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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 1 JUNE, 2022

AT 10.00AM

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THE COMMISSIONER: Ready to proceed?

MR DARAMS: We're ready to proceed, yes, Commissioner.

THE COMMISSIONER: I'll have Mr Tsirekas re-sworn.

THE COMMISSIONER: Sorry, did you reply?---Yes, I did.

It's got to be recorded. Mr Tsirekas, the declaration I made under section 38 of the Independent Commission Against Corruption continues to apply today. Yes, Mr Darams.

- 10 MR DARAMS: Mr Tsirekas, could I just ask you today to just concentrate on the questions I ask you and answer the questions that I do ask you, okay?---(NO AUDIBLE REPLY)

You'll have to say - - ?---Yes.

Could I ask that volume 1.1, page 138 be brought up? Mr Tsirekas, you recall I asked you some questions about this email correspondence yesterday.---Yes, I do.

- 20 I wanted to suggest to you referred to in the body of the text message is a reference to Joseph Chidiac. That's correct, isn't it?---No.

You say it's a reference to some other Joseph?---It could be any other Joseph.

Who would the other Josephs be?---This is not my email that I, that I wrote.

Mr Tsirekas, my question was who could the other Joseph be?---I can't answer that. It's not my email.

30

I want to suggest to you that the Joseph referred to is Mr Joseph Chidiac, because that's the reason why you forwarded this email to Mr Joseph Chidiac. What do you say?---I, I, I've already answered the question about I don't know what Joseph it means, or who it refers.

- Mr Tsirekas, Mr Tsirekas, I just asked you to listen to my question and answer the question. The question, Mr Tsirekas, was I'm suggesting to you that the Joseph referred in the body of the email is Mr Joseph Chidiac because that's the reason why you sent the email to Joseph Chidiac.---I've already said no but the email was sent to Joseph Chidiac.
- 40

Why did you sent it to Joseph Chidiac?---I can't recall.

You can recall. Can you please tell me why?---No, I can't recall.

I want suggest to you the reason you sent it to Mr Joseph Chidiac was because when you met with the people from I-Prosperity on 14 October, you discussed with them Mr Chidiac being involved or having some involvement with I-Prosperity. That's right, isn't it?---I cannot recall. This email was back in 2015, which is over seven years ago.

10

I'm asking you – stop, Mr Tsirekas. Did you understand my question?
---And I answered it.

Right. So your answer is you don't recall the conversation on this day?
---No, I don't.

THE COMMISSIONER: Is it possible that you sent it to Mr Chidiac because you saw that he could be useful to I-Prosperity in relation to collaboration with Billbergia? Is that possible?---I can't recall the reason why I sent to Mr Chidiac.

20

No, I'm saying is it possible, given the circumstances, the date, 14 October, 2015, the content, which includes reference to I-Prosperity in the second paragraph and the fourth paragraph and the reference to collaboration with Billbergia, being addressed, that sentence, to Joseph having been engaged, having regard to all those facts and the date in particular, and the fact that you sent it to Mr Chidiac, is it possible that – I'll withdraw that. Is it likely that you were communicating with Mr Chidiac so that he could be of assistance to I-Prosperity?---Commissioner, I've answered to the best of my

30

– I cannot recall why I sent it to him on that date.

No, I know you can't recall but I'm saying having regard to the circumstances surrounding and contained in the email which you sent, is it likely that that's what you were doing when you sent it to Mr Tsirekas [sic]?---I, I really can't recall the reason why I sent to him.

You keep saying "I can't recall." I'm not talking about your recollection, do you understand that?---Yeah.

I'm talking to you in terms of looking at the specific facts that I have just observed and then drawing an inference or a conclusion from those facts. Do you understand the difference?---(NO AUDIBLE REPLY)

No, just do you understand the difference?---I, I understand, Commissioner.

Recollection is one thing, you say you have no recollection - - -?---Yeah. I, I can't recall why I sent it to him.

10 Okay. Sorry, please, it is very irritating when a witness keeps interrupting a question. I don't want to have to repeat it today. Would you please refrain from doing that?---Yes, Commissioner.

The same applied to Counsel Assisting. Do not do that because the question-and-answer format of these proceedings gets disrupted when witnesses talk over people.---Yes, Commissioner.

20 I was pointing out the difference between recollection of events in the past on the one hand and having regard to other facts from which an inference can be drawn that something can be concluded as a likelihood, and I think you now understand the difference.---Yes, Commissioner.

Now, would you answer my question? Is it likely that you forwarded this email to Mr Chidiac with a view to him assisting I-Prosperty in terms of collaboration over some matter or other with Billbergia?---It's seven years ago, I'm trying to remember.

30 See, I said I'm not interested in your recollection because, as you said, you haven't got any.---I can't, no, I, I don't.

Just do what I've asked you to do, having regard to the obvious conclusion to be drawn as to why you – you, nobody else, you – were sending this through to Mr Chidiac. Now would you answer my question?---It could be likely.

It could what?---Your answer was "Would it be likely?" It could be likely.

All right.

40 MR DARAMS: Mr Tsirekas, at this time, that is October 2015, there was a trip planned to Shanghai which you would be attending, is that correct, in

November 2015, the Dongtai visit?---I, I, I, yeah, don't know the dates but around that time - - -

Did you have any involvement in having Mr Chidiac invited to attend, I'll call it the Dongtai trip?---Mmm.

Did you have any involvement in having Mr Chidiac invited in that respect?---I can't recall.

10 Is it likely that you had some involvement in having Mr Chidiac invited on that trip?---No. Many people were invited.

No, just focus on Mr Chidiac and your involvement.---Yeah.

Is it likely that you had some involvement - - -?---No.

- - - in having Mr Chidiac invited on that trip?---I can't recall who invited who, so I can't answer that.

20 You had some involvement in Mr Colacicco being invited?---I can't recall.

Mr Colacicco was a very good friend of yours at this stage, this time, this is October 2015?---Yes.

Mr Colacicco went on the trip to Shanghai in November 2015, the Dongtai visit?---Yes, this, this was a, a trip organised by many people who were interested in going.

Just focus on the questions I'm asking you, please, Mr Tsirekas.---Yes.

30

Mr Mercuri was a good friend of yours at this stage - - -?---Yes.

- - - that's October 2015?---Yes.

Mr Mercuri attended the Dongtai trip in November 2015?---2015, yes.

You were involved in having Mr Mercuri invited on the trip?---Look - - -

40 You were involved in having Mr Mercuri invited?---I, I can't remember. I think a few people were invited but I can't remember who invited who.

Could the witness be shown page 164?

THE COMMISSIONER: It's 164?

MR DARAMS: 164. I just draw your attention to the email in the middle of the page from Mr Ferguson to Yi Ting Wang and Joe Chidiac. Now, it appears from this email that, as Mr Ferguson sets out, and I appreciate you didn't send the email but a decision was made that Mr Chidiac would now attend the Dongtai visit. Do you see that?---Yes, I can see that.

10

Is it the case that when the initial persons were decided or invited on the trip, Mr Chidiac wasn't involved in it? So does that accord with your recollection?---No.

Is it possible or likely that Mr Chidiac was invited on this trip so that he might meet up with I-Prosperity persons in Shanghai?---No idea.

If we do travel forward in time to November 2015 on this trip to Shanghai on the Dongtai visit, you and Mr Chidiac had dinner with Mr Gu in Shanghai. Correct?---From sitting here and, and listening over five weeks, it was made clear that there was something organised but I wasn't aware of it.

20

Mr Tsirekas, my question wasn't that. Did you understand my question? ---Yes. Did we meet up with Mr Gu and - - -

My question was you and Mr Chidiac had dinner with Mr Gu in Shanghai in November 2015. Yes or no?---Yes, and what I'm trying to explain to you is first time that I was aware that, of that being organised was from sitting here and listening for five weeks.

