



RGSLAW

9 February 2023

Our Ref: JBR/JBR/220024

BY EMAIL: state.development@parliament.nsw.gov.au

Standing Committee on State Development
Parliament House
Macquarie Street
Sydney NSW 2000

ATTENTION: Hon Aileen MacDonald MLC

Dear Chair,

CANTERBURY BANKSTOWN PUBLIC INQUIRY RE MAYOR ASFOUR

We refer to our client's second appearance before the Committee on 6 February 2023. We also refer to your letters of 7 and 9 February 2023 identifying 2 separate questions taken on notice.

- 1 We **attach** the transcript for 6 February 2023 with the answer to the question on notice taken on that day recorded at page 19 of the transcript.
- 2 We refer to the question on notice on page 22 and **enclose** a copy of a memorandum from M Stewart to K Asfour dated 20 September 2017.

Yours faithfully
RGSLAW

James Riley

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REPORT ON PROCEEDINGS BEFORE

STANDING COMMITTEE ON STATE DEVELOPMENT

**ALLEGATIONS OF IMPROPRIETY AGAINST AGENTS OF THE
CITY OF CANTERBURY BANKSTOWN COUNCIL**

UNCORRECTED

**At Dixson Room, Ground Floor, Mitchell Building, State Library of NSW, Sydney, on
Monday 6 February 2023**

The Committee met at 9:30.

PRESENT

The Hon. Aileen MacDonald (Chair)

The Hon. Scott Farlow
The Hon. John Graham
The Hon. Taylor Martin
The Hon. Chris Rath
The Hon. Penny Sharpe

The CHAIR: Welcome to the second hearing of the Inquiry into Allegations of Impropriety against Agents of the City of Canterbury Bankstown Council. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to Aboriginal and Torres Strait Islander people joining us today. Today we will be hearing from Councillor Khal Asfour, the Mayor of the City of Canterbury Bankstown council. The mayor is accompanied by his legal advisers.

Before we commence, I make some brief comments about the procedures for today's hearing. Today's hearing is being broadcast live via the Parliament's website. The proceedings are also being recorded, and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, media representatives are reminded that they must take responsibility for what they publish about the Committee's proceedings. While parliamentary privilege applies to the witness giving evidence today, it does not apply to what he says outside of his evidence at the hearing. I therefore urge the witness to be careful about comments he makes to the media or to others after he completes his evidence. Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. In that regard, it is important that the witness focuses on the issues raised by the inquiry terms of reference and avoids naming individuals unnecessarily.

All witnesses have a right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018. I note that, in accordance with that resolution and with the prior agreement of the Committee, the witness appearing today is accompanied by and will have reasonable opportunity to consult his legal advisers during the hearing. If the witness is unable to answer a question today and wants more time to respond, they can take a question on notice. Written answers to questions taken on notice are requested to be provided within 48 hours of the provision of the transcript.

I note that Mr Asfour has not provided answers to questions taken on notice at the previous hearing, and I advise him that questions taken on notice at a hearing are an extension of the hearing itself. Noncompliance is a serious matter and is treated in the same way as a refusal to answer a lawful question at a Committee hearing. The punishment under section 11 of the Parliamentary Evidence Act is imprisonment for any period not exceeding one calendar month. Noting the sanctions under the Parliamentary Evidence Act, I reiterate the Committee's request that Mr Asfour provide the answers as soon as possible.

In terms of the audibility of the hearing today, I remind Committee members and the witness to speak into the microphones. Finally, everyone should turn their mobile phones to silent for the duration of the hearing. I remind Committee members of the importance of maintaining respect towards our witness. Clause 19 of the procedural fairness resolution reminds Committee members that witnesses will be treated with courtesy at all times. Mayor Asfour has voluntarily agreed to appear before us today to provide valuable evidence. Like all other witnesses, he deserves our full attention and fair treatment.

Councillor KHAL ASFOUR, Mayor, City of Canterbury Bankstown, on former oath

The CHAIR: I welcome the witness for today's proceedings. Would you like to start by making a short statement?

KHAL ASFOUR: I would, Madam Chair.

The CHAIR: If you could keep it to no more than a couple of minutes, thank you.

KHAL ASFOUR: I'll do my best, Madam Chair. Madam Chair, members of the Committee, when I appeared before you in December, a few months ago, I asked to be given a fair go and that you afford me procedural fairness. It appears my request fell on deaf ears. Information provided to this Committee was selectively leaked to the media and published prior to it being posted on the inquiry website and before I had the opportunity to answer any of your questions—a deliberate and calculated leak aimed at damaging my reputation and, as previously mentioned, to derail my political ambitions. The subsequent media headlines and public commentary afforded me no procedural fairness and left me with little choice but to withdraw as a candidate for the Legislative Council, a decision I made of my own choosing and one made in the best interests of the party.

Madam Chair, with no reflection on you, this inquiry's integrity and impartiality has been shot to pieces. One Nation representative Mark Latham—I know he's not here today, but he should disqualify himself from this Committee immediately. He lost all legitimacy to be a part of this Committee when he called a joint news conference with the dumped Mihailuk, his star recruit, to prejudge me and slag me off about matters which had not yet come before this Committee and, more importantly, before I had the chance to defend myself. He accused me of claiming everything on the ratepayer except my underpants.

My challenge to Mr Latham before this public inquiry is that he gives an undertaking to do some due diligence on the newest member of his racist party when she was the mayor of the former Bankstown council. I don't think he will, because he won't like what he'll dig up, but I'm hoping to assist. She spent tens of thousands of dollars of ratepayers' money on things like bottles of Johnnie Walker scotch, Baileys Irish cream, slabs of beer and Russian vodka. There weren't too many local outlets that didn't know her order.

The CHAIR: Mr Asfour, I draw your attention to my opening remarks, in which I referred to adverse comments about individuals. You are making adverse comments about individuals. I know it is under parliamentary privilege, but I warn you to be careful.

KHAL ASFOUR: Madam Chair, with all due respect—

The Hon. TAYLOR MARTIN: The Chair is still speaking.

KHAL ASFOUR: Have you finished?

The CHAIR: I have finished now.

KHAL ASFOUR: With all due respect, Ms Mihailuk was a former mayor and councillor of the former Bankstown council. This inquiry, along with other things, has specifically requested claims and expenses of all councillors, so it falls within the terms of reference. I'm giving evidence to this inquiry under oath—and it falls within the terms of reference—about her claims and expenses when she was the mayor of the city. I'm not doing anything other than providing evidence to this inquiry based on the terms of reference, so I'd like to continue, please.

The CHAIR: I don't believe that that is within the terms of reference, so I ask that you keep your comments about individuals, especially adverse comments, out of your opening statement.

KHAL ASFOUR: Again, there were many local outlets that knew her order. And then there are the flowers that she dispatched to anyone that she wanted to curry favour with, like MPs like Joe Tripodi, sending him flowers on at least two occasions at the ratepayers' expense.

The CHAIR: Mr Asfour, I don't think that you heeded my previous request.

KHAL ASFOUR: Madam Chair, it falls within the terms of reference. I am giving my opening statement, which I'm entitled to do. You have asked for all councillors' claims and expenses since 2004, and I am giving evidence to this inquiry about something that this Committee and this inquiry should be looking at—her expenses when she was the mayor of the city. I think it's a very black-and-white response here. I'm entitled to give an opening statement, and I'd like to deliver it, please.

The CHAIR: All right. Just keep your comments—

KHAL ASFOUR: Her spending wasn't limited to grog; she was good on the tooth, claiming for takeaway Chinese meals for her family from local outlets and the occasional late-night fine-dining experience— not to forget the chicken nuggets, chips and flavoured milk for her kids when they finished school. But these weren't the biggest expenses; there were also expenses on cab fares in the hundreds of dollars, where she would get her cab driver to wait for hours. You need to ask why so many cabs, when she had a mayoral car, claimed for petrol and even had several council staff at her beck and call driving her around.

Some might say it was because the mayoral car was off the road. I can confirm it was for a few weeks after she smashed into a Hummer, causing just on \$100,000 in repairs for the Hummer and \$20,000 damage to the mayoral car, and who do you think footed that bill? I can tell the Committee she loves celebrating Christmas. She stashed two six-foot inflatable Christmas trees into her boot that were purchased for the mayor's community Christmas party, and it wasn't the only occasion. Reminiscent of a scene from a Griswolds movie, she ordered staff to deliver another tree which was part of council decorations at our library to her home, only to have it lopped from the top as it didn't clear her ceiling.

The CHAIR: Mr Asfour, can I stop you there.

KHAL ASFOUR: I don't have long to go, Madam Chair.

The CHAIR: I think you've said enough. I'd like to move to questions now.

KHAL ASFOUR: I'd like to finish my opening statement.

The CHAIR: Well, you haven't heeded any of the previous warnings.

KHAL ASFOUR: Madam Chair, I thought it was appropriate that the Committee and the inquiry hear how ratepayers' money has been spent. It falls within the terms of reference—impropriety at Bankstown council, the current council and the former Bankstown council. She was a former councillor and a former mayor, and it's part of this inquiry and this Committee's job to understand it and know that this has happened. There's procedural fairness as well in me hoping to complete my opening statement. I don't understand why I'm being called to not finish it when it falls clearly and directly within the terms of reference.

The CHAIR: On this instance, I will ask you to stop and I will turn to questions.

The Hon. TAYLOR MARTIN: Mr Asfour, I must say, I've been in Parliament for five years now and I've never heard an opening statement from a chair of a committee that had to draw the witness to the attention of parliamentary privilege and the consequences for flouting the 21 days' notice for questions on notice. I thought you would actually address in your opening statement the fact that you've not come back with answers to questions on notice taken 46 days ago.

KHAL ASFOUR: I wasn't allowed to finish my opening statement.

The Hon. TAYLOR MARTIN: Alright, well, I'll give you the opportunity now. It's been 46 days since that appearance. You took a number of, to be frank, quite basic questions away on notice. Forty-six days since then and we've not seen a single response—do you want to address that?

KHAL ASFOUR: Firstly, the *Hansard* and the questions on notice weren't given, or sent, to me until late on 15 or 16 January. That's nearly a month after I first appeared. The second thing is that a lot of the questions I took on notice were in relation to operational matters, things that I don't have access to. Me and my legal team are still trying to get some of those answers from the council and the council's legal team. It has taken some time and we still don't have all of them, I understand, but I do understand we're close. There was correspondence sent on Friday by this Committee for the answers that I did have prepared. Unfortunately I understand that my solicitor was not in the office and could not provide it but has been working on finalising it this morning, and I understand that we'll have it by morning tea—that's the section of the answers that I'm able to answer, and I'm still waiting on the stuff from the council. So that's the reason; it's not that I'm trying to evade answering them. I've answered and asked and requested the council to provide the data and the information that is needed to help the Committee with its work.

