructions.

Well, that may be so but did you ever get to see the report, have you ever read it?---I could have. I could have. I, I don't know. It was some time ago. It - - -

You see, at the end of the day, the independent report from these assessors was the foundation, we know, for the whole plan.---I understand, yes.

20 I take it your brother's never suggested that the consultants chosen by council was an inappropriate one, he never suggested that to you, has he?
---No.

Never heard any suggestion that they were anything other than a highly-reputable, competent, independent firm of consultants?---Oh, look, we haven't really discussed it other than - - -

30 There's been no discussion one way or the other?---No. I think, I think his concern was how they were instructed. I don't think he's suggesting that these people acted unilaterally.

Did your brother ever indicate to you that the council in fact had gone down that pathway of outsourcing to independent consultants and that at the end of the day it was their opinion that decided the fate of all parts of the plan, including this block that you have referred to? Did he make that plain to you at any stage?---I, I was aware that the council had used consultants but I don't know if John was the one that alerted me to it or if it was MG. I'm not sure.

40 Did you then realise that, so far as this block which had been left out of the rezoning, it was one that been recommended by the independent consultants?---Oh, I'm aware of that.

So you would be aware of the fact that that was the basis for its exclusion, not some political fight or issue with Labor or some other political party?
---Oh, no. I, I am aware that that was used as the basis.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1221PT

And you had earlier referred to the fact that I think he was upset he thought that there might have been some Labor Party tricks involved here but it became evident to you that that was not likely to be the case?---No, I didn't say that. I, what I am saying is, I can't, I can't say what the motivation was for the council and their instructions to their independent people. I've seen enough reports by independent people that come from the source. It's not hard to structure a report to suit what you want, whether it's a councillor or a private person. Do I know for a fact, absolutely not, I can't say.

10 I think I can put you at rest, nobody suggested that the independent instructions of the independent assessors were anything other than as they should be. In any event, it was plain that your brother took a very different view to those independent assessors on that issue of the block?---He did, he did and I think it didn't help that he had councillors telling him that there was another councillor from Labor, Fasanella, I think his name is. I don't think he's on council anymore. And he, I'm told by my brother, that he communicated the same thing that Michael Megna did and - - -

20 Sorry, I missed a bit. He indicated?---He indicated that this was payback by the mayor.

Well, in the light of what you now know, do you place any credence in that? Now that you know how this plan was put together and who put it together?---I did - I, I, I accept how it was put together. Having worked in a local council, I, I don't have as much faith in the process as, that, that I have seen reports that are drawn up and prepared by so-called independents and it's all geared for a certain preconceived agenda. Not suggesting that occurred here.

30 No.---But I, I - - -

No. Anyway - - -?---When two councillors say that to my brother, I, I can't blame him for thinking that that occurred.

MR RANKEN: Sorry, so these were things that were said to your brother? ---Yeah.

40 So your brother conveyed this to you, that these two, these two councillors - - -?---Over the last 10 years, yeah.

- - - had told me that it was politically motivated?---Yeah.

Because I think before you said that they were views that were expressed by those councillors to your mother.---Well, you asked about what mum knew, so I can only tell you what she told me.

But your brother told you the same.---He told me about Fasanella some time ago, and I thought it odd. Why would a Labor councillor do that? I mean,

Sensitive

my brother's friendly with people across the political spectrum, so I, I don't know. Look, I don't know if that was just said for appeasement, I don't know.

The evidence that you said was that these are two people who told my brother.---Mmm.

So not just Councillor Fasanella.---Yeah.

10 Councillor Megna also told your brother. That's what you were saying.
---That's what John told me, yeah. Yeah. But I don't know when that occurred. It's just, it's happened over a number of years. Fasanella's not on council anymore, so I imagine it must have been pre last election.

There are just a couple of matters that I wanted to finish up with you if I may.---Sure.

Firstly, your mother, do you communicate with her by email at all?---Oh, I avoid it. She's - - -

20

But does she use email?---She does use it now. She's had many computer crises, and thankfully her grandchildren are very good with those things. But she's not reliable so, no, I prefer to call or to turn up in person if, if it was something that I needed to do. So I've been handling her collection of her rents from the current properties at the moment, for 120 I should say, and I've been preparing the emails from her email because she often mucks it up. With all the best will in the world, it's just sausage fingers on a keyboard.

30 So do I understand from that evidence that you have been sending emails purportedly from your mother but from your own personal email account?
---Yeah, she's with me when I do it, so it's with, with her knowledge. I wouldn't do it without it. And I often CC myself in it so that I'm aware what, what, what's been sent. In relation to dealing with these other matters, the properties, we wouldn't have done emails because I only have the one family email, which is still my current one, and I had two kids doing the HSC and a husband who often used it as well. We just didn't, I just didn't want to trust that we'd lose material. So I am aware that material was sent via Sandra's email.