30

Put aside it being organised. The fact that you went and had dinner with Mr Gu is something that you did do?---And I, well, I didn't organise it.

I'm not asking about who organised it.

THE COMMISSIONER: Just asking was there a dinner in Shanghai at which you, Mr Chidiac and Mr Gu attended, and I think the date was - - -? ---There was a dinner, yes.

40

Just a minute. And the date was put as - - -

MR DARAMS: In November 2015.

THE COMMISSIONER: And I think the answer you've given is yes, is that right? Yes, there was such a dinner?---Yes, there was a dinner but I didn't organise it.

MR DARAMS: You didn't pay for that dinner?---I don't know who paid for that dinner.

10

You didn't pay for the dinner.---And again, I don't know, I didn't pay for it and I don't know who paid for it.

THE COMMISSIONER: Just confirm who was there at the dinner.---My recollection is there was only three of us there.

MR DARAMS: Mr Chidiac?---Yes.

You?---Yes.

20

Michael Gu from I-Prosperity?---Yes.

You didn't pay for the dinner?---I don't know who paid for it. I didn't pay for it.

That was my question, "You didn't pay for the dinner?" The answer is, yes, you didn't pay for the dinner. You don't know whether Mr Chidiac paid or Mr Gu paid.---I don't know.

30 Do you recall what was discussed at this meeting with Mr Gu and Mr Chidiac?---No.

Well, is it likely that you, Mr Gu and Mr Chidiac discussed I-Prosperity's proposed development in Rhodes West?---I can't recall.

But is it likely that you discussed it?---I can't recall.

Well, let's go back to the facts that have come out. You have a meeting with Mr Gu in Rhodes in October 2015, correct?---Yes. Yes.

40

At that meeting, the breakfast meeting at the Lid & Jar, you obviously discussed I-Prosperity's proposed development in Rhodes West, that's right?---It was an initial meeting and I had no idea of their proposal.

Mr Tsirekas, no, Mr Tsirekas, please, please - - -?---Well, I'm trying to explain to you.

No, you're not.---I - - -

10 Please, can you just listen to my question? At the Lid & Jar meeting in October 2015, you discussed with I-Prosperity their proposed planning or development in Rhodes West.---No, I didn't.

What did you discuss, then?---They introduced themselves to me, explaining that they now purchased properties and they're willing to work with council. They had no proposal there. They had nothing there to show me.

20 Well, you discussed the properties they had purchased and that they were going to - - -?---Have a design competition.

- - - to redevelop the properties.---They had nothing there to show me. All they said that they were the new owners and that they wanted to work with council.

Well, that's just – work with council to do what?---They didn't show me anything.

30 No, but you said that they wanted to work with council. Clearly it was to redevelop the properties that they had purchased.---They didn't explain anything about redevelopment.

Well, when you asked, when you discussed something about a design proposal or design plan - - -

MR LEGGAT: Design competition.

MR DARAMS: Sorry, design competition.---Mmm.

Clearly you must have understood that was about redeveloping the land, so designing for the redeveloped land.---They had no discussion about the development.

I'm asking you - - -?---All they were doing was saying they're the owners, they want to talk to council and they want to come to see us about a design competition.

Okay.---I can't explain any more about that.

10

Well, so you've had that conversation in October 2015. So we go to November 2015. You meet with Mr Gu again and Mr Chidiac.---Mmm.

Now, I want to suggest to you it's likely, probable, that some of the discussion that evening was about the property that was owned by I-Prosperty in Rhodes West, correct?---This is seven years ago. I cannot recall the conversation. The, this - - -

20 But it's - - -?---This dinner, it wasn't a meeting. We had dinner. I, and it wasn't something I knew we were, we were doing until the last minute.

Well, were you talking about I-Prosperty's sponsorship of the Wests Tigers?---I can't recall the conversation, sorry.

30 So, don't worry, you've had discussion with the Chief Commissioner about your recollection and that, but I'm just putting this proposition to you about whether it was likely that when you met Mr Gu in Shanghai in November 2015 with Mr Chidiac, that you were discussing I-Prosperty's property that it owned in Rhodes West and its proposals to redevelop the land.---I wouldn't - - -

Is it likely that you had that discussion?---Yes, sorry, Mr Darams.

Is it likely that you had that discussion?---I can't recollect.

I want to go forward a little bit in time, this time to January 2016. You and Mr Chidiac were in Shanghai together in January 2016?---Yes.

40 You and Mr Chidiac attended the wedding of Mr Harry Huang?---Sitting here for five weeks - - -

No, Mr Tsirekas - - -?--- - - - I, I have now - - -

Mr Tsirekas. Mr Tsirekas, please - - -?---Well, I'm trying to answer it, Mr Darams.

No, you're not. Please, please.---I'm trying to - - -

THE COMMISSIONER: Let's approach it from this way. Do you recall being a guest at the wedding, Harry's wedding in January 2016?

10 ---Originally I didn't but after sitting here for five weeks and refreshing my memory - - -

Okay, something came back you?---Something came back to me because I - - -

What came back to you about this wedding?---The, the fact that we did go to a banquet and it was the banquet for the wedding.

20 All right. Where was it held?---I, I, it may have been in the, in the, the same hotel, I'm not too, I'm not 100 per cent sure.

MR DARAMS: When you say - - -

THE COMMISSIONER: Were many people there?---Sorry, Commissioner?

Many people at the wedding?---At the banquet, there was a lot of people there, yes.

30 And Mr Chidiac also attended the banquet?---Yes.

MR DARAMS: When you say the same hotel, you mean The Langham hotel?---Could have been. I, I'm not 100 per cent sure.

That's where you stayed on that trip?---Yes, yes.

40 It's the case that you discussed attending Mr Huang's wedding with Ms Li in December 2015, isn't it?---Again, it's a long time ago. My memory has been refreshed from listening here for five weeks. You're referring to, to some function in December that Ms Li was invited to by Mr Chidiac, I think.

So my question was that, well, is the answer to my question yes because you've now had your memory refreshed or your recollection assisted by hearing some of the evidence of Ms Li and the text exchange where Ms Li had attended a function that you and Mr Chidiac were at where you asked or mentioned going to Mr Huang's wedding, in December 2015? Is that what you're saying?---What was your original question?

10 You discussed with Ms Li the possibility of you attending Mr Harry Huang's wedding in December 2015?---No, I didn't. No.

How is it you came to end up in China in January 2016 with an invitation to the banquet for Mr Huang's wedding?---No, I think from, from reading texts from Belinda, it appears that the conversation was between her and Mr Chidiac, not between me and Belinda Li. She was invited to the, to this function by Mr Chidiac, not me.

20 You're talking about the function at the Le Montage, correct?---I, I, as, as it was, yeah.

No, well, let's just focus on the evidence that you did hear, the text exchange where Ms Li said that you had indicated that you hadn't been to a Chinese wedding before. I'll just focus in that. Before January 2016, had you been to a Chinese wedding?---No.

30 No. So you recall the evidence of Ms Li where she is reporting back to Mr Huang, among others, that she had had a conversation with you at this event at the Le Montage where you had said to her that you hadn't been to a Chinese wedding. So it's likely that you - - -?---No, I don't recall that.

I know you don't recall it but given that you hadn't been to one before January 2016, is it likely that you did mention that to Ms Li?---I, I don't recall.

You don't recall?---No. And I think that discussion was between her and Mr Chidiac.

40 THE COMMISSIONER: Ms Li has indicated that you inquired of her whether you would be able to be at the wedding. Do you have any basis for disputing her account if it be such?---I don't recall discussing going to a wedding with Ms Belinda Li, and if it was mentioned to me on that

particular evening, I would have, you know, I can't recall really what I would have said to her. I mean, I, I can't recall that conversation at all.