The Hon. TAYLOR MARTIN: So you're saying that council needs to collate the documents and get them to your legal team?

KHAL ASFOUR: There have been a lot of documents requested by this Committee, and it's costing the ratepayers a lot of money to find and sort and send these documents. I'm hoping we'll have them soon enough, but I can't control what I can't control.

The Hon. TAYLOR MARTIN: You took a handful of quite basic questions on notice from me in regards to EAL Consulting.

KHAL ASFOUR: Yes.

The Hon. TAYLOR MARTIN: Are you saying that council needs to collate the documents from EAL and give them to you?

KHAL ASFOUR: No. Again, I was given until three o'clock last Friday to send them to the Committee, and I understand they're ready. I personally answered them weeks ago, but we've been waiting for the council documents to give a wholesome response to all the questions on notice. We've been liaising with the Committee, and the answers that I did prepare that are council related that you asked me about, I understand that they are ready and they have been ready. I'm just waiting for my legal team to send them over, which I assume is happening this morning.

The Hon. TAYLOR MARTIN: Let's separate out the council questions from the EAL questions—

KHAL ASFOUR: Yes, sure.

The Hon. TAYLOR MARTIN: —and be clear that you're not waiting for council or your legal team either.

KHAL ASFOUR: No, I'm not.

The Hon. TAYLOR MARTIN: What does EAL consult on?

KHAL ASFOUR: I've answered them in response to the questions on notice. I don't have it with me, but EAL Consulting—

The Hon. SCOTT FARLOW: We don't have them either.

The Hon. TAYLOR MARTIN: We don't have them.

KHAL ASFOUR: I understand, and you will have them. You will have them at morning tea, I understand. Is that right? Yes. You will have them at morning tea, if that's okay.

The Hon. TAYLOR MARTIN: This is quite extraordinary, 46 days after a simple question was asked.

KHAL ASFOUR: It's not 46 days, considering there was nearly a month between the appearance and me receiving the *Hansard*.

The Hon. SCOTT FARLOW: Seeing as you've refreshed your memory on what EAL Consulting does, what does it do?

KHAL ASFOUR: EAL was set up when I started a mortgage brokering business in—this is why I wanted the answers—say, 2004, 2005 or 2006, maybe. EAL has also been assisting an accounting business in helping them, and mums and dads, giving them advice on development management and process—that's the sort of stuff I do.

The Hon. TAYLOR MARTIN: Development as in business development—

KHAL ASFOUR: Yes, business development.

The Hon. TAYLOR MARTIN: —or property development?

KHAL ASFOUR: Not necessarily property development.

The Hon. TAYLOR MARTIN: Are you able to name any of the clients who consulted?

KHAL ASFOUR: For privacy reasons, I don't think it's important, but mum-and-dad investors—mums and dads—businesses.

The Hon. TAYLOR MARTIN: Locals in the Canterbury Bankstown area or more widespread?

KHAL ASFOUR: I actually really do not work with any locals in the Canterbury Bankstown area. I do my best to ensure that so there is no perceived conflict of interest. So, no, from my records, I didn't find anyone in the Canterbury Bankstown area, but that's from my records.

The Hon. SCOTT FARLOW: What is your expertise to provide this business development advice?

KHAL ASFOUR: I help through an accounting business that I am close to, my wife's accounting business. I help develop her business and help clients in that regard, with her administration and management of that business, with other mortgage brokers who I have an affiliation with. That's the type of business I do. Again, I don't do much of it. I haven't done much of it for a long time, but I offer advice and pathways.

The Hon. TAYLOR MARTIN: Pathways?

KHAL ASFOUR: Yes, pathways to getting a loan, to restructuring through accounting—those sorts of things.

The Hon. CHRIS RATH: Are you a licensed mortgage broker?

KHAL ASFOUR: I was. As I said, I haven't done work with EAL—very sparingly. But that's when it was set up and that's the type of work I have done.

The Hon. TAYLOR MARTIN: Jumping back to the theme of these opening questions, which are questions we asked 46 days ago, are you able to recap where you travelled on your overseas trips for council, now going through the records?

KHAL ASFOUR: I think we covered most of them last time. Again, they're in the answer. I don't have them before me; we'll have them at morning tea.

The Hon. SCOTT FARLOW: While we're still on this, I'm still trying to unpick what EAL actually does and what you do with EAL.

KHAL ASFOUR: Sure.

The Hon. SCOTT FARLOW: Your wife is an accountant. Is that correct?

KHAL ASFOUR: Correct.

The Hon. SCOTT FARLOW: So she's a CPA?

KHAL ASFOUR: No, she's a CA.

The Hon. SCOTT FARLOW: A CA, a certified accountant. Are you a CA or a CPA?

KHAL ASFOUR: No.

The Hon. SCOTT FARLOW: You're not a mortgage broker anymore. Are you a financial adviser? Are you registered as a financial adviser?

KHAL ASFOUR: No, I'm not.

The Hon. SCOTT FARLOW: Does your wife work through EAL Consulting as well or is that just you?

KHAL ASFOUR: No, it's just me. I work for my wife sometimes, yes.

The Hon. SCOTT FARLOW: Your wife is a client of yours, potentially, through EAL?

KHAL ASFOUR: Potentially, yes.

The Hon. SCOTT FARLOW: So you're providing advice on restructuring, on loans, facilities—what is it that you're providing advice on to these?

KHAL ASFOUR: Whatever the client needs of me, I try to help provide advice in that space, yes, but not financial planning and things where—

The Hon. SCOTT FARLOW: But you were saying that these were mums and dads before. These were the mums and dads you were providing advice to.

KHAL ASFOUR: Yes, because you asked me. When I was a licensed mortgage broker, I obviously did.

The Hon. SCOTT FARLOW: I don't think that was the question about licensed mortgage broker but about EAL Consulting and who your clients are there.

KHAL ASFOUR: Yes, that's what I'm trying to answer. At the time when I set it up I was doing mortgage broking because I was a licensed mortgage broker, and I was doing mortgages for mums and dads.

The Hon. SCOTT FARLOW: And then EAL Consulting transformed after that into being what?

KHAL ASFOUR: An advisory service business.

The Hon. SCOTT FARLOW: How do you find these clients who you've got through EAL Consulting?

KHAL ASFOUR: Word of mouth, usually. I don't go out searching. It's just when I'm approached to help people who I have met or understood through my wife's business or through other affiliates. They'll come to me and ask me for advice on certain things, whatever it is they're asking me about. Again, it's not something that I spend a lot of time doing.

The Hon. SCOTT FARLOW: We look forward to seeing the questions on notice to maybe get more information as to what EAL Consulting actually does.

KHAL ASFOUR: Sure.

The Hon. SCOTT FARLOW: Now turning to SINC Solutions—SINC Solutions, of course, provided the report to Canterbury Bankstown council.

KHAL ASFOUR: Yes.

The Hon. SCOTT FARLOW: The website of SINC Solutions has three staff, who are listed. The first is currently a Pilates teacher who no longer works for SINC Solutions, according to her LinkedIn. The second has worked in governance for Canterbury Bankstown council and was previously with Canterbury Bankstown council for seven years. Were these relevant conflicts of interest disclosed to Mr Arthur Moses?

KHAL ASFOUR: I was at arm's length from the investigation and have had no—I've answered questions for SINC Solutions, but I've had no role whatsoever in the work that SINC Solutions did and how they were engaged.

The Hon. SCOTT FARLOW: Are you aware of SINC Solutions performing any other work for Canterbury Bankstown council?

KHAL ASFOUR: I am aware they have in the past, yes.

The Hon. SCOTT FARLOW: Do you believe that is a conflict of interest at all?

KHAL ASFOUR: In what sense?

The Hon. SCOTT FARLOW: In the sense that they are already on the council team, effectively, then they are asked to provide a report on Canterbury Bankstown council and its governance, and then they come back and say that everything is hunky-dory and that they are already—

KHAL ASFOUR: I think the SINC Solutions investigation—firstly, I think there are a number of businesses like SINC Solutions that investigate in the local government land, and they were asked to do this by the CEO. I think it would be hard to find—I think it is important to note that this was reviewed by Arthur Moses. So it wasn't just SINC Solutions; it was Arthur Moses reviewing it. I hope you're not suggesting that there is any conflict with Arthur Moses reviewing it as well.

The Hon. SCOTT FARLOW: With all these things it all depends on the information that they are given. SINC Solutions, I understand, do an audit and governance report for Canterbury Bankstown council every year. For them to go through, effectively, and look at the audit and governance—

KHAL ASFOUR: There were six to seven thousand pages of documents that SINC Solutions went through, there were invitations to invite people to give information or evidence, and it was all reviewed by Arthur Moses. I think it is a pretty far stretch to conclude that because someone worked at SINC Solutions there was a conflict of interest in them undergoing the investigation.

The Hon. SCOTT FARLOW: Don't you think it would have been better for somebody at arm's length, who hadn't actually done any auditing and governance investigations on Canterbury Bankstown council, to have done that work, rather than SINC Solutions?

KHAL ASFOUR: I think you'd want someone with local government experience.

The Hon. SCOTT FARLOW: There are plenty of people with local government experience outside of SINC Solutions.

KHAL ASFOUR: Sure, and if it was another company you would probably be asking me the same questions because they would have done some work for the council in the past.

The Hon. SCOTT FARLOW: But considering Canterbury Bankstown council's audit and governance audit is done every year by SINC Solutions, or has been for some time, don't you think that if SINC Solutions had come back and said—

KHAL ASFOUR: Sorry, let's go back to that. What have they done for council every year—an audit?

The Hon. SCOTT FARLOW: An audit and governance report. Isn't that what they are doing for Canterbury Bankstown council each year?

KHAL ASFOUR: The audit is done by the Audit Office.

The Hon. SCOTT FARLOW: Yes, but in terms of the audit and governance arrangements at Canterbury Bankstown council, isn't that what SINC Solutions are engaged to do with Canterbury Bankstown council?

KHAL ASFOUR: I don't know the answer to that.

The Hon. SCOTT FARLOW: But if they had come back and said that Canterbury Bankstown council had any problems, don't you think that would have reflected on them and their previous work—that they hadn't caught it before?

KHAL ASFOUR: I think SINC Solutions have undergone an independent, arms-length investigation and found that I am innocent of all the things that Ms Mihailuk said about me under parliamentary privilege, because I have had no role in the Bankstown City Centre Master Plan. And it was reviewed again by Arthur Moses, so to try to throw some shade of grey over SINC Solutions' investigation is also throwing grey over Arthur Moses, and I don't think that's appropriate.

The Hon. SCOTT FARLOW: Are you familiar with SINC Solutions or any of the proprietors of SINC Solutions?

KHAL ASFOUR: I am, yes. The person who I think is the proprietor—I don't know the business structure—is Ms Kath Roach. Yes, I am aware of who she is.