40

How are you aware of that?---'Cause I've seen a lot of documents that have been left at mum's house for me to look at, so - - -

And when did you see them?---Oh, I don't know.

When was the last time you saw them?---Five, six years ago.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1223PT

And you've managed to recall, from seeing those documents five years, six years ago, the very detail of the, that it was sent from a particular address?
---It's not a - - -

Is that, is that - - -?---It's not a hard detail. Mum didn't use email.

But how often does one turn one's mind to the particular address from which an email might have been sent?---Well, it's not that - - -

10 From six years ago.---It's that Sandra would bring them to mum's house. So if I was visiting, Sandra would let me know, look, she's got some stuff for you to look at, and I'd, and - - -

Are you talking about documents that were sent to Sandra's email - - -?
---Yeah, yeah.

- - - and printed out by Sandra and then brought over?---Yeah, yeah.

20 Okay, I understand.---Yeah, so I didn't really see exactly what the email was. I just assumed.

You're not talking about emails sent by your mother from Sandra's email address?---Oh, God, no. No.

No.---No.

Have you been to – obviously you've been to your brother's place.---Many times.

30 Being next door.---Yeah.

And the computer in his house is upstairs, is that correct?---Yes. The, it's been there for a long time. I know that the boys, who are now in their 20s, have their own laptops, but I think at one point it was a family thing, much like we had. Yeah, yeah, it's upstairs.

40 Have you ever seen your mother go upstairs at your brother's house?---Oh, maybe right at the beginning when the house was renovated, to look at it. She'd have trouble now. Mind you, she does make the stairs, but still, with great difficulty. No, no, not in recent memory, sorry.

Now, are you aware that a development application was submitted in 2019 to the City of Canada Bay Council relating to the properties at 120, 122, 124 Great North Road and 2 Second Avenue?---Yeah, yes.

And did you have any involvement in the preparation or lodging of that development application?---Not, not the lodging, I think all of that was done by the professional architect's firm, but I, I, I certainly was familiar with it

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1224PT

because mum and dad were really proud of it, that was going to be where they'd retire up to the top floor and - - -

And what about your brother, was he involved in any discussions about the lodging of that development application?---With whom?

10 With yourself or your parents in your presence?---I don't know about the lodging as such, but we all spoke about it and we were happy that they were achieving their dream that they wanted to do and we were looking forward to them being able to go somewhere purpose-built for mum's ailments.

And then going back to the engagement of town planners, both MG Planning and Pacific Planning, to the best of your knowledge and recollection, what involvement if any did your brother have with either of those planning persons?---He wasn't present at anything that I was present at.

20 Well, the only things that you were present at as I understand your evidence - - -?---Yeah, those two.

- - - was the two occasions when you met with the planner a brief while before - - -?---Correct.

- - - for a brief time just before going into a council meeting.---Correct. My understanding is from seeing some of that stuff that Sandra would print that clearly he was communicating some instructions from mum to the planners.

30 So you do have an understanding from some of the material that your sister-in-law had printed off for your mother that your brother had some communications with the planners about their engagement and what they were doing, but you don't know what form that communication was, whether it was written, telephone or in person at meetings or - - -?---Oh, look, it could be all of the above. I don't know. I saw some emails, some that were directed to Catherine, some, she wanted me to look at a lot of documents and I, I said, "Look, decide what you need, what you want, and then planner can go from there." Now, I don't know if those instructions were expressed by John, the chances are they were, because he's just, he's got a far more in-depth planning knowledge than I have. Mine's good but his is a good working knowledge. But mum wouldn't have. She gets
40 nervous on the phone so I doubt she would have done it.

And did you have any discussions with your brother, John, about the planners and the engagement of planners and what was being sought to be achieved?---I'm sure we did.

Well, rather than sure you did, can you recall any particular conversations or discussions you had with your brother, John, about the planners and what

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1225PT

their brief was or anything?---Can I pin a day? No, I can't, but, but I'm, I'm sure we did, we, because - - -

Well, what did he say about - - -?--- - - - I wanted to be clear about what was going to be done at council and what we were looking to achieve.

And so would he tell you, would John tell you what it was that needed to be achieved?---No, no, we - - -

10 So what were the discussions with John?---Because mum's ability to communicate technical concepts is really limited. I knew what she wanted but we didn't know what the path was to getting there and that's why the planners were important. So he would often explain, this is what, you know, 2:1 means or FSR, that sort of stuff that to a layperson is just Japanese. So, and that, that, it was useful. It was more in the nature of me becoming informed. I mean, it was very clear to me that, you know, he, he wasn't telling the planners what to do. No one does that without mum's permission, I can guarantee.