But do you recall her evidence about it, in which - - -?---Yes, I, I said that but, yeah.

What do you recall her saying in evidence about it?---Well, I, that I'd - - -

10 You being at the wedding.--- - - - never, never been to a Chinese wedding, yeah.

And I think her evidence went further than that, that you made inquiries as to whether you could be there or words to that effect.---Yeah.

In any event, if that has been put by her, that you inquired whether you could be present, do you have any basis for disputing her account to that effect?---Commissioner - - -

20 No, no, speeches, just - - -?--- - - - that wasn't a conversation between me and Belinda on that email exchange. I think it was - - -

So I think are you now saying you dispute if she did say that you inquired could you go to the wedding? Do you dispute her evidence as to that effect?---No, I don't dispute it.

Right, all right.

30 MR DARAMS: You met up with Ms Li on this trip in January 2016, that's correct, isn't it?---Yes, from the evidence I, yeah, it's refreshed my mind, yes.

So when you say in answer to these questions "from the evidence", you're saying, are you, that the evidence in this inquiry has assisted your recollection, is that right?---It's refreshed my memory, yes.

You also travelled outside of Shanghai with Ms Li, Mr Chidiac, Mr Thornton and Mr Kevin Fan on that trip?---Again, I've seen that evidence produced and that's correct.

Could the witness be shown volume 6.7, page 254. Mr Tsirekas, this is the, well, I take it the temple that you and others visited on this trip out of Shanghai in January 2016, is that right?---That's right.

Ms Li is on the left of the photo?---Yes.

You're to her left, that's right?---Yes.

10 Moving across, there's Mr Thornton?---I can't really see that well, but - - -

Well, it's just - - ?---Yeah, it looks like - - -

That's Mr Thornton?---It looks like him, yes.

Mr Chidiac?---Yes.

Mr Fan?---I didn't really know him at the time, but that's what name was given to him, so I, I didn't really know Mr Fan.

20 No, but you agree that is Mr Fan, you met Mr Fan.---Well, I don't really know Mr Fan, but if that's what Belinda called him, that's his name.

That's the person you know by the name Mr Fan?---No, I don't know him, but that's what Belinda Li called him.

Could Mr Tsirekas be shown page 256. Do you remember where this photo was taken on that trip?---No idea.

30 Obviously a night out, though, isn't it?---It's dark and it's a night but I don't know where it is.

Now, on this trip you – in terms of the travel to that temple, you travelled by train?---I can't, I think it was, no, by car or something. No.

You don't remember now?---No, I don't.

You don't recall travelling by - - ?---I think it was car or something.

40 A car was involved, I was going to come to that. You were driven around in a car in this trip outside Shanghai, that's right?---In Nanjing?

Nanjing, yeah.---Yeah.

There was a car in Nanjing?---Yeah.

But the travel from Shanghai to Nanjing, you did that by train?---I can't recall.

You don't deny that you travelled by train, though, if you don't recall?---I can't recall, I don't know how far it is and I don't, I - - -

10

You stayed overnight in Nanjing?---Sorry?

You stayed overnight in Nanjing?---If it, we probably did, yes.

Yeah. You obviously ate food while you were out of Shanghai on this trip to Nanjing?---Yes.

Now, it's the case that you didn't pay for any of the expenses or costs incurred in that travel outside Shanghai on this trip in January 2016?

20 ---I paid for some but not for all, no.

What did you pay for then?---I paid for incidentals, breakfasts or - - -

You didn't pay for the travel from Shanghai to Nanjing?---No.

You didn't pay for the hotel accommodation in Nanjing?---No.

You didn't pay for the taxi, whether that was to travel from Shanghai or whether it was travel in Nanjing?---No.

30

You didn't pay for any large meals or anything like that?---No.

You know that those costs were met or paid for by Mr Huang or someone on behalf of I-Prosperty?---I've got no idea who paid.

You never asked the question as to who was paying for all of these costs? ---No.

You were prepared to accept all of these benefits, were you?---Benefits?

Well, the benefits of the cost of travel from Shanghai to Nanjing, that's a benefit, correct?---(NO AUDIBLE REPLY)

That's a benefit for you?---We were asked to come away, Joseph invited me
- - -

Mr Tsirekas, Mr Tsirekas - - -?---And then the benefit to - - -

10 Well, you got the benefit of the free travel from Shanghai to Nanjing, correct?---Yes.

You got the benefit of the overnight, or the cost of the overnight accommodation in Nanjing, correct?---yes.

You got the benefit of the, put aside the incidentals, but the food, or the food that you ate on that trip outside Nanjing?---Yes.

20 You accepted all of these benefits and you didn't ask who was paying for them?---No.

In relation to the accommodation in Shanghai on this trip in January 2016, you didn't pay for your accommodation?---I was invited by Joseph Chidiac and I - - -

Mr Tsirekas, stop, stop. That's not my question. It's a very simple question, please. You didn't pay for your accommodation in Shanghai in January of 2016?---Not at that time.

30 Right. Now, when you say "Not at that time", when do you say you paid for this accommodation?---Well, I was invited by Joseph Chidiac and I - - -

No, no, stop, stop, stop. When - - -

THE COMMISSIONER: It's a simple question.

MR DARAMS: When do you say you paid for that accommodation?---I know Mr Chidiac asked me to - - -

40 THE COMMISSIONER: No, please, just answer the question.---Yeah. I - - -
-

If you can't answer the question say "I don't remember, I can't answer".
---Well, yeah - - -

So just answer the question.---Yeah.

When did you pay, if you did, Mr Chidiac for the accommodation in
Shanghai?---To the best of my recollection it was towards the end of 2016.

10 Towards the end of?---2016.

MR DARAMS: How do you say you paid for this accommodation?---I
think I paid, the best of my recollection, an amount of money to Mr Chidiac.

Cash?---Cash, yeah.

How much?---I think around 3,000.

20 For the accommodation?---Yes.

THE COMMISSIONER: You've indicated your recollection is not - - -?
---Not, not - - -

No, just a moment. I haven't finished talking.---Yeah. Not, not - - -

No, wait a minute, I haven't finished talking.---Yeah.

30 I think you indicated in the last answer that your recollection was not
precise on these matters?---Yeah, yeah.

You said "so far as I can recollect" - - -?---Yeah.

- - - you paid him - - -?---Yeah.

- - - you paid him for the accommodation and - - -?---Can I correct myself?

Yes. Certainly.---Please. That 3,000 wasn't for accommodation.

40 Right. All right.---And I've gotten confused. That, that, that was the
airfare. Apologies. That, that was for the airfare, not accommodation. So
the accommodation you're referring to.

MR DARAMS: So let's focus on accommodation.---Yeah.

You didn't pay for your accommodation in January 2016?---No. No.

You accepted the benefit of that accommodation. That's right?---Yes.

Do you know who paid for your accommodation?---No.

10 Is it likely that it was Mr Harry Huang?---I've got no idea who paid.

You never asked who was paying for your accommodation?---No.

You never asked who was providing you the benefit of that accommodation?---No. And, again, I, I was under the, yeah, impression I was invited by Joseph Chidiac who was picking it up.

Sorry? Say that again? You were under the impression you were invited by Joseph Chidiac?---No, not under the impression. I was invited by Joseph
20 Chidiac.

You say you were invited by Joseph Chidiac to attend the wedding of Harry Huang. Is that right?---With him, to go to the wedding.

THE COMMISSIONER: Sorry? Are you saying Mr Chidiac invited you to what?---Invited me to go along with him to the wedding.