The Hon. SCOTT FARLOW: And that is through previous work with Canterbury Bankstown council?

KHAL ASFOUR: Yes, and other councils.

The Hon. SCOTT FARLOW: No other relations with them at all on a personal level?

KHAL ASFOUR: On a personal level?

The Hon. SCOTT FARLOW: Yes.

KHAL ASFOUR: No, not at all.

The Hon. SCOTT FARLOW: With respect to those allegations you alluded to that were made by the member for Bankstown, that report only looked into a select number of those allegations, not all of them. Was there a reason why not all of those allegations were investigated?

KHAL ASFOUR: I think if you were to read the *Hansard* it is pretty hard to try to find out what the actual allegation is. That's why in the report it talks about SINC Solutions having to try to formulate the allegations, because there was no allegation; it is hard to work it out. The report talks about them trying to come up with or inferring some allegations from the speech and then investigating them, and that's what happened. There are many people who have read that *Hansard* who still can't work out what the actual allegation is.

The CHAIR: On SINC Solutions, knowing that this inquiry has been almost two months, SINC Solutions appears to have been able to obtain documents from council. Why has it taken so long for council to provide documents to this inquiry?

KHAL ASFOUR: I can't answer that, Madam Chair.

The CHAIR: That is something I should put to—

KHAL ASFOUR: The reality is that SINC Solutions was investigating purported allegations by the member for Bankstown, Tania Mihailuk, who, as we all know, is a former councillor and mayor. The amount of material that this Committee has asked of the council is enormous. It is literally enormous—going back to 2004. A lot of those records, I understand, are in storage and are hard to find, if they even exist, so I can't answer that.

The CHAIR: I'll ask the staff.

KHAL ASFOUR: Sure.

The Hon. CHRIS RATH: Just turning now to the article in *The Australian* last week—

KHAL ASFOUR: Sure.

The Hon. CHRIS RATH: I assume you've read that article. I think you alluded to it in your opening statement. The illegal donations from David Fam via Mr Bingsoo—the trading name now called Snow Blossom—what's your response to the article and those allegations?

KHAL ASFOUR: I have not accepted a donation from Mr David Fam. I accepted a donation from Bingsoo Pty Ltd, which is a dessert store in Bankstown.

The Hon. CHRIS RATH: Owned by David Fam?

KHAL ASFOUR: Not that I'm aware of.

The Hon. CHRIS RATH: What's your relationship with David Fam?

KHAL ASFOUR: I know David Fam. I don't have a relationship with David Fam. I have not seen David Fam for—I don't know—three or four years. I don't have a relationship with David.

The Hon. CHRIS RATH: You would not classify him as a friend?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: Has he helped on your campaigns?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: So you weren't aware at the time that David Fam had part ownership of Mr Bingsoo?

KHAL ASFOUR: And I'm still not aware that he does. I haven't seen anything to tell me that he did or had.

The Hon. CHRIS RATH: Does he or do his associated entities have any other properties in Canterbury Bankstown?

KHAL ASFOUR: I do not know. I am not expected to know who owns every property in the city.

The Hon. CHRIS RATH: When did you last visit Mr Bingsoo?

KHAL ASFOUR: Bingsoo changed its name or it doesn't operate anymore.

The Hon. CHRIS RATH: Snow Blossom?

KHAL ASFOUR: Yes. I eat at restaurants within that complex occasionally, so I can't remember when the last time I went there was.

The Hon. CHRIS RATH: Do you pay for your own treats or desserts when you visit?

KHAL ASFOUR: Absolutely.

The Hon. CHRIS RATH: Have you been given products for free?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: Do you have proof that you have ever purchased anything from Mr Bingsoo?

KHAL ASFOUR: Do I have proof? No, I do not.

The Hon. JOHN GRAHAM: Point of order: I might just ask that if the questioner wants to put any proof of these questions, it would be helpful as well to the witness in order to answer them.

The Hon. CHRIS RATH: I'll move on. Do you have a relationship with any of the staff who work at Mr Bingsoo?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: On the actual donation itself, how did you solicit that donation?

KHAL ASFOUR: I was speaking to the owner of Bingsoo and he wanted to support my campaign so he did.

The Hon. CHRIS RATH: And that wasn't David Fam?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: So who was the person that gave you the donation?

KHAL ASFOUR: The proprietor of Bingsoo. His name is Mr Kat Nguyen.

The Hon. CHRIS RATH: And will you repay the donation?

KHAL ASFOUR: If it is found to be an illegal donation, absolutely I will. But, again, I don't believe that it was.

The Hon. TAYLOR MARTIN: On a similar theme, you also received two donations, which were essentially around the donation cap, from BBQ City in Bankstown. Does that ring a bell?

KHAL ASFOUR: Yes.

The Hon. TAYLOR MARTIN: Do you know who owns these stores?

KHAL ASFOUR: I understand—I think I do, yes.

The Hon. TAYLOR MARTIN: Do you want to tell us?

KHAL ASFOUR: A person by the name of Justin. I can't remember his last name at the moment.

The Hon. TAYLOR MARTIN: Okay. Are you aware of these businesses being linked to David Fam?

KHAL ASFOUR: Other than the fact that they are in a building that his family owns, I don't know.

The Hon. TAYLOR MARTIN: Okay. Do you visit BBQ City Bankstown often?

KHAL ASFOUR: I have in the past, yes.

The Hon. TAYLOR MARTIN: Do you always pay for your food there or do they look after you sometimes?

KHAL ASFOUR: I pay.

The Hon. TAYLOR MARTIN: Do you know anyone that works there?

KHAL ASFOUR: No, not that I can recall, other than Justin.

The Hon. TAYLOR MARTIN: Sure. So you solicited the donation through Justin?

KHAL ASFOUR: Yes.

The Hon. TAYLOR MARTIN: All right. If the Bingsoo donation is found to be an illegal donation, which you just said you would pay back—if this is similar, would you also pay it back?

KHAL ASFOUR: Yes, absolutely. I have no intention of taking illegal donations.

The Hon. TAYLOR MARTIN: Okay. Your number two on your Labor ticket for council and now deputy mayor, Bilal El-Hayek—

KHAL ASFOUR: He is not the deputy mayor. Councillor El-Hayek.

The Hon. TAYLOR MARTIN: Was he aware of these donations at all?

KHAL ASFOUR: Was he aware—

The Hon. TAYLOR MARTIN: Was he aware? Did he play a role in soliciting these donations?

KHAL ASFOUR: No.

The Hon. TAYLOR MARTIN: Have you ever spoken to Bilal about any of David Fam's properties?

KHAL ASFOUR: Not that I recall.

The Hon. TAYLOR MARTIN: You had conversations with him about the location of the hospital?

KHAL ASFOUR: With whom?

The Hon. TAYLOR MARTIN: Bilal.

KHAL ASFOUR: I've had conversations about the location of the hospital with thousands of people.

The Hon. TAYLOR MARTIN: Sure. And he is one of them, okay, I take it. Did he have any queries about where almost \$20,000 in donations for your ticket had come from? Was he involved in that process?

KHAL ASFOUR: No, he wasn't.

The Hon. TAYLOR MARTIN: Okay. Does he have a relationship with David Fam that you are aware of?

KHAL ASFOUR: I don't think—I can't answer that.

The Hon. TAYLOR MARTIN: You've never seen them together?

KHAL ASFOUR: I don't think he's ever met David Fam, to be honest, but that's—I can't answer that.

The Hon. TAYLOR MARTIN: Okay, sure.

The Hon. SCOTT FARLOW: So, Mr Asfour, political donations are hard to come by. They are not necessarily—

The Hon. PENNY SHARPE: You guys don't declare any of yours. Let's just be clear here.

The Hon. SCOTT FARLOW: It's not very often that you see dessert stores and barbecue restaurants making donations that are coming to the donations cap. Why were they so enamoured with your campaign to support you so strongly?

KHAL ASFOUR: They believe, and rightly so, that I am a good mayor and they wanted to make sure that I was re-elected.

The Hon. TAYLOR MARTIN: So both BBQ City that I asked questions about, and Mr Bingsoo that my colleague the Hon. Chris Rath asked about, are establishments in the Little Saigon Plaza.

KHAL ASFOUR: Yes.

The Hon. TAYLOR MARTIN: That's a shopping centre that is owned by the Fams.

KHAL ASFOUR: Yes.

The Hon. TAYLOR MARTIN: How was Little Saigon Plaza then chosen as the location for the mayoral Christmas party?

KHAL ASFOUR: I get to choose whichever location has the right facilities to host such a Christmas party and that's why it's been hosted there in the past. But it's also been hosted, just last year, at the Canterbury Bankstown leagues club.

The Hon. CHRIS RATH: Okay. So it's at your discretion where to have the mayoral Christmas party?

KHAL ASFOUR: As long as it's reasonable and within the right budget and has the right capacity to hold the right number of people, I get to choose where I have my Christmas party.

The Hon. CHRIS RATH: So inquiries were made about other venues?

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: The same, you would say, for the mayoral iftar dinner—

KHAL ASFOUR: Same.

The Hon. CHRIS RATH: —that was also held at Little Saigon Plaza?

KHAL ASFOUR: Which I think you—you were there!

The Hon. CHRIS RATH: I was in attendance. I spoke on behalf of—

KHAL ASFOUR: You were there, Mr Rath. I allowed you to speak.

The Hon. TAYLOR MARTIN: I was. You did.

KHAL ASFOUR: I did because I'm a nice guy. But, again, as you would appreciate, Mr Rath, the venue has to cater for such a large number of people, and there aren't many venues that cater for that large number of people and deliver a service to a quality that I think is expected.

The Hon. CHRIS RATH: So you look at criteria when you hold events like that, such as cost-benefit to the taxpayer, or to the ratepayer in this case?

KHAL ASFOUR: Absolutely I do. I try and also make sure that it's in both sides of the city, if I may. I try and share with the Canterbury side and the Bankstown side, whether it's citizenship ceremonies, whether it's mayoral events, whether it's thank-yous to our local SES volunteers—it's all done with that in mind.

The Hon. SCOTT FARLOW: But when you're on the Bankstown side it seems like you're always sharing to the Little Saigon.

KHAL ASFOUR: No. Again, it's the size and the quality of service. I've had events at the Bankstown Sports Club. I've had events at the RSL. I've had events at all different—again, it's a matter of the size, the location and the cost. All those things are looked at.

The Hon. CHRIS RATH: Did you ever advocate for the events to be at Little Saigon Plaza?

KHAL ASFOUR: I didn't advocate, no.

The Hon. CHRIS RATH: Your sister, Gizele Asfour, is on documents managing the leases for properties in Little Saigon Plaza.

KHAL ASFOUR: That's news to me.

The Hon. CHRIS RATH: Did you ever advocate on her behalf?