20 What is the basis of that evidence that it was clear to you that he wasn't telling the planners what to do?---Well not, not without instruction, absolutely not.

THE COMMISSIONER: But what's the basis for your evidence on that?
---53 years of knowing my mother.

No, no, no. Not about the mother, about your brother, as to whether he was giving instructions or directions to the town planner.---Oh. Because, well because he – because he would be often discussing it with Mum. We, we
30 would talk about it and mum would make it clear, "This is what I want."

Just leave your mother out of it for moment.---Oh, sorry.

I'm not talking about that discourse between your brother and your mother, I'm talking about the discourse between John and the planners.---Oh, oh, look, I, it was just what he communicated to me, that it wasn't, I didn't witness him speaking with the planners or emailing them or anything like that. It was from his discussions with me, his position and my position in respect of receiving instructions was very similar, that we wouldn't do
40 anything or propose anything or suggest anything to the planner without mum's express permission because that was, it's her money, her project.

But the name of the game was, at this stage, concerned with, as we discussed earlier, a rudimentary explanation by the planners as to the possibilities of future development.---Yes, yes.

There was no project on the boards, as it were, to say, "Do it this way, don't do it that way."---Okay, yeah.

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1226PT

So we're just talking about a very preliminary phase, aren't we?---Yes, yes.

You said, I think your parents, perhaps your mother in particular, wanted to be informed, so it was an information advice giving, in a very general, preliminary basis so that they understood, well, you know, there's different types of development and so, you know, and give a general rather than one with specificity as to anything in particular. Is that right, as you understood it anyway?---Yes, Commissioner.

10

That's what they were retained for?---Oh, yes. And, but are you asking about the 2019 development application or - - -

No, no. I talking about the earlier period, back in 2015/16, when the firms that were engaged, as we've discussed before, by name they were - - -

MR RANKEN: MG Planning and Pacific Planning.

20 THE COMMISSIONER: Yes, MG Planning and Pacific Planning. I'm talking about that phase when - - -?---Yes, yes, yes. Yes, thank you,

So the position is they had a general brief to advise but nothing specific? ---No, no. Not at that stage, no.

Sorry, that's correct is it?---Correct.

Thank you.

30 MR RANKEN: But at a later point you became aware though that the brief had changed for the planning experts, correct?---For, for proposed amendments, is - - -

Yes.---Yes.

40 Well, because you've mentioned in your evidence that there were amendments that were being proposed and prepared by the planners, correct?---Oh, correct because then that was following on from the original resolution that I think had it in store to review the excluded block at some later stage. So in my mind it wasn't a new thing for the council to look at, it was just something that they put on reserve to look at, at some later stage.

And what about your brother's involvement in the engagement of the planners for that purpose, to push for or advance proposed changes to the LEP in respect of that block of land? What is your knowledge of his involvement in the engagement with the planners about that?---I mean, how he communicated or, or - - -

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1227PT

10 Yes and what he was doing. Was he providing instructions to them?---Oh, right. I see what you're saying. Well, my understanding is that for, for any sort of equality of planning it would have, it would have required some sort of amendment by the council, the LEP that is. And so Pacific Planning made some suggestions about how that would occur. Now, I don't know if those suggestions were John's idea or, and they thought, yep, great, and then that was proposed to mum and dad, I don't know but that certainly is what we ended up proposing to the council. As I said before, John's got good planning knowledge. I wouldn't be surprised if they bounced ideas off each other but ultimately the way forward would have had to be accepted and explained to, to mum and dad.

Just one moment.---Sure.

Thank you, Commissioner. They're my only questions of Mrs Andersen.

THE COMMISSIONER: Yes, thank you.---Thank you.

20 Thank you, Mrs Andersen. That's the conclusion of the compulsory examination. Just two things.---Yes.

You are still under that summons. It's unlikely I think that we'll need to recall you in the short term but the summons for the compulsory conference will at some point be brought to an end and you'll be informed about that. ---Thank you.

30 Certainly you may recall I did make that direction under section 112 that there's to be no communication about proceedings today, your attendance, questions and answers.---Thank you.

I only remind you of that because those orders must be obeyed and sometimes there's a risk people might forget about the fact that - - -?---No, no.

- - - they are subject to a section 112 order.---Thank you.

But having reminded you of that I'm sure you won't contravene it. Very well. Thank you. I'll adjourn.---Thank you.

40

THE WITNESS WITHDREW

[1.11pm]

AT 1.11PM THE MATTER WAS ADJOURNED ACCORDINGLY

[1.11pm]

Sensitive

10/02/2021
E19/1452

L. ANDERSEN
(RANKEN)

1228PT