And it wasn't Mr Chidiac's wedding?---No, but he was going to go, he, and he said, "Would you like to go to the wedding to China?"
30

But in terms of an invitation, not for the trip, the invitation to attend the wedding as a guest, that would come from Harry, wouldn't it? It's his wedding?---I, I don't know where, who, where it come from but I presume it would have been.

No, but logically – you presume it would have been?---Yeah.

Because it was his wedding?---Yes.

40 Not Mr - - -?---No, I understand.

Mr Chidiac didn't have any authority to go inviting guests that you were aware of?---Yeah.

Is that right?---Understand.

Just in relation to the 3,000. You said you paid him in cash. Firstly, that's quite a bit of money to pay somebody, isn't it, for an airfare in cash? Why cash of that order, 3,000?---I can't answer that. I think he did say, "Well, just give it to me in cash."

10

Why wouldn't you have just done a credit card entry or electronic transfer of money?---Oh, back then - - -

Why? \$3,000 is a reasonably substantial amount of money. Why would you pay him in cash?---I, I just did.

Pardon?---I just did. I pay him in cash.

20 Well, do you know when you repaid him in cash?---It was towards the end of, that's my recollection is towards the end of 2016, I think.

So you're not very clear about when - - -?---Well, well, it was towards the end of, October, November, December, before Christmas.

And did you think it was the right thing to do to repay somebody who's paid for an airfare to go overseas? Did you repay him because you thought this was the right thing to do?---That's my recollection. He said, "Look" - - -

30 But why did you repay him?---Pardon?

Why did you repay him?---Because he, he did ask for me to repay him on the, on the airfare.

And although you'd paid in cash, you'd no doubt want to keep some sort of a record as to having done so. Did you keep a record?---No. No.

Mmm?---No, I didn't. No.

40 But if you receive a benefit from somebody such as a trip overseas, wouldn't you as a public officer want to keep some record in case questions

are asked?---Normally, the opportunity to file anything would be on, on the end-of-year pecuniary interests and forms that are handed out to you.

Well, did you declare - - -?---I was not on council then.

Did you declare that you had received payment for airfares from Mr Chidiac in your annual return?---No, 'cause I didn't have the opportunity to, 'cause I was not on council.

10 I see. At this time - - -?---Yeah.

- - - you were not on council?---No.

I see. But nonetheless did you, you didn't keep a record anyway of having made this payment?---No.

I see. All right.---I wasn't on council.

MR DARAMS: Just going back to the airfare to China in January 2016. So
20 Mr Chidiac paid for the airfare, did he?---As far as I'm aware, yes, he paid for it.

Well, that's the reason you're already paying this 3,000-odd dollars in 2016?---That's right. That's right.

Late 2016. So it was a loan from Mr Chidiac to you, was it?---No, I didn't, didn't ask him for it. He, he, he paid – I didn't ask him for the airfare. I went with him and I wanted to repay him, and I did.

30 So did he tell you, when he says he's inviting you, that he's going to pay for your airfare?---He organised the trip, as far as I'm aware.

Did he tell you that he was going to pay for your airfare?---He organised the trip and I went – I don't know. I can't recall.

You can't recall him saying he was going to pay for your airfare?---No. No.

So you were prepared to just – well, do I take it then you didn't have any discussion with Mr Chidiac about who would pay the expenses in relation to
40 this trip to Shanghai in January 2016?---I can't recall if I did or not.

You were prepared to accept those benefits from Mr Chidiac, is that right?
---He invited me.

Yes, but you were prepared to accept the benefits from Mr Chidiac.---I was prepared to go away with him on a holiday that I was invited to. Well, a trip.

And – I wasn't asking, I didn't ask that question. But you were prepared to accept the benefits of whatever Mr Chidiac paid for you on this trip to
10 Shanghai in January 2016.---And I paid him back.

Well, you paid back the airfare, you say.---Yes, in the end of that year, yes.

Could the witness be shown volume 5A, page 478? Now just before I proceed, Chief Commissioner, there are obviously some personal information here that the court - - -

THE COMMISSIONER: Yes, the account number shown on the bank transaction statement for the period 20 September, '15 to 19 September, '15
20 is suppressed by order under section 112 of the Independent Commission Against Corruption Act.

MR DARAMS: Mr Tsirekas - - -

MR LEGGAT: Chief Commissioner, perhaps also the address? Mr Tsirekas' residential address.

THE COMMISSIONER: Yes, the address is also suppressed.

30

SUPPRESSION ORDER: THE ACCOUNT NUMBER SHOWN ON THE BANK TRANSACTION STATEMENT FOR THE PERIOD 20 SEPTEMBER, '15 TO 19 SEPTEMBER, '15, AND THE WITNESS' RESIDENTIAL ADDRESS, IS SUPPRESSED BY ORDER UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT.

MR DARAMS: Mr Tsirekas, this is your – or it's a statement for your bank
40 account with Commonwealth Bank.---Yes.

You see the statement period, 20 September, 2015 to 19 December, 2015?
---Yes.

Could I ask that the witness be shown page 481. I draw your attention to the transaction on 15 December, 2015. See the debit there? "Shanghai Travel, \$3,300."---Yes.

What's that in relation to?---As far as I can recall, that may have been a payment for the November trip.

10

To Shanghai Travel, is that right?---To the previous trip to Shanghai.

So when you say the previous trip to Shanghai, you mean the trip in November 2015?---I, I think so.

That's the Dongtai trip, is that right?---I, I think so, yes.

All right Could the witness be shown page 55 of volume 5A? Mr Tsirekas, this is an invoice from a travel agency called Longway Travel, which appears to be in relation to an air ticket for this trip in January 2016. Do you see the date in the middle of the page under Details and Costings?
---Yes.

20

See the value of \$3,300?---Yes.

So what I'm suggesting to you, Mr Tsirekas, is it appears from the records that in fact the flight for this trip was paid from your bank account, which would seem to be inconsistent with the evidence you've just given. If that's right, it's inconsistent with the explanation you've just now given.---No, no. I, I, I think I had to pay back, I think maybe, to the best of my recollection, I was paying back the previous trip after the trip occurred.

30

Let me just get this clear so I understand it, because as you can see - - -?
---Well, that's as far as I can recall, yeah.

So if I take you back to page 481, the entry or the payment on 15 December, who were you paying that to?---I'm, I'm pretty sure these are fees because it mentions Dongtai, it refers to the delegation trip, which is previous and I was paying back those amounts.

40

So you say that the entries for 15 December for 3,300 and 1,386 were in relation to the Dongtai trip and not the January 2016 trip?---Yeah. I'm, well, it refers to Dongtai and it, we did, you know, I haven't been to Dongtai too many times so I would say it's referring to, to that trip in November, if it was in November.

10 So then your evidence is that, other than incidentals for this trip in January 2016 to attend Mr Huang's wedding, you paid none of your travel costs associated with this trip until such time that you say you refunded or repaid Mr Chidiac for the flights?---Ah hmm, yeah. To the best of my recollection that's what's occurred.

On this trip in January 2016, you also went to various nightclubs and karaoke bars?---I remember going after the wedding to a, a nightclub.

The Linx nightclub?---It could have been. There was a lot of drinking going on and, it could have been there, yes.

20 You went with Mr Chidiac?---Oh, yeah, he was along with me, yes.

Mr Li was with you?---I cannot recall. It was a big party of people.

What about Mr Chun Zhou?---I can't recall that name.

When you say you can't recall that name - - -?---Chun?

Chun.---Oh, Chun.

30 Chun Zhou.---He, he may have been there, yeah.

Just about Chun, how do you know Chun?---Oh, I don't know him that well.

How many times have you met Chun?---I don't know, a few times. I, I don't know how many times.

What, two times, three times?---I, a few times but not, not many times. I - -

-

40 Less than five?---Yeah. Not many times, so it could be less than five.

Have you met him in Australia?---I have met him once here.