KHAL ASFOUR: I did not even know that, so unless you can show me that, I'm—news to me.

The Hon. SCOTT FARLOW: So you were never aware of your sister's connection with Little Saigon?

KHAL ASFOUR: In that she manages leases there?

The Hon. SCOTT FARLOW: Yes.

KHAL ASFOUR: You're saying that she does—I don't know whether she does or not. If she does, then no, I'm not aware—absolutely not aware. There are businesses in that centre that operate and provide for peoples' livelihoods. There are many of them. It's a shopping centre.

The Hon. SCOTT FARLOW: As there are all across—

KHAL ASFOUR: As there are, absolutely. At Bankstown Plaza and the Campsie Centre, there are businesses within the shopping centres. I don't know who leases what and from whom and I'm not expected to know. Quite frankly, it's not in my—I don't care. It's not my business and it's not my job. My job is to lead the Canterbury Bankstown council.

The Hon. SCOTT FARLOW: Back to that job and the leadership of the Canterbury Bankstown council, in 2019 you were a staunch advocate that the new Canterbury Bankstown hospital should be located anywhere but the Canterbury Bankstown CBD. Is that correct?

KHAL ASFOUR: No, that isn't correct. It wasn't the only location. I was purporting—

The Hon. SCOTT FARLOW: You were reported as saying—

KHAL ASFOUR: Mr Farlow—

The Hon. SCOTT FARLOW: —that it shouldn't be in there because of the traffic considerations.

KHAL ASFOUR: No, that's taken out of context, that quote. I was saying that the hospital needed to be in the CBD to make the CBD an employment generator so that we could have research institutes and the like come into the CBD and provide good, high-quality white-collar jobs. It would also work well with the university that was being built at the time. We had a good site there in a TAFE that is 50, 60, 70 years old. It made sense and it still makes sense to me that the hospital should go there and that's my belief—

The Hon. SCOTT FARLOW: On 11 March 2019 in an article in the Express "NSW Government vows to splash \$1.3b on Bankstown-Lidcombe Hospital", you were quoted as saying, "You can't build a new hospital in the Bankstown CBD if no-one can get to it." So you've had certainly a change of opinion when it comes to the location of the hospital.

KHAL ASFOUR: That quote is taken way out of context. I'd need to go back and just check the context of that but I don't—I'm not going to speculate on why I said that, but I think it had to do with another site.

The Hon. SCOTT FARLOW: So this has got nothing to do with the hospital's potential location being across from the Little Saigon Plaza?

KHAL ASFOUR: No, I think that quote was in relation to another site that was being proposed at the time in the CBD which—

The Hon. SCOTT FARLOW: Nothing to do with David Fam and his advocacy in terms of your—

KHAL ASFOUR: I was pushing for the site for the hospital to be in the CBD as soon as the hospital was announced from my recollection, so—

The Hon. SCOTT FARLOW: Even though public articles say that you were against that?

KHAL ASFOUR: Again, taken out of context.

The Hon. SCOTT FARLOW: So when did Canterbury Bankstown make the council resolution to support the hospital being on the CBD site?

KHAL ASFOUR: I recall a mayoral minute but I couldn't tell you the date off the top of my head.

The Hon. SCOTT FARLOW: So all these businesses with connections to David Fam—we're talking about dessert stores; we're talking about barbecue stores—and nearly \$20,000 worth of donations from businesses connected to David Fam and that's all just a coincidence?

KHAL ASFOUR: I wanted the hospital to go in the CBD before those donations were made.

The Hon. SCOTT FARLOW: You've never changed your mind, even though you've got public articles out there that show you were saying you didn't want the hospital in Bankstown CBD.

KHAL ASFOUR: You can keep repeating that, Mr Farlow. I told you it was taken out of context. There have been other sites in the CBD. The Government has actually done a very poor job in announcing the hospital four years ago and now just announcing a site I think on Friday, four years later. I mean, when is the hospital going to be built—2050? Honestly. I wanted it in the CBD because it's the best thing for the community and for the centre.

The Hon. SCOTT FARLOW: It's the best thing for David Fam and his businesses, isn't it?

KHAL ASFOUR: No, it's the best thing for the CBD and the residents and the communities of Canterbury Bankstown to have, like every other centre has, a hospital in the CBD—not two kilometres outside in the sticks. Residents complain to me all the time about the traffic and the parking issues they have. The site that has been chosen is a toxic waste dump that was a former brick pit. There is going to be health money spent—if it is actually built there—on gases that are going to be emanating from the ground and leaching and the like. I think health money should be spent on health, not on environmental things around a hospital, on a decision that was made—

The Hon. SCOTT FARLOW: You say they build hospitals in the CBD everywhere. Which CBDs? I can think of Liverpool. I can't think of too many others apart from that.

KHAL ASFOUR: You don't think St Vincent's is in the middle of the city?

The Hon. SCOTT FARLOW: It's not in the middle of the CBD.

KHAL ASFOUR: Yes, but Bankstown is a lot smaller than Sydney CBD.

The Hon. SCOTT FARLOW: I understand that.

KHAL ASFOUR: Yes.

The Hon. SCOTT FARLOW: But if you look at Parramatta, Westmead—

KHAL ASFOUR: Look at Blacktown.

The Hon. SCOTT FARLOW: Blacktown, that is not in the middle of the CBD; that's outside the CBD.

KHAL ASFOUR: I don't agree with you.

The Hon. SCOTT FARLOW: If you look at Nepean, it is outside; if you have a look at Campbelltown, that is outside of the central business district.

KHAL ASFOUR: I don't agree with that at all.

The Hon. PENNY SHARPE: Are you designing hospitals now?

KHAL ASFOUR: Mr Farlow, that is not true—not true.

The Hon. SCOTT FARLOW: It is not smack bang across from Little Saigon, your largest donor—nearly \$20,000 worth of donations connected to businesses associated with David Fam.

KHAL ASFOUR: Again, and it is not just me saying that, Health Infrastructure recommended that the hospital go in the CBD—Health Infrastructure. For political reasons—and for Ms Wendy Lindsay's benefit—to try to win a marginal seat, you guys went and took it out of there and went against the advice of Health Infrastructure—

The Hon. SCOTT FARLOW: It went against—

The Hon. PENNY SHARPE: Let him finish the answer.

KHAL ASFOUR: It went against the advice of a Cabinet subcommittee or because of the seat of East Hills. All of these reports—years and years worth of reports, tenders and EOIs—suggest that it should go in the CBD. That's the reason why it should go in the CBD—not only because I said so. It should go in the CBD because that is where the hospital should go, to make Bankstown a thriving city with jobs connected to the university, connected to research, connected to a new TAFE. These are the things that we want to have. Quite

frankly, to override all the bureaucracy's recommendations for political gain, to try to win a seat, is corruption in my view, and I will be referring it to ICAC.

The Hon. SCOTT FARLOW: I think we might have a few referrals to ICAC. Maybe they will investigate—

KHAL ASFOUR: That is another one of them.

The Hon. SCOTT FARLOW: —Mr David Fam and his \$20,000 worth of associated donations.

The Hon. CHRIS RATH: Who else was lobbying for the hospital to be in the CBD?

KHAL ASFOUR: The university and Western Sydney Leadership Dialogue, to name a few.

The Hon. CHRIS RATH: Any local Labor members of Parliament who were lobbying for it to be in the CBD?

KHAL ASFOUR: I can tell you that the member for Bankstown wasn't and the member for East Hills wasn't, but I think their values speak for themselves.

The Hon. CHRIS RATH: Were you lobbying shadow Ministers, members of the Labor Party on the hospital site?

KHAL ASFOUR: They are not in government. They were not the decision-makers.

The Hon. CHRIS RATH: As part of their election platform?

KHAL ASFOUR: I met with Minister Hazzard and I asked him to—I wouldn't say lobbied him. I had a meeting with Minister Hazzard, telling him all the good and proper reasons as to why the hospital should be in the CBD.

The Hon. CHRIS RATH: Have you been given any assurances or guarantees from the Labor Party that they would put the hospital in the CBD should they win the election?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: Have you spoken to the Leader of the Opposition about the hospital site?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: Have you spoken to the shadow health Minister?

KHAL ASFOUR: No.

The Hon. SCOTT FARLOW: With respect to the hospital site as well, it is still in the seat of Bankstown. Is that correct?

KHAL ASFOUR: I think it's on the border.

The Hon. SCOTT FARLOW: It's in the seat of Bankstown.

KHAL ASFOUR: Yes, I don't know with the redistribution where it actually falls.

The Hon. SCOTT FARLOW: If the hospital had been located in the CBD, would that have had an impact on the operation of the TAFE site there and the TAFE in Bankstown?

KHAL ASFOUR: No, I was pushing for a new TAFE site that could be built in conjunction with the hospital. I understand that Health Infrastructure and TAFE NSW were discussing that as well because they saw the value and the merit in that idea, to benefit the city. It's very simple, very clear. My lobbying for it to be in the CBD is there for all to see because it is the right decision for the community of Canterbury Bankstown.

The Hon. CHRIS RATH: So you were at odds with Labor Party policy on where the hospital should be located?

KHAL ASFOUR: I am not in the shadow Cabinet.

The Hon. CHRIS RATH: But up until recently you were on the upper House ticket for Labor.

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: So you had a difference of opinion with the party that you are running under?

KHAL ASFOUR: My opinion has been public and is public. I believe, along with Health Infrastructure, along with the Premier, Dominic Perrottet, telling me directly to my face that the hospital is going in the CBD.

He is the one who told me that. About a year ago or a year and a half ago he told me directly that it was going in the CBD, and obviously he lied to me.

The Hon. CHRIS RATH: So you are a Labor mayor. What is the Labor Party's position on the hospital site?

KHAL ASFOUR: You should ask that of the Labor shadow Minister.

The Hon. TAYLOR MARTIN: Mr Asfour, when you resigned from Labor's upper House ticket it was inappropriately put on Canterbury Bankstown council letterhead—that media release. Why were council facilities and staff used to assist you in managing your candidacy for Labor's upper House ticket at the upcoming State election?

KHAL ASFOUR: Can you show me that? I wasn't in the country at the time and I don't know what was presented to the media, or to anyone, for that matter.

The Hon. TAYLOR MARTIN: There is a media release on council letterhead which solely discusses your resignation from Labor's upper House ticket.

KHAL ASFOUR: If you say so.

The Hon. TAYLOR MARTIN: It was circulated. It was from your office.

KHAL ASFOUR: I am not saying no. I am saying I haven't seen it and I wasn't in the country at the time.

The Hon. TAYLOR MARTIN: Who did you liaise with in the mayor's office or council's communications team about putting that statement out?

KHAL ASFOUR: I wrote the statement and I sent it to council's communications team because, as an upper House candidate at the time and as the mayor of the city, I thought it was appropriate for the ratepayers to know that.