Once.---As far as I can recall.

The only other times you've met him were in Shanghai, is that right?

---The only other times, yeah.

Yeah. Met him once, you can recall, in Australia?---As I can recall, yeah.

10 In relation to meeting him in Australia, where did you meet him?---I don't know the location. I think from refreshing my memory again from listening, it was at a restaurant in the city somewhere, I think.

For a meal, for a dinner?---I, I, that's - - -

THE COMMISSIONER: Who was present on that occasion?---I, I couldn't remember who was there at that venue.

Well, so you were there, Mr Chun was there.---Yeah.

20 There were others there.---Mr Chidiac was there.

Chidiac.---I don't know if David Furlong was there. Belinda may have been there. I can't recall - - -

MR DARAMS: You knew that he was associated with I-Prosperity in one way or another.---Not, not really.

Not really?---No. No, I didn't.

30 THE COMMISSIONER: But just from what you've -- well, you know he was working with I-Prosperity?---Commissioner, after hearing the evidence and understanding a bit more, I realise that he was and he had some partnership or something going on with I-Prosperity, but I didn't really understand who he worked for or what he was doing.

Does the evidence you refer to refresh your memory that he was associated in some way, perhaps not known to you, with I-Prosperity?---No, I, yeah, after refreshing my memory and hearing what I've heard, that he had some relationship with I-Prosperity.

40

Mr Tsirekas, it's being put to you that when you met Mr Chun in Shanghai that you knew he was linked to I-Prosperity.---No, I, no, I didn't.

Really?---I did not know.

MR DARAMS: No idea at all?

THE COMMISSIONER: Who did you – he was associating, was he not, with Belinda Li in Shanghai?---I didn't know that he had a relationship.

10

When you spoke to him in Sydney, you knew he was connected in some way to I-Prosperity?---After a long period of time, yes, but not back in, at Mr, at the - - -

No, all right. When you say a long period of time, how long? You say a long period of time, after a long period of time you understood he was connected to I-Prosperity, but what are you talking about "long time"? ---Well, a few years later.

20 Pardon?---A few years later.

MR DARAMS: When you say a few years later, what are we talking about?---Oh, I can't tell you the dates but a few years after the first occasion.

How did you come to that realisation?---Well, after listening to evidence - - -

30 No, no, no.--- - - - it's refreshed my memory because I really didn't know what Mr Chun's position, what, what his relationship was with I-Prosperity. He was there with people from I-Prosperity. But I didn't know what his job was, what his position was and what he did there.

I take it from this evidence you've given, you didn't know Chun, Chun Zhou. Do you know any other, do you know just the one Chun?---I've been, probably other Chuns that have been introduced to me.

But Chun Zhou, do you know Chun to be Chun Zhou?---No.

No. Do you know a Chun Zhou?---I know a Chun but I don't know the Chun that you're referring to. That's all I know, his, by his, his name is Chun.

You only know one Chun, is that right?---I know, I've been, if I can explain myself. There are many Chuns that have been introduced to me and he's one of them. I don't know his surname but I know Chun. And if you're referring to him in relationship to I-Prosperity, then I can relate to that Chun.

10

THE COMMISSIONER: In any event, just so we can clarify this picture, when you said you met with him in a restaurant in Sydney and you think Belinda Li was there and Furlong was there, that was the same Chun that you had met in Shanghai, same man?---That's right, Commissioner.

Thank you.

MR DARAMS: I take it from the evidence, you don't know Chun that well at all?---No, I don't.

20

Do you know whether he's got family?---He lives in Sydney, I know that. But I don't know if he's got family, no.

Do you know whether he's got kids?---No.

You've been to his house?---No.

You've met his kids?---No.

30

I want to show you some text messages – sorry. I'll just show you a document. Just read this. Who is Lisa Togafau?---Mayor's PA.

Was she your PA in June 2018?---Yes.

Now, Ms Togafau is sending you a document. Do you see that, see the attachment?---No, I can't see anything.

Well, can we just scroll down to the attachment? I just ask you to read this document, Mr Tsirekas.---Yes, I can read it.

40

Is any of that true?---It, it is a reference - - -

Mr Tsirekas, stop.---And again - - -

Mr Tsirekas, stop. Answer my question. Yes or no, is any of that true?
---Well, it's been given to me by someone to write a reference - - -

Mr Tsirekas, please. My question was - - -

THE COMMISSIONER: Just answer the question.

10

MR DARAMS: Is any of that true?---Again, this information was given to me by someone and I, I provided a reference, as I would to many people to support them.

THE COMMISSIONER: Mr Tsirekas, are you refusing to answer the question?---No, I'm, I'm trying to explain - - -

You answer it and I'll - - -?---Well - - -

20 MR DARAMS: Is any of that reference you signed on Canada Bay letterhead Office of the Mayor, is any of that true?---Well, a lot of it could be true except the line that says "for several years" which I've expanded.

So you say, "I have known [REDACTED]'s father, Chun Zhou, for several years."
You say that's not true?---No.

30 So that's not true. Okay. Then you say, "And in that time, I have watched [REDACTED] grow from a toddler to an intelligent pre-schooler receptive to learning new things." Now, Mr Tsirekas, given the evidence you've given under oath just now, that's obviously not true, either, is it?---It, it, that is not true, no.

You then say, "[REDACTED] is incredibly talkative, especially for someone of his age," that can't be possibly true from your observation or experience, can it?---It's probably come from his parents and is probably true.

THE COMMISSIONER: Just answer the question.

40 MR DARAMS: Not from your observations or experience?---No.

Now, based on the evidence you've given under oath, where you say, "He comes from a family that encourages him to ask questions and to not be satisfied until he's sure that he has all the information he requires." Again, based upon your observations then that's not true at all, is it?---It could be true but not from my observation.

Then you say, "I always find that curiosity in a child is an ideal character and [REDACTED] has that in spades." That can't be true from your observations, can it?---It could be true but not under my observation.

10

Then you say, you conclude, "I unequivocally recommend [REDACTED] for admission to Trinity's Preparatory School," and you were happy to answer any further questions about [REDACTED] at any time. Now, is that still true?---Well, if they rang me, if they did ring me, I would talk to them.

What about the unequivocal recommendation of [REDACTED]?---I can't answer that, sorry, no.

20 THE COMMISSIONER: Well, you were not in a position to unequivocally state that you recommended the child's admission, is that right?---(NO AUDIBLE REPLY)

You were not in a position to make that recommendation from your own personal knowledge.---I try to support where I can and - - -

Just answer my - - -?---From my knowledge, I, I provided a reference.

30 Look, Mr Tsirekas, it does not help you to avoid answering the question. I have given you a heads-up yesterday because it doesn't give an impression that the witness is being frank and truthful in wanting to help the Commission. That's another heads-up. You chart your own course. I'll put the question again. You were not in a position in relation to this child to make the unequivocal recommendation that you did in this letter, did you? Isn't that right?---Yes, Commissioner.

40 All right. Why were you prepared to, in effect, assist Mr Chun Senior, that's Chun Zhou, at this time? What did he mean to you? I mean, why would you help him in this way in making an unequivocal recommendation in respect of his child?---I, I can't recall the, the reason back then, except for he was asking for assistance because he was finding it hard to get his child into Trinity Grammar.

And why did you go this far in giving that assistance by making the unequivocal recommendation?---I, I try to assist where I can with people that come to me for assistance.

My question didn't relate to people, did it? It related to one person, Mr Zhou. Why were you prepared to assist Chun Zhou in this way by providing an unequivocal recommendation?---No real reason, Commissioner, except that he came for support or assistance.

10

That's your answer, is it, no real reason?---That's right, no real reason.