The Hon. TAYLOR MARTIN: For them to know that? Yes, it is true that it should be communicated from you, but did anyone in that communications team flag with you that this is a personal issue for you and not for the council to assist your candidacy?

KHAL ASFOUR: No, it wasn't assisting my candidacy; it was ending my candidacy.

The Hon. TAYLOR MARTIN: Nonetheless, should ratepayers really pay staff to assist in your personal candidacy? Do you think that's appropriate?

KHAL ASFOUR: No, I don't.

The Hon. TAYLOR MARTIN: Why didn't you release it personally on your own social media or through a private email address or something, rather than get the council team to assist in your affairs?

KHAL ASFOUR: I was overseas at the time and had limited internet and it was done that way. Again, I didn't—

The Hon. TAYLOR MARTIN: An oversight?

KHAL ASFOUR: I didn't know or see anything on letterhead.

The Hon. CHRIS RATH: Did Chris Minns call you to sack you from the upper House ticket?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: Did you resign of your own accord?

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: Did anyone from his office call you?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: Do you still have parliamentary ambitions?

The Hon. JOHN GRAHAM: Point of order: I think this is now straying well outside the terms of reference of the inquiry. This is about the council. These same questions could be asked of any of the 128 councils in the State or any of the thousands of councillors who have served since 2004. We have been pretty indulgent in allowing the widespread questioning, but this is well outside the terms of reference now.

The CHAIR: I think it was matters raised by the inquiry and Mr Asfour's activities on council that led him to resign from the ticket of the Legislative Council.

The Hon. PENNY SHARPE: That's not within the terms of reference of this inquiry.

The CHAIR: However, it's also—

The Hon. PENNY SHARPE: The use of council resources is, and I note that we haven't interrupted at all, but I think you are straying outside of this.

The Hon. CHRIS RATH: Maybe if I can divert back to the terms of reference, Madam Chair?

The CHAIR: Okay.

The Hon. CHRIS RATH: *The Sydney Morning Herald* article on your resignation described the call between you and Chris Minns regarding your expenditure on council, which I do believe is very much within the terms of reference. What was discussed on that call?

KHAL ASFOUR: It was a private conversation.

The Hon. CHRIS RATH: So you're not going to reveal any part of that?

KHAL ASFOUR: No, I'm not. It was a private conversation that had nothing to do with this inquiry or the terms of reference so, no, I will not. I am not going to ask you to reveal your private conversations.

The Hon. CHRIS RATH: The Leader of the Opposition described your spending spree as clearly not acceptable. Would you agree with him?

KHAL ASFOUR: No. Every dollar that I have spent at ratepayers' expense has fallen within the Councillor Expenses and Facilities Policy, otherwise it wouldn't have been claimed and it wouldn't have been paid. I have made that clear numerous times. Again, it is all within the Councillor Expenses and Facilities Policy.

The Hon. CHRIS RATH: The Leader of the Opposition disagrees with you.

KHAL ASFOUR: He has every right to.

The Hon. CHRIS RATH: He went further. He said:

It's also unacceptable to charge those things to ratepayers in this state. Claiming expenses in this way is clearly not up to community expectations.

Do you agree with that?

KHAL ASFOUR: I agree that everything I have expended has been within the Councillor Expenses and Facilities Policy. If that policy needs to be changed, then that's a matter for the Office of Local Government. But I remind Committee members that the Office of Local Government has signed off on and approved Canterbury Bankstown council's facilities and expenses policy—number one. Number two, it is a similar feature in many policies across councils across this State. Unfortunately, I'm the one who has been targeted and splashed across the media as having spent that money over a number of years.

The Hon. CHRIS RATH: So as a result of these expenses, did Chris Minns recommend that you resign as mayor?

KHAL ASFOUR: It was a private conversation, Mr Rath. I'm not going to go into it here.

The Hon. CHRIS RATH: So you are not ruling out that he—

The Hon. PENNY SHARPE: He already has—

The Hon. CHRIS RATH: —recommended that you resign as mayor?

KHAL ASFOUR: Madam Chair, I have answered this question now a number of times. Can we move on?

The Hon. CHRIS RATH: Sure. In terms of the expenses, did other stakeholders or members contact you about withdrawing from the upper House ticket as a result of those expenses? Did Bob Nanva contact you at all about withdrawing from the upper House ticket?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: John Faker?

The Hon. PENNY SHARPE: This is straying way outside.

The Hon. CHRIS RATH: It's related to the expenses.

The Hon. PENNY SHARPE: It's not at all.

KHAL ASFOUR: There you go, Mr Rath: It's not within the terms of reference.

The Hon. CHRIS RATH: In terms of the expenses in your role as mayor of Canterbury Bankstown council, were concerns about the expenses raised with you from John Faker?

KHAL ASFOUR: You just asked the same question twice.

The Hon. CHRIS RATH: I think that is very clearly within the terms of reference when we are talking about expenses.

KHAL ASFOUR: Is there a ruling on that, Madam Chair?

The CHAIR: I think because you are a councillor and it is with regards to this inquiry.

KHAL ASFOUR: Mr Rath can keep mentioning the names of different people and whether I have had conversations or not with them, but the reality is I resigned of my own free will. That's it.

The Hon. CHRIS RATH: So these names that I mentioned, they didn't recommend that you resign from the upper House ticket as a result of your expenses as mayor of Canterbury Bankstown?

KHAL ASFOUR: No, they did not.

The Hon. CHRIS RATH: Steve Kamper?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: Do you think your resignation validates Tania Mihailuk's concern that you are not fit for State politics?

KHAL ASFOUR: Tania Mihailuk's concern was in relation to a whole number of issues. Expenses wasn't one of them.

The Hon. SCOTT FARLOW: Mr Asfour, do you stand by all your expense claims?

KHAL ASFOUR: They are all legitimate claims. They fall within the policy of the council that, again, has been voted on by councillors, has been on public exhibition, has been signed off by the Office of Local Government.

The Hon. SCOTT FARLOW: But I don't think any ratepayer in Canterbury Bankstown thought that your council policy would allow you to claim for drinks and concessions at a baseball game in the US, or that they would allow you to claim for a massage in Tokyo.

KHAL ASFOUR: We will do the claims first. The policy allows for when someone is away on council business to have meals—breakfast, lunch and dinner. It doesn't talk about alcohol being prohibited from that. I had dinner—I think it was a hot dog or something—at a Yankees game and I ordered a couple of drinks with my dinner. It was a lot cheaper than going to a restaurant and spending more. Yes, alcohol from my understanding is still not prohibited, but it might be. The policy at the time did not stipulate that alcohol was prohibited. I am sure, Mr Farlow, you have been—I see a few Commonwealth parliamentary trips. I am sure you have had a glass of wine with dinner. Am I not wrong? I mean, who paid for that—the Parliament or out of your own pocket? It is the same sort of thing. It's not like I went and spent tens of thousands of dollars, like the State member for Bankstown, and charged it to the ratepayer to try to curry favour with people. I had a beer and a glass of wine with a hot dog at a baseball game. In relation to the massage, it was a water massage—it was like a water tank. There was no physical person who touched me. It was actually a pretty claustrophobic experience where I was in this tank with a water massage to help leg cramps that I had got travelling to Tokyo.

The Hon. TAYLOR MARTIN: A spa bath?

KHAL ASFOUR: It wasn't a spa bath.

The Hon. TAYLOR MARTIN: Hydrotherapy?

The CHAIR: Immersion.

KHAL ASFOUR: What are they called?

The Hon. TAYLOR MARTIN: I don't know.

KHAL ASFOUR: Like an oxygen tank.

The Hon. PENNY SHARPE: A float tank.

KHAL ASFOUR: A floating tank—that's the one. Yes, there was no-one who laid a finger on me or touched me or massaged me. It was a water massage in that tank and it did a good job because it got rid of the severe leg cramps that I was having because of the flight.

The Hon. CHRIS RATH: Why didn't you pay for it yourself?

KHAL ASFOUR: I did pay for it myself, but then I asked for advice on whether I could claim it because I think it was around \$100 or \$120 and I was told I could, so I did.

The Hon. TAYLOR MARTIN: Additionally, you claimed expenses to attend union meetings. In one of these meetings your duties were described as "nothing expected from the mayor except for the mayor to have a good time". Is it appropriate for ratepayers to pay for you to attend these sorts of union shindigs?

KHAL ASFOUR: If I'm invited to any event in my capacity as the mayor of the city, then yes.

The Hon. TAYLOR MARTIN: What benefit does your attendance at the HSU party have for ratepayers of Canterbury Bankstown?

KHAL ASFOUR: The United Services Union covers many workers who are employed by Canterbury Bankstown council, and it is appropriate for the mayor of the city, on behalf of those staff, to attend a function held by the union that they are all members of and are represented by.

The Hon. TAYLOR MARTIN: You just mentioned the USU. What about the HSU?

KHAL ASFOUR: What about the HSU?

The Hon. TAYLOR MARTIN: Is it a benefit of Canterbury Bankstown ratepayers for their mayor to go to HSU meetings and pay for the parking?

KHAL ASFOUR: I was there to discuss council business. I wasn't there to gallivant.

The Hon. TAYLOR MARTIN: Those two unions, the HSU and USU, are two of your biggest backers for the upper House. Was your preselection ever discussed at these meetings where ratepayers subsidised your attendance?

KHAL ASFOUR: No. The HSU meeting was in relation to the free parking that I was offering staff at Canterbury and Bankstown hospitals, which was very well received, and the campaign to ensure that we kept that going. So it was in relation to that; it wasn't in relation to my upper House candidacy.

The Hon. TAYLOR MARTIN: For the council to provide free car parking—

KHAL ASFOUR: Yes, so we have a lot of parking—

The Hon. TAYLOR MARTIN: —to HSU members.

KHAL ASFOUR: No, to all nurses, orderlies, staff that work at both hospitals, so they can park their cars. It all came out because of COVID, so it was—

The Hon. TAYLOR MARTIN: Okay, so it was something that was being discussed that didn't end up kind of—

KHAL ASFOUR: Something that I enacted and that I ensured was ongoing throughout the few years of COVID.

The Hon. TAYLOR MARTIN: Okay, but those unions are big supporters of yours, yes?

KHAL ASFOUR: You'd need to ask them.

The Hon. TAYLOR MARTIN: Okay, fair enough. Who else supported you for your preselection? Bob Nanva?

The Hon. PENNY SHARPE: Point of order: This has absolutely nothing to do with the terms of reference. This is about Canterbury council, not the preselection of Mr Asfour. We've given you a pretty good go. Stick within the terms of reference, please.

KHAL ASFOUR: I think I've answered your questions. How many times do you need to ask them? Go on, Mr Rath.

The Hon. CHRIS RATH: Your good friend Matthew Stewart refuses to appear before this inquiry, despite numerous invitations. Will you terminate his employment if he doesn't show up to this Committee?

KHAL ASFOUR: It's not in my power to terminate anyone's employment.

The Hon. CHRIS RATH: Will you recommend that his employment be terminated?

KHAL ASFOUR: It's not in my power to recommend anyone's termination.

The Hon. CHRIS RATH: Will you discuss such outrageous conduct in not appearing before a committee?

KHAL ASFOUR: I can't tell you what I'm going to do or not going to do in the future, Mr Rath. I think that's quite unfair.

The Hon. PENNY SHARPE: Point of order: Have you moved to summons this person? If this Committee hasn't moved to summons him, this is very out of order.

The Hon. SCOTT FARLOW: They have moved to summons him; we did this morning.

The Hon. PENNY SHARPE: It wasn't him. We're talking about someone different to who we were talking about this morning.

The Hon. SCOTT FARLOW: No, we're talking about the Canterbury Bankstown council GM.

The Hon. PENNY SHARPE: The issue of the summons has occurred. I think that this is inappropriate questioning in relation to the outcome of that.

The Hon. CHRIS RATH: Looking at up until this point, then—

The Hon. PENNY SHARPE: That's irrelevant. It's a matter for the Committee, and the Committee is addressing it.

The Hon. SCOTT FARLOW: It's a matter for the council in terms of their attendance. To Mr Asfour's credit, Mr Asfour has attended voluntarily on two occasions—

KHAL ASFOUR: Voluntarily, absolutely.

The Hon. SCOTT FARLOW: —and has come forward to answer questions.

The Hon. CHRIS RATH: I think we have the right to know as well, leading up to this point where we may hear from the GM in the future. Did you instruct the GM not to appear before this Committee?

KHAL ASFOUR: The general manager has his own legal advice. I'm here to look after myself, so you'd need to ask him why or why not. I can't answer what I'm going to do in the future.

The Hon. CHRIS RATH: Do you have any idea of why he's been so difficult in terms of us requesting on so many numerous occasions for him to appear, refusing attendance? Have you spoken to him about it?

KHAL ASFOUR: I understand there are dates that have been forwarded, and that's all I know.

The Hon. SCOTT FARLOW: I think we've discussed the media announcements with respect to your withdrawal. So no council staff were at all asked to write those media releases on your behalf?

KHAL ASFOUR: I wrote the media release—or not the media release; I wrote my comments, because they're my comments.

The Hon. SCOTT FARLOW: So the media release substantively was written by council staff, but you provided them with the comments to include—as in, "Mr Asfour said". Is that correct?

KHAL ASFOUR: I don't know what happened exactly. It was a very tumultuous time for me and, again, I was overseas and I didn't have internet or service. It was really difficult at that time.

The Hon. SCOTT FARLOW: Was that a directive you made to the general manager, or was that a directive you made to the council media staff?

KHAL ASFOUR: What's the directive?

The Hon. SCOTT FARLOW: In terms of the preparation of the media release and the issuing of that, was that something you relayed to the general manager, or did you relay it to the council communications staff?

KHAL ASFOUR: It wasn't to the general manager.

The Hon. SCOTT FARLOW: It was to the communications staff, or to somebody else in council?

KHAL ASFOUR: It was to someone in council.

The Hon. SCOTT FARLOW: Okay, not in the communications team. Who was that person in council?

KHAL ASFOUR: I don't know their title.

The Hon. SCOTT FARLOW: You don't know the person's title, but do you know their name that you can provide?

KHAL ASFOUR: Yes, I know who I sent the message to.

The Hon. SCOTT FARLOW: Who was that?

KHAL ASFOUR: Mr John ChouEIFate.

The Hon. SCOTT FARLOW: And you don't know what Mr ChouEIFate's role is in council?

KHAL ASFOUR: No, I do know what his role is, but I don't know what his official title is.

The Hon. SCOTT FARLOW: What's his role in council?

KHAL ASFOUR: He provides advice, I think. He's a policy adviser of some sort. I don't know the actual title, but I'm happy to let you know.

The Hon. SCOTT FARLOW: If you can take that on notice, that would be helpful. So you had the public servants of council provide this on your own personal political career. Do you think that's appropriate?

ANSWER: Senior Media and Policy Advisor

KHAL ASFOUR: Again, I don't know what happened; I wasn't here. I didn't have service; I was overseas. I don't know what happened.

The Hon. SCOTT FARLOW: Why didn't you refer that directly to the Labor Party to issue the statement on your behalf, having been a Labor candidate, and the Labor Party head office? Why did you go to the Bankstown council?

KHAL ASFOUR: I had limited service; I was overseas. I did not have the means to do anything, and it was very limited. I had to do what I had to do very quickly, and that's what occurred.

The Hon. TAYLOR MARTIN: Whereabouts overseas?

KHAL ASFOUR: I was on a cruise, so I literally had nothing—no service, no—

The Hon. TAYLOR MARTIN: But you were able to have a discussion with Chris Minns about where things were at?

The Hon. PENNY SHARPE: Have you heard about the telephone?

The Hon. SCOTT FARLOW: Yes, but if there's limited service—

The Hon. TAYLOR MARTIN: Telephones have internet—

The Hon. SCOTT FARLOW: Finally, Mr Asfour, in relation to your council disclosures, do you have any international property holdings?

KHAL ASFOUR: Yes.

The Hon. SCOTT FARLOW: Whereabouts are they located?

KHAL ASFOUR: The Philippines.

The Hon. SCOTT FARLOW: Are there any developers who have assisted with the cost of any of your home renovations?

KHAL ASFOUR: No.

The Hon. CHRIS RATH: Have we received the questions on notice, Chair?

The CHAIR: No, not as yet.

KHAL ASFOUR: They're coming at 11 o'clock.

The CHAIR: Why could you not have waited until you came back from your trip to make that announcement?

KHAL ASFOUR: The impact it was having on my family was, and still is, something I don't wish upon anyone, and I needed a circuit breaker.

The Hon. SCOTT FARLOW: Mr Asfour, is that Philippines property listed on your declarations to council?

KHAL ASFOUR: No.

The Hon. SCOTT FARLOW: Why not?

KHAL ASFOUR: Because it's only related to Australian property.

The Hon. SCOTT FARLOW: So you don't need to make any foreign declarations?

KHAL ASFOUR: No, you don't.

The Hon. JOHN GRAHAM: Mr Asfour, you'll table your answers to questions on notice shortly. Is there anything you wanted to add at this point, or do you want to deal with any of those after the break?

KHAL ASFOUR: I'll deal with them after.

The Hon. JOHN GRAHAM: There appears to be some suggestion from the Government Committee members that you shouldn't have been talking to health workers during the COVID period. Is there anything else you want to place on the record about those discussions about health parking, a discussion that was happening in a range of councils right across the State?

KHAL ASFOUR: Yes, that's right. Canterbury Bankstown was one of the first councils to allow the free parking. As we all know, parking for staff at hospitals is exorbitant. The fees are just difficult for them to pay. I'm very proud of the fact that throughout COVID, where our frontline health workers were putting their lives in danger and servicing our communities, I was able to do one little bit to help, with the support of the HSU. It's something we should be encouraging. Frontline service workers have had it tough for the last few years, and the council could do its little bit to help. That's what we did, in consultation with the HSU.

The Hon. JOHN GRAHAM: You've raised your concerns about the disclosure of certain documents to the media that occurred before they were public.

KHAL ASFOUR: Yes.

The Hon. JOHN GRAHAM: Do you want to expand on those concerns?

KHAL ASFOUR: Yes. It just defies belief when, Madam Chair, you said that I'd have procedural fairness. It's not the first time this inquiry has leaked information that only was in the possession of the inquiry from Committee members to media. It just takes the integrity out of this Committee. It shoots it down. I just don't understand why that would occur when you all would've had the chance to question me on them in this forum, as should be. It just smells of kangaroo court and it shouldn't be that way. We have a Westminster system, a democratic system. I've voluntarily come here before you and will answer any questions you may have.

But to have material go to media before it's made public and before I'm able to respond to it, I think, just casts a shadow over the processes and the integrity of this inquiry. I just think it's important also to note that it feels that this inquiry is all about me when there are other councillors, other mayors, that have been mayor of Canterbury and Bankstown and Canterbury Bankstown, and councillors as well, and no questions or leaking is occurring on them. If you want to call an inquiry into me you should have, instead of trying to impugn the integrity of the whole council and its staff.

The Hon. JOHN GRAHAM: And those documents have now been made public, and I have to say we've supported them being made public. I believe that's the right thing to do. But you're raising this separate issue that before they were made public, they appear to have made their way out in what would have been a breach of the Committee's usual way of operating.

KHAL ASFOUR: Absolutely. And I think that breach needs to be investigated. It really does. There have been other breaches, too, Mr Graham, I think in December in relation to other material, I understand. So it's not the first time and it probably won't be the last time. But, again, it just shoots down any procedural fairness that, Ms MacDonald, you keep telling me that I have, and it shoots down any integrity of this Committee and its processes.

The CHAIR: We will have a break now and reconvene at 11 o'clock. Because you've got your legal representatives here and you mentioned before that the questions on notice couldn't be provided Friday afternoon because you were not in contact with them—or, sorry, they had left for the afternoon.

KHAL ASFOUR: Yes. I don't think they saw the email, Ms MacDonald.

The CHAIR: Are you able to consult with them over the break to see that we get the questions on notice received?

KHAL ASFOUR: The ones that I can provide you?

The CHAIR: Yes.

KHAL ASFOUR: Yes. I'm hearing 11 o'clock, Madam Chair.

The Hon. CHRIS RATH: Could I suggest, Madam Chair, potentially 11.30 a.m., then, to give us time to take a look at those questions on notice in the break?

The Hon. JOHN GRAHAM: That's acceptable from our end. As long as we stick to the close time.

The Hon. PENNY SHARPE: Yes. We're not extending time. I don't think you've got that many questions.

The Hon. SCOTT FARLOW: No.

The CHAIR: We'll have a break until 11.30 a.m. That's assuming we have the questions on notice provided in that time so that we can—

KHAL ASFOUR: No problem.

(Short adjournment)

The CHAIR: Welcome back, Councillor.

The Hon. TAYLOR MARTIN: I'm just going through the answers to questions on notice. Mr Asfour, if we go back to your opening statement not of today but rather 46 days ago, you really made the point that the truth will set you free—or words to that effect. I'm flicking through here and the majority of answers given are, and I quote, "Unable to answer at this time due to unavailability of council documents."

KHAL ASFOUR: Yes.

The Hon. TAYLOR MARTIN: It's the answer for the large majority of questions. Almost all questions, that is the answer for.

KHAL ASFOUR: Yes.