MR DARAMS: You must accept this, that there are false statements made in both of the references that I have drawn your attention to in the last two days. That's right?---Well, I don't know if they're false because, except for my statements, everything else about the character of the person might be true.

20

The references, when you give a reference, Mr Tsirekas, you understand it's your statement to whoever might read the reference, that's right?---Yes.

So what you're putting in there is based upon what you understand to be the case based upon your involvement with the person, correct?---Yes.

30

You understand that a person who receives a reference is going to read the reference from that perspective, that is the person who's giving the reference and is making statements about someone has a personal experience with the person so that they can say those things in a reference. You understand that, that's the general nature of a reference?---Well, a lot of this information is about a child that I would have got from their parents.

But you're stating it here as if you have viewed the child, have met the child and could make these observations and they're your statements. That's right, isn't it, on this reference anyway?---And I'm trying to assist someone
- - -

No, you just - - -?---- - - to have an opportunity to go to a school.

40

So I just want to suggest to you it looks like when you - - -

THE COMMISSIONER: Mr Darams, I don't think you need to go any further on this reference.

MR DARAMS: Yes. Just a couple of last questions, sorry. Did Chun live in Canada Bay? The Canada Bay Council?---I don't, don't know where he lives.

I think you might have asked this one, but can I put this suggestion to you, the reason you were prepared to give this reference for the benefit of Chun is because you knew that he was associated with I-Prosperity?---No.

Back to January 2016, you accepted all of these benefits in relation to this travel in China, where you know you attended Mr Harry Huang's wedding, that's right, or the banquet at the end of Mr Harry Huang's wedding?---As I understand it now from evidence given, yes.

But I just want to take you back to January 2016.---Mmm.

You must have known in January 2016 that you had travelled to Mr Harry Huang's wedding or you'd been at the banquet of Mr Harry Huang's wedding, that's right?---From refreshing my memory, because it was a long time ago, I did attend the banquet of the wedding of Harry.

I'm asking you to go back to January 2016. You go to this wedding in China. You have all this travel outside of China, sorry, outside of Shanghai with Ms Li. Correct?---Mmm, yes.

Mr Thornton, who you know is associated with I-Prosperity in January 2016 - - -?---I thought it was a subsidiary company, a telephone company.

30

No, that's not right.---No, well, it is right. If - - -

I showed you, I showed – let me finish. I showed you the email correspondence from Mr Thornton when he was arranging the meeting with you and Mr Gu in October 2015, where he introduced I-Prosperity and he signs off I-Prosperity.---Yeah, but, I, at that stage he was telling me that he'd worked for a telephone company associated with someone. That's the information that I was given.

40 No, it's just, that's just - - -?---Well, that's what was written in the email.

Let's go back to my questions now, Mr Tsirekas. Putting yourself back in this period of time, January 2016, not now in 2022.---Yep. Yep.

You travel outside Shanghai with Mr Thornton. Correct? I'm suggesting to you you know Mr Thornton's associated with I-Prosperity in January - - -?
---No, I didn't.

I just, I'm suggesting to you that answer is false and you did know at that stage.---No, back in 2016, which you are referring to, no, I didn't.

10

Yeah. You know Ms Li is associated with I-Prosperity in January 2016?
---Back in 2016, which was four, six years ago, Ms Belinda Li was introduced to me and I didn't know what she did, position or - - -

You knew that she was associated with I-Prosperity.---I, I really didn't.

THE COMMISSIONER: Mr Tsirekas - - -?---Didn't know.

20 I'm going to direct you now to answer that question.---Yeah. Yes. I am trying my best, Commissioner.

No, don't try. You do it.---Yeah, and I will.

The question was you knew as of January 2016 Belinda Li was associated with I-Prosperity.---No, I didn't.

MR DARAMS: Yesterday I asked you about 31 May, 2016 and Mr Furlong's, sorry, the meetings on 31 May, 2016. You remember that?
---Yes, I do.

30

You finally accepted yesterday that as at 31 May, 2016 you should have declared or disclosed at that meeting an interest arising out of your relationship with Ms Belinda Li. Do you remember doing that yesterday?
---You confused me very much yesterday with going backwards and forwards with reports.

Mr Tsirekas, you weren't confused yesterday at all.---You were confusing me.

No, I'm suggesting to you you weren't confused.---I, I honestly am telling you, and I was very confused. You're going backwards and forwards about what meetings, when, what reports, how long. It was very confusing.

Mr Tsirekas, back to my question, please. Can you please answer it?
---I think, I thought I did.

10 No, you didn't, and you don't answer my questions, so I'd like you to focus on it. Yesterday you finally accepted that at the meeting on 31 May, 2016, you should have disclosed an interest at that meeting arising out of the relationship with Ms Belinda Li. Yesterday in your evidence, that's what I'm talking about.

MR LEGGAT: I wonder if Counsel Assisting might go to the transcript, please, because what's being put to the witness is slightly inconsistent with my recollection.

THE COMMISSIONER: Can you do that?

20 MR LEGGAT: I know that the transcript is available.

MR DARAMS: Yeah. I'll come back to it. Can I ask it this way? Do you accept that as at 31 May, 2016 you should have disclosed or declared a conflict of interest arising out of your relationship with Ms Belinda Li?
---Again, if I can try to answer this as succinctly as I can - - -

THE COMMISSIONER: Just answer it.

30 MR DARAMS: No, just answer the question. Do you accept you should have? It's a simple yes or no answer.---Well, no.

Do you accept, as at 31 May, 2016, you should have disclosed or declared a conflict of interest arising out your relationship with Mr Chidiac?---Again, I was very confused but, no. I shouldn't have.

Now, just in relation to this trip in January 2016, I just want to ask you some questions just so I can get it about your accommodation. Could the witness be shown volume 8.3, page 55? Mr Tsirekas, you recall that you were interviewed by officers of this Commission in September 2020?
40 ---September 2020, yes.

This is a transcript of the evidence, sorry, the transcript of the interview on that occasion. What I want to draw your attention to is the questions asked by Mr Berry, an officer of this Commissioner, and your answers. I'll just draw your attention to the first line it says, Berry, "All right. And who else attended this trip with you?" You said, "January '16, it would have been Chidiac on that one." Then Mr Berry says, "Ah hmm. And what was the purpose of that travel?" You responded, "As far as my recollection goes, it was just a private trip." Then Mr Berry says, "Okay." You say, "To get out of Sydney." Mr Berry says, "Sure. Do you know where you stayed, where
10 your accommodation was in Shanghai?" You then said, "I think we always stay at The Langham." And Mr Berry says, "The Langham, okay." He asks you, "Did you pay for your accommodation?" You responded, "I paid for my accommodation." So that evidence there, that is that you paid for your accommodation, that's not true, is it, Mr Tsirekas?---This is back in 2020, wasn't it? What date in 2020?

September 2020. Just focus on my question. Given the evidence you've given today that you didn't pay for your accommodation, the answer you gave on that occasion was not correct, is that right?---Well, given back then
20 it was - - -

Mr Tsirekas, it's just a simple yes or no - - -?---Well, I'm trying to answer it.

No, you're not.---I'm, I'm trying to answer it the best I can.

I need to clarify and confirm. On this occasion, you've given some evidence in September 2020 where you say you pay for your accommodation. That's right? That's what that evidence says? Do you
30 accept that?---I can't remember why I gave that answer back then, but if you want - - -

I'm not focusing on why you gave the answer. I just focusing on the answer you gave. Would you accept this proposition, Mr Tsirekas? I'm just trying to clarify this, 'cause I've got one version here in this statement in September 2020, I've got your evidence under oath today that you didn't pay for your accommodation. The evidence you gave today is correct, isn't it?---I paid for my accommodation. After I'd received my settlement money, when I went up to Mr Chidiac and said, "How much do I owe you?"
40 and he said, "You owe me for the Lebanese trip and accommodation." And I gave him the money. Now, I don't know the time sequences. So as far as

my recollection goes back then, I did pay for it. So I, this is a couple of years ago.