The Hon. TAYLOR MARTIN: But there are some pretty simple questions that really don't require—

KHAL ASFOUR: Such as?

The Hon. TAYLOR MARTIN: For example, in the five minutes I've had this document, Mark Latham asked you what the missed bin rate is at council. Surely that shouldn't be too hard to pick out and provide a response to that simple stuff.

KHAL ASFOUR: No, I totally understand and I answered it earlier this morning. They're operational matters. I don't have the number at hand. I need to ask the council to provide me with that answer and they have not done so yet. So until they do, I can't answer it and I'm not going to make it up.

The Hon. TAYLOR MARTIN: On a similar theme, another question on the same subject matter is why has the council brought recycling and rubbish collection back in-house? Surely this is something that was raised at a council meeting?

KHAL ASFOUR: I answered that question at the time.

The Hon. TAYLOR MARTIN: Well, your answer was "I'm happy to take it on notice."

KHAL ASFOUR: If it was the council report that I needed to go and find—all these answers, I didn't want to go off my memory. I needed the facts, and the facts are with the council. I need to go and get the necessary evidence or documentation or reports or documents. My solicitors have asked council solicitors to provide us with those so we can respond to all the questions on notice. So, again, most of them are operational matters, which fall outside my ability to gather those documents.

The Hon. TAYLOR MARTIN: Sure, okay. Do you expect to actually come back again with more detailed answers to each of the questions that you have answered with that—

KHAL ASFOUR: As soon as I've received and viewed and gone through those responses, I will be forwarding them directly to the Committee. But I can't control how long the council solicitors take to provide my solicitors with that information. I have been agitating, I can assure you.

The Hon. TAYLOR MARTIN: Okay. How long—as I said earlier, it's 46 days since these questions were first asked. At what point do you think it's really getting long in the tooth and maybe there's a privileges referral needed?

KHAL ASFOUR: How long is a piece of string, Mr Martin? I can't give you information I don't have. I just can't. It's hard for me to answer it any other way, and I'm doing my best to get the information from the council. As soon as it's furnished to me, I will review it and send it on to the Committee. I can't do any more than that.

The Hon. CHRIS RATH: In regard to your answer on the subjects you did as part of your MBA, I asked a question about whether you had a form to fill in for each subject.

KHAL ASFOUR: What page are you on, sorry, Mr Rath?

The Hon. CHRIS RATH: Page 5, at the bottom.

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: I asked about the expenses paid coming from your MBA.

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: Your answer is "Information provided to me from council confirms there was no form to fill in."

KHAL ASFOUR: That's right.

The Hon. CHRIS RATH: Could you elaborate a bit more on that? You've got this situation where you're doing your MBA. Council is paying for some of the subjects, and you're saying there wasn't even a form to fill in?

KHAL ASFOUR: I think I answered that last time I appeared before the inquiry. There was a file note made when I spoke to the general manager or the CEO about me wanting to undergo studies. I don't understand—from what I've been advised, there is no form if I wanted to go and undergo studies. So you asked about a form, I think, last time, or maybe Mr Farlow did, from memory. There is no form.

The Hon. CHRIS RATH: So you just go and have a chat to the GM and say, "Look, I want to do my MBA"?

KHAL ASFOUR: No, I want to go and do some courses which will help me in my role as the mayor. The GM then makes a file note for the record, which I understand was done and I understand will be provided, as per your request at my first appearance before this inquiry.

The Hon. CHRIS RATH: Don't you think it's a bit strange? In New South Wales Parliament, or even in my previous job in the corporate sector, every time that we needed to submit a claim for an expense, there was a form you had to—

KHAL ASFOUR: I did submit claim forms for the expense. The question is did I fill out a form to begin undergoing the study? The answer to that from council is that there is no form to fill in. I had a conversation with the general manager, who then wrote a file note, which was placed on the record, to say that we've had the conversation and that it was approved. Then I underwent the study, and, as per subject, I would put the claim form in—it's pretty simple.

The Hon. CHRIS RATH: Would you be able to provide the Committee with a copy of that file note?

KHAL ASFOUR: Yes. I think there's another question in there somewhere. Yes, absolutely.

The Hon. CHRIS RATH: To Mr Martin's point, some of these questions are incredibly simple, I would have thought. One of them on the next page—I was asking about the advice that you sought from the Office of Local Government, where you say that your education was "completely within the guidelines of council's policy". Surely that advice was only given to the council a couple of months ago.

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: It shouldn't be that difficult to provide a document. You sought advice about whether your education was within the guidelines only recently from the Office of Local Government. It's been 46 days. Surely that could've been provided to the Committee, I would've thought, quite quickly and simply.

KHAL ASFOUR: That was a correspondence sent to the council, not to me. The council has that record, and I've asked the council to provide me with it so I can provide it to this inquiry. Again, I can't do any more than that. I've asked for it and I understand it is forthcoming, and when it is I will send it on.

The Hon. CHRIS RATH: Do you think it's unacceptable how long it's taking to get access to very simple information from the council?

KHAL ASFOUR: I think you're asking about a document—there's a whole tranche of documents that I've asked for in relation to answering the questions on notice, and that tranche needs to be provided to me and to my legal representatives. It's not going to come in a piecemeal approach; it's going to come, hopefully, answering all the questions on notice, and that's what I'd expect. And, as soon as it does, again, I will furnish it to the Committee.

The Hon. CHRIS RATH: Over the next page, page 7, I ask whether you've had any expenses knocked back. The answer you provide is:

According to Council records, and my recollection I have not had any such expenses knocked back.

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: So, basically, you're saying that council says yes to everything. Every expense that you've put in they've said yes to. Whether it's boozy dinners, tacos in Tijuana or Armani suits, they're basically saying yes to every single claim that you've put in—no questions asked.

KHAL ASFOUR: That's not true, and you should withdraw that because that's impugning the staff of the council. I've said this before, and I'll say it again—and this is the occurrence I understand in most councils across the State. There's a policy. The claim is put in. Staff then look at that claim form and see whether that expense meets the policy. If it meets the policy then it is approved by finance, or that department of council, and the claim is made. So to say that putting in a claim gets approved—no. It goes through a proper process, which is good governance and probity, to make sure that any claim made by any councillor at any time meets the council's facilities and expenses policy. That's what's happened in every one of my claim forms, every one of my claims, and every other councillor—and that's what should happen, and does happen.

The Hon. CHRIS RATH: But when we've asked simple questions—like I think Mr Farlow asked the question about the tacos in Tijuana. Your response on page 16 is:

The expenses claimed were in line with the Councillors Facilities and expenses Policy and in line with the expenses for meals claimed during overseas visits.

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: It doesn't really answer the question. Do you think that it is acceptable to put in a claim like that? Were questions asked on that specific claim?

KHAL ASFOUR: The claim was made. It was for a lunch I had in Tijuana after a morning of visiting and being on the tour. I don't remember what we did that morning, but we did something—we had a meeting of some sort—then we went to Tijuana and had lunch. And, as I've said before—and I'll say it again—when overseas or away on council business, all meals are covered by the policy that you need to eat breakfast, lunch and dinner, and I had lunch in Tijuana.

The Hon. CHRIS RATH: I thought that was the personal, private part of the trip.

KHAL ASFOUR: You're deciphering between—when you're away on council business, whether you're having breakfast, no-one says that you need to have a breakfast meeting every morning when you're away, but you're going to have breakfast. That's covered by the policy that your meals are covered, whether you're in a room meeting with other people or whether you're having your so-called private time. At the end of the day, you're away on council business and, under the policy, meals—breakfast, lunch and dinner—are provided. Whether you're in a meeting, whether you've finished a meeting or whether you're about to go to a meeting, the meals are provided for in the policy.

The Hon. SCOTT FARLOW: But this is not stopping off at Macca's on the way to a meeting; this is going across a border, providing your passport to cross the border into another country—

KHAL ASFOUR: Yes.

The Hon. SCOTT FARLOW: —and then charging it back to the council ratepayers.

KHAL ASFOUR: The lunch—whether I had lunch in San Diego or whether I had lunch in Tijuana makes a difference, does it?

The Hon. SCOTT FARLOW: Well, your suggestion at the last inquiry was that this was a personal day.

KHAL ASFOUR: No, I said it was a personal half a day. I was in Tijuana for three or four hours; I wasn't in Tijuana for a whole day. I'd spent time in the morning with the tour, as I did, and then instead of having lunch in San Diego—I think it was San Diego—before catching a tram to Tijuana, to the border, I decided that I'll have lunch after I get to my destination, which I did. Then, as I said, it was lunch, and that's what happened. There's nothing sinister here. I had lunch under the council's facilities and expenses policy, and whether I had lunch on either side of the border is irrelevant because the policy has been met.

The Hon. CHRIS RATH: Again, on the point of expenses, some very basic questions that were asked that we're still waiting—

KHAL ASFOUR: What are you referring to, Mr Rath?

The Hon. CHRIS RATH: On page 8, for instance, this was the discussion last time about the professional development allowance that was \$3,000 a year, which went through a change where you could claim up to \$15,000. I think it was different buckets of money that were put together in one single fund.

KHAL ASFOUR: Yes.

The Hon. CHRIS RATH: You took on notice the increase—what was the increase in that pool of money? Again, the answer is:

Unable to answer at this time due to unavailability of Council documents.

It's a very, very simple question.

KHAL ASFOUR: I think we worked it out in December—me and you, Mr Rath—at the time.

The Hon. CHRIS RATH: It was about 40 per cent.

KHAL ASFOUR: It was about. But I'm not going to say "about"; I want to give you the exact number. I want to go back and look at the policies. I don't have access to the previous policy because it's no longer online. It's a matter now for me to wait for the council staff to furnish me with that so I can then give you the answer that you've requested—it's that simple.

The Hon. CHRIS RATH: These are pretty serious allegations.

KHAL ASFOUR: Serious? What's—

The Hon. CHRIS RATH: I would've thought someone in your position would've done a little bit more of your homework rather than presenting basically non-answers to some of these questions on notice.

KHAL ASFOUR: I'm providing the Committee with the answers as soon as I receive them from the council staff or the council solicitors. I don't know how many times I can tell you that, but I'm happy to keep repeating it if you like.

The Hon. PENNY SHARPE: Point of order: I've been listening to this for quite a long time. Mr Rath may not like the answer given, but an answer has been provided, and continuing to ask the same question and hoping for a different answer is not really taking the Committee anywhere. I think you should move on.

The Hon. CHRIS RATH: I will move on. At page 21, looking at the answer at the top regarding non-pecuniary disclosures, the answer is, "re Councillor non-pecuniary disclosures, unable to answer".

KHAL ASFOUR: Mr Rath, I think that's a typo and that's the amendment that we're making. Ms MacDonald, if you can answer that for him, please.

The CHAIR: Yes, that's right. I've got a corrected version.

KHAL ASFOUR: That's an error. That should not be there.

The Hon. CHRIS RATH: Okay, because that's pretty unacceptable.

KHAL ASFOUR: That's not the answer.

The Hon. CHRIS RATH: Just moving into the second part there:

In relation to claiming loyalty points through Council, to the best of my knowledge and records, I have not claimed them.

KHAL ASFOUR: That's right.

The Hon. CHRIS RATH: Are you a member of the Hyatt loyalty program?

KHAL ASFOUR: Yes. I answered this last time.

The Hon. CHRIS RATH: One of the claims forms had the loyalty part redacted. Why was that redacted?

KHAL ASFOUR: I don't know.

The Hon. CHRIS RATH: Who is in charge of redacting?

KHAL ASFOUR: Show me the document. I answered this last time. I gave my points—my number, to the Hyatt, and it wasn't to claim points, because you need to personally book the room in your name. So you don't get points. What you do get is, I think, a newspaper, which I enjoy reading, but not when it's about me lately.

The Hon. CHRIS RATH: Who is in charge of redacting documents at the council?

KHAL ASFOUR: Well, it depends which document you're talking about.

The Hon. CHRIS RATH: Regarding expenses.

KHAL ASFOUR: Show me the document, Mr Rath. I'm not sure what was redacted and who redacted it and what document you're referring to.

The Hon. TAYLOR MARTIN: Mr Asfour, I want to draw your attention back to page 3. You won't be surprised to learn that I will be coming back to EAL again. In your opening sentence it says, "I have consulted for various clients." Do you mind just elaborating on what "various clients" means?

KHAL ASFOUR: I think I've elaborated in that answer.

The Hon. TAYLOR MARTIN: It goes on:

When I established the consultancy, it was predominantly for mums and dads seeking broking advice. I later expanded offering advice on a range of matters from business processes, community service and supporting businesses with their advocacy and processes.

Do you mind elaborating on "advocacy"? What kind of advocacy do you mean when you write that there?

KHAL ASFOUR: You can advocate for different lenders when you're a mortgage broker, for example. You can advocate for results, for businesses to meet certain targets.

The Hon. TAYLOR MARTIN: So it's about the internal financial operations and their financial dealings with institutions. It's not advocacy in regards to development, council issues, government issues?

KHAL ASFOUR: It could be, but not in relation to Canterbury Bankstown council. It falls outside of the terms of reference because it has nothing to do with council, and, as I've said earlier, I do not do any work for any clients that are connected to or related to or have any business in Canterbury Bankstown. I do that on purpose, and I have done that from day one because I don't want there to be a perceived conflict of any business that might have dealings in the past or in the future with the council.

The Hon. SCOTT FARLOW: Do you advise them on developments or the like in other councils or interactions with any other councils?

KHAL ASFOUR: Yes, I have in the past, because I obviously have local government experience. I understand how councils operate, and I have advised businesses in the past to that effect. Yes.

The Hon. TAYLOR MARTIN: Would it be more appropriate to have used the word "lobbying" instead of "advocacy", in that case?

KHAL ASFOUR: I wouldn't say I'm lobbying, no. I am advocating for, using proper processes and channels—and giving advice, really. That's what I'm doing. I'm giving the client advice.

The Hon. TAYLOR MARTIN: Is part of giving the client advice also connecting them with people?

KHAL ASFOUR: Is that architects or engineers or—because I don't know what type of people. Can you be a bit more specific?

The Hon. TAYLOR MARTIN: No, to be frank, I'm asking you about the nature of your business. I'm not going to ask every occupation in the yellow pages and whether you've linked them up with clients that you may or may not have had.

KHAL ASFOUR: If I can help a client, I do the best of my ability to help them.

The Hon. TAYLOR MARTIN: Do you mind elaborating on "community service"? It was also mentioned in that line.

KHAL ASFOUR: Yes, I've had not-for-profits that have come to me in the past for help and advice on delivering their service, and I've given them advice. That's it.

The Hon. SCOTT FARLOW: Just to pick up from Mr Martin's point there, in terms of that help that you provide clients, does that involve interacting with other councillors, talking to other councillors about those projects in other areas?

KHAL ASFOUR: Not necessarily councillors—more council staff.

The Hon. SCOTT FARLOW: Council staff in other councils. Any particular councils that you would have worked with?

KHAL ASFOUR: There would be a few, depending on the client at the time.

The Hon. SCOTT FARLOW: Liverpool council, at all?

KHAL ASFOUR: Yes, there's been a client at Liverpool council. Yes.

The Hon. SCOTT FARLOW: Burwood Council?

KHAL ASFOUR: Not that I recall.

The Hon. SCOTT FARLOW: Georges River Council?

KHAL ASFOUR: Not that I recall.

The Hon. SCOTT FARLOW: Turning back to the discussion you outlined before in terms of your overseas property interests, the Philippines property—what sort of property is that?

KHAL ASFOUR: Apartments.

The Hon. SCOTT FARLOW: How did you come to acquire that property in the Philippines?

KHAL ASFOUR: I purchased property. And how did I come to it? I decided that I wanted to go and buy some property in the Philippines, and I went and purchased it.

The Hon. SCOTT FARLOW: Was that purchased through you individually or through your trust, or—

KHAL ASFOUR: Through me individually.

The Hon. SCOTT FARLOW: Through you individually?

KHAL ASFOUR: Yes.

The Hon. SCOTT FARLOW: When did you acquire that property?

KHAL ASFOUR: When? I think this falls outside the terms of reference, to be honest. What I do in my private capacity financially and what I invest in has nothing to do—

The Hon. SCOTT FARLOW: I think there is an expectation from the residents of Canterbury Bankstown council.

KHAL ASFOUR: Well, the Philippines has nothing to do with Canterbury Bankstown council.

The Hon. SCOTT FARLOW: Well, it could.

KHAL ASFOUR: How?

The Hon. SCOTT FARLOW: Is that property located in a building that is owned by the Webbys?

KHAL ASFOUR: No. Again, outside of the terms of reference. But the answer is no.

The Hon. SCOTT FARLOW: Considering these expenses and your management on the Canterbury Bankstown council have disqualified you from the Labor upper House ticket and you weren't seen to be good enough to be on the Labor upper House ticket—

KHAL ASFOUR: I withdrew from the upper House ticket, Mr Farlow.

The Hon. SCOTT FARLOW: —do you believe that you were good enough to serve the people of Canterbury Bankstown as their mayor?

KHAL ASFOUR: Absolutely. Absolutely I have because every expense I've ever made has been in accordance with the expenses and facilities policy, as has all the councillors' across this State. I mean, this is what we do. I'm sure—I don't know how it works in Parliament, but when you expend something and it's within the

policy you are entitled to claim it back. I've done that. I've done that in accordance with policy and I'll continue to do that because it's appropriate. If the policy needs to be changed because there is an edict from the Government or from the Office of Local Government, then so be it. But at the current time and in the present, Canterbury Bankstown council's expenses and facilities policy was approved and has been signed off on by the Office of Local Government. It's been on public exhibition a number of times. It's been voted on by councillors a number of times, and all councillors are entitled to claim expenses that fall within that policy. It's black and white; it's simple. And we don't write our own cheques. We don't pay ourselves; we go through a process. We put in a claim. If the claim meets the policy then it is claimed.

The Hon. PENNY SHARPE: In terms of responding to questions on notice, what was the shutdown period for council, and—I think you alluded to this earlier on—when did you receive the transcript?

KHAL ASFOUR: I believe I received the transcript from 15 or 16 January, because obviously Parliament was on holidays. We have had skeleton staff throughout January. We've actually had to go and put on more staff, at significant cost to the ratepayer, to ensure that we can bundle all these tranches of documents that go back nearly 20 years. It's a lot to go through. It's boxes and boxes and boxes of documents. The staff are dealing with the requests of the Committee in relation to the documents asked to be produced for the council. I can only do what I can do. I can't provide documents I don't have access to. Again, I'm the mayor; I don't have access to operational matters, and a lot of the questions that were asked that I took on notice were related to operational matters. We are endeavouring to do our best—as in myself and my legal team—to get these answers from the staff. Again, it's been a drain on the resources of the council, but we are doing our utmost best to comply with the Committee's request.

The Hon. JOHN GRAHAM: I don't have any further questions.

KHAL ASFOUR: Are we done?

The CHAIR: We're done. I thank you for attending this hearing and remind you with regard to—I don't think you took any questions on notice today.

KHAL ASFOUR: I think I took one, Madam Chair, which was an easy one.

The CHAIR: If you did, the Committee has resolved that answers to questions taken on notice be returned within—and it's a short time frame—48 hours of the provision of the transcript. The secretariat will contact you in relation to the question that you've taken on notice.

KHAL ASFOUR: Sorry, within 48 hours—

The CHAIR: Of being provided with the transcript.

KHAL ASFOUR: —I need to respond to the questions on notice?

The CHAIR: Yes.

KHAL ASFOUR: I thought it was 14 days.

The CHAIR: It is normally, but because we've got a short time frame left with the inquiry, we've had to condense that, and that's for anyone as well. Thank you again for your—

The Hon. TAYLOR MARTIN: You said it was an easy one.

KHAL ASFOUR: It is an easy one but we've got to, again—

The Hon. CHRIS RATH: You've got all these other ones.

KHAL ASFOUR: Yes, which I'm hoping will be with the Committee shortly. Again, I think I've answered that.

(The witness withdrew.)

The Committee adjourned at 11:58.

MEMO

To: Clr Khal Asfour
From: Matthew Stewart
Date: 20 September 2017
Subject: Training and Development

Clr Asfour

I refer to our discussion at yesterday's onboarding 1:1 with yourself and Clr El-Hayek, specifically in relation to training and development.

Summary:

- In the past 10 years you have completed most of the standard/basic training for Councillors
- You are considering development opportunities
- Having completed the AICD course you are mindful of raising the bar in skill and knowledge
- You have found some relevant subjects as part of the MBA offered by Southern Cross University
- You asked if any of the subjects would fall within the Councillors Facilities and Expenses Policy for Training and Development.

I had a quick look online and note several of the subjects are directly related to the core business of Council and so as part of our annual Training and Development we could consider this training as follows:

1. You would need to complete the relevant paperwork and submit for consideration on an annual basis;
2. The paperwork will need to clearly show the subject proposed;
3. The Manager Corporate Services, Adam Brownlee, can review against cl6.30 of the Councillor Expenses and Facilities policy to ensure that:
 - a. The detail of the subject is clear;
 - b. There is relevance to Council priorities and/or business, and;
 - c. There is relevance to the exercise of your civic duties;
4. If a subject is not considered for support, it can be raised with me for review and if not supported you will need to pay for yourself if you want to complete the subject.

I have alerted Adam who will raise any questions with Ken or myself.

Regards

Matthew Stewart
General Manager