THE COMMISSIONER: When did you pay him?---After settlement - - -

When was that?--- - - - I don't know the date of those - - -

What year?--- - - - date of that - - -

10 What year?---In, in 2020.

Pardon?---I think it was 2020, Commissioner.

And did you make a deduction or transfer from your bank account?---Yes, Commissioner.

To Mr Chidiac?---Yes, Commissioner.

20 For your accommodation?---It was a lump sum for the, the, the, the Lebanese trip and the accommodation.

How much?---It's, my recollection, it was around 9,000.

How much?---About 9,000.

9,000. How did you pay? How did you pay Chidiac 9,000?---Transfer.

Transfer. Out of the CBA account?---Yes.

30 MR DARAMS: Now, you never gave – do you recall you gave some evidence earlier this morning where you explained that you repaid the airfare at the end of 2016 to Mr Chidiac?---Yes.

You didn't mention in that explanation about repaying the accommodation, did you?---No. No.

40 Well, I just want to suggest to you that the evidence you've just given about repaying the accommodation in 2020 to Mr Chidiac, you've just made that up in the witness box then, that's what I want to suggest to you, and it's false?---No, I haven't. If, if you ask Mr Chidiac, I asked him how much I'd

owed him and I paid the amount owed. I, it was, it was a, you know, a long time ago, '16 and I paid him back.

In February 2016, you had a dinner with Ms Li and Mr Chidiac at the Golden Century. Do you remember that?---No, I can't recall that.

You do remember having dinners at Golden Century with Ms Li and Mr Chidiac?---And I can't recall it, no. Sorry.

10 You don't deny that you had a dinner at the Golden Century, do you?
---Well, I can't recall it.

Yeah. So if you can't recall it, you can't deny it?---I can't recall it.

Okay. Now, I want to show the witness volume 1.1, page 253, please. Next page, please? Next page. Mr Tsirekas, before you tell me this, I do understand that this is not an email from you but it's an email from Ms Li to Mr Gu and Mr Huang. But could I just ask you to read the email that Ms Li sends to Mr Gu and Mr Huang copied in to Mr Fan and Ms Zhou?---Do you
20 want me to read the whole lot or just - - -

Just read it to yourself, please.---All right. Yes.

Mr Tsirekas, in relation to what is paragraph number 2, "New VPA agreement with Canada Bay Council," Ms Li refers to a number of things in that paragraph there, and the first one I want to ask you about is do you have any recollection of a breakfast meeting with Ms Li around 16 March, 2016?
---No, not really.

30 When you say "not really" - - -?---No, I don't recall it.

You don't recall it. Do you have any basis on which you might be able to suggest that Ms Li would be mistaken about having a breakfast meeting with you on 16 March if she's sending this the next day?---I don't remember the meeting at all.

I was just asking whether or not there's anything that you might be able to assist us with, because Ms Li's obviously referring to this meeting that she says she had with you.---Yep. Yes.
40

For instance, were you out of Australia on 16 March? That might be one reason why Ms Li could be mistaken about all of this.---What is it that you wanted me to answer?

Well, she's referring to a breakfast meeting with you. You can't remember a breakfast meeting?---I don't remember the meeting, no.

10 You don't and can't deny that you had this breakfast meeting with Ms Li because having meetings with Ms Li at breakfast time was something you have done, that's right?---I don't remember breakfast meetings, no.

You don't remember them?---No.

She then says, "Angelo suggested us to propose 35 storeys at this stage in case B1 comes to us by saying their land worth more money." Now, do you recall ever having a conversation with Ms Li where you said something to that effect to her?---No, not at all.

20 No recollection?---No.

Then a few lines down, Ms Li says, "Also during the meeting, Angelo suggested David Furlong become our town planner." Do you recall suggesting to Ms Li at any stage that Mr Furlong become I-Prosperty's town planner?---No, not at all. And I if – I get asked this question a lot about who would be best to help us in doing things locally.

30 THE COMMISSIONER: So given that, is it quite possible that you did suggest to her Mr Furlong?---I would always mention three architects or town planners.

No, just answer my question.---But that's, that's, that's the answer, Commissioner. If someone would ask me, it's inappropriate to give one name. You should give at least three and it's up to them to decide who they should choose.

All right. Now answer my question. Is it possible that you suggested to her Mr Furlong as being a town planner you considered - - -?---Not - - -

40 - - - who would be appropriate for I-Prosperty?---Not on his own. I would have mentioned three.

And would he have been one of them?---He may have been one of them, yes.

MR DARAMS: Do you recall any occasion where you might have referred only to Mr Furlong and not others?---Inappropriate, you should always refer to three or more.

But can you remember occasions where - - -?---No, I can't. No. I mean, their, their architect might have referred it to him, I don't know.

10

Sorry, what did you say then? The architect might have, what?---I think there's some reference there to Mr Bowers or something, they had people onboard anyway, didn't they?

I'm just asking you about your answer where you said the architect might have referred, and I want you to just complete what you were saying.

---Yeah. What I was saying is there may have been other people that may have referred David Furlong.

20 So based upon – I just want to put some propositions to you, Mr Tsirekas. So we get to this stage in the end of March 2016. You met Mr Gu in Rhodes in 2015 at the Lid & Jar café.---Yes.

You then meet Mr Gu with Mr Chidiac in Shanghai in November 2015.

---Yes. It wasn't an organised meeting. I, there was no - - -

What do you mean by "It wasn't an organised meeting"?---Well, Mr Chidiac said, "Let's go and meet someone." I didn't even know who we were meeting that evening. It wasn't an organised meeting between me and

30 Mr Gu. You keep referring to a meeting - - -

Well, you had dinner with Mr Gu and Mr Chidiac.---Well, it was something like a, a, some food.

Then you travel to Shanghai January 2016, where you attend a banquet for Mr Harry Huang's wedding?---Yes.

You travel outside of Shanghai to Nanjing with Ms Li, Mr Thornton, Mr Chidiac, correct?---Yeah.

40

Your expenses, travel expenses in relation to this Shanghai trip, other than incidentals, are met or paid by persons other than yourself?---Yes.

You don't recall meeting Ms Li and Mr Chidiac in February at the Golden Century for dinner?---Yeah, yeah, I can't recall that.

You can't recall that. You don't recall having a breakfast meeting on about 16 March with Ms Li where, on Ms Li's account of the conversation and the account that she send the very next day, there's some discussion about I-
10 Prosperity's Rhodes development and a reference to you recommending at least Mr Furlong to be the town planner?---Yeah, okay.

You don't have any recollection of all of that?---No, I don't.

What I want to suggest to you is that you might not have a recollection now, but if these events did occur, as I think you're now accepting based upon documents that you've seen in this proceeding, they did actually occur, that's right?---What documents?

20 Well, the evidence you've seen in these proceedings, sorry.---What, what - -
-

You accept you went to Harry Huang's banquet at his wedding?---No, no, yes, I do now.

You accept you travelled outside that?---Yes.

Do you accept, based on Ms Li's email that I've just shown you, that it was likely that there was a meeting between you and her on 16 March where you
30 had these conversations with her? Do you think now, having seen this evidence, it's likely that did happen?---Oh, look, I really can't recall but what's the questions from the email that you want to ask? I mean, I - - -

No, just listen to my - - -?---But I, I can't recall the meeting, as I said.

I'm asking you, do you think now, because your recollection of these events has been assisted evidence you've seen in these proceedings, that's right?
---Yeah, that's right.

40 This is another piece of evidence that I'm showing you in this public inquiry and these proceedings. I'm just asking you now, does this assist you with

your recollection?---No, no. This is over six years ago. I can't recall having this meeting at all.

So then just going back to January, sorry, March 2016, I'm putting this proposition to you, that you don't recall this but I'm suggesting it's likely you had a meeting with Ms Li where there's some discussion about the height of I-Prosperity's proposed development, firstly, there's some discussion about at least involving Mr David Furlong in I-Prosperity's development proposal, I'm asking you to assume all of those. Okay?

10 ---Well, you're putting a proposition. I don't accept the proposition. And I don't, I don't accept that these actual, you've asked two questions about 35 storeys and David Furlong. And I've told you, I can't recall giving that information and, in effect, it would be improper because it, it should be always in regards to what is in place at that stage and the master plan and so forth. So I can't recall this meeting or the questions you've asked me.

THE COMMISSIONER: Are you saying that the references in the email from Ms Li, 15 March, to having met with you and you gave some advice or a suggestion about 35 storeys, you say you have no recollection of that
20 being said by you?---No, Commissioner.

And you say, in any event, you would regard that was improper, as you said, to have so indicated to her. Is that right?---That, that - - -

Is that, that's what you've just said?---That's correct.

And just so that we can understand that answer, improper to have made that statement because of what?---'Cause there was no guarantees that if I were, and I didn't say put in 35 storeys, at that stage, I think that Billbergia may
30 have had a 35-storey building in that precinct. I don't know if Belinda was referring, if she was in this email, to that and maybe trying to do the same.

No, just, I think you're going off - - -?---So I don't know.

- - - the path of my question, with respect. Why would it have been improper to use your word?---'Cause, 'cause there, I could never give a guarantee to anyone. It's got to go through the proper process. Why would I suggest putting 35 storeys when I cannot guarantee 35 storeys? What's

40
- - -

But what's improper about it, to use your word? Why would it be improper to be having a discussion about that matter as to 35 storeys with the representative of a developer? I'm just trying to understand, with the benefit of your experience, why is it improper? That's my question.
---Commissioner, a lot of - - -

No, I'm not challenging.---No, no.

10 I'm seeking explanation.---Commissioner, a lot of people would come and put forward their suggestions - - -

No, don't, please, please, don't talk about other people on different occasions. Focus in, no, no. Focus on one person, on one occasion about one matter.---Mmm.

20 The occasion is the occasion to which the email 15 March from Belinda Li refers and the subject matter is a discussion she claimed to have had with you as to 35 storeys. You said that would have been improper. And I'm now asking you to say simply why did you consider it would be improper?
---Commissioner, it is improper because I can never, I myself as the mayor is one of seven councillors. It would be improper to suggest that, you know, to put in 35 storeys and suggest that she's going to get or whoever would get 35 storeys.

But, Mr Tsirekas, have a look at it. She's not saying you guaranteed anything, did she?---No. No. No.

Right. So forget about the guarantee issue.---Mmm.

30 Why would it have been improper to have had a discussion such as she is referring to there in the email, that is suggested to propose 35 storeys? What was improper about it?---Again, Commissioner, I cannot answer something that's been written that I was not at a meeting. It - - -

Well, it was your words.---Yeah - - -

40 You told me that you would have considered it was improper to have been having such a discussion with her. I'm inviting you now to explain why you used the word "improper".---Yeah.

Why would it have been improper?---But can I explain to you - - -

No, no, no, no, no.---Well, I'd like to explain - - -

No, no, no, no, no.--- - - - put in context, Commissioner, if I can put it in context?

No, you can't, Mr Tsirekas.---Well - - -

10 You can answer my question and I'm now directing you to answer the question. Answer it.---Yeah. Commissioner, it would be improper for Belinda or anyone else to propose something to me when I'm not the consent authority.

MR DARAMS: That might be a convenient time?

THE COMMISSIONER: Yes. I'll take the morning tea adjournment. ---Yeah.

I'll resume about five to 12.00.

20

SHORT ADJOURNMENT

[11.36am]

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Could I ask that Mr Tsirekas be shown volume 1.2, page 9? Mr Tsirekas, could I just ask that you read the email from Mr Kenzler on 30 May, 2016?---I read it, thank you.

30 At this time, that is 30 May, 2016, you knew that Mr Furlong had been engaged or appointed at I-Prosperity's town planner?---I, I wouldn't have known by then, yes.

Do you recall now how you found out that he had been appointed?---Not really. He may have been at previous meetings representing I-Prosperity.

When you say "previous meetings representing I-Prosperity", do you mean meetings in council?---Yes.

40 Do you recall attending any meetings in council?---I mean at full council, council meetings as in full meetings.

Of the councillors?---For the councillors, yeah.

That would be recorded, wouldn't it, in minutes of the council meetings if in fact Mr Furlong attended?---Not really, unless he wanted to speak on the item.

Well, if he wanted to speak on what?---On a particular item.

10 Just so I'm clear in your evidence, do you recollect any meetings before 31 May, 2016, you attended a meeting in council with council staff at which Mr Furlong was present?---No.

So as at 31 May, 2016, you know Mr Furlong is appointed as or engaged by I-Prosperty as its town planner, either because someone told you that, that's one possibility, isn't it?---My recollection was that he was at a previous meeting when the precinct was being discussed.

20 When you say a meeting, you're talking about a full council meeting?---Full council meeting, yeah.

That's how you became aware, is it?---That's my recollection.

I take it you read Mr Kenzler's email and the attachment when it was sent to you or after it was sent to you by Mr Kenzler?---Back then I probably would have read it, yeah.

That would have been in accordance with your - - -?---Back then, yeah, yes.

30 That would be in accordance with your practice in the lead-up to a council meeting?---Yes.

Could the witness be shown page 10? I'll just ask you to look at what's included in this proposed motion.---Do you want to scroll just - - -

Scroll down?---Scroll down.

40 Let me know when you need to go to the next page.---Sure, yeah. Yep, please.

Next page.---Yes, if you can scroll up a bit. Yes.

Next page.---Yes.

If I could go back to page 9 now. It's obvious, Mr Tsirekas, that the subject of Mr Kenzler's proposed motion was the Billbergia planning proposal for Rhodes West, is that right?---Are you referring to the draft resolution or to the resolution that you've just shown me?

10 THE COMMISSIONER: Sorry, I'm not understanding what you're saying now.---Yeah, it – so is the resolution you just showed me, was that the adopted resolution or was that the - - -

MR DARAMS: No, that was the, that was the document that was attached to Mr Kenzler's email that was sent to you, among others, on 30 May, 2016.---Right. Okay.

What I'm suggesting to you - - -?---The whole document (not transcribable) yep.

20 But what I'm suggesting to you is that it's obvious that what Mr Kenzler was preparing or drafting, the proposed motion or resolution in respect, was related to Billbergia's planning proposal for Rhodes West.---Well, it only referred to Billbergia.

THE COMMISSIONER: Sorry, I can't hear you now.---Sorry, Commissioner, it only referred to Billbergia.

Well, what's the answer?---And the, and the precinct.

30 What's the answer to the question, then?

MR DARAMS: My question was it's obvious that what Mr Kenzler, the motion Mr Kenzler had prepared was related to Billbergia's planning proposal.---Yes.

Billbergia's planning proposal for that, for the land that it owned in Rhodes West had been before - - -

40 MR RILEY: It's James Riley from RGS Law calling. Just returning your call. You left a message for Caitlin yesterday.

MR DARAMS: Mr Riley, can you hear us in the inquiry? You're not on mute. Could we please ask you to mute your call? The – I think you accepted that it was obvious that – sorry. My question was Billbergia's planning proposal had been before council – i.e. a full meeting of council – on numerous times before May 2016, is that correct?---I think at the previous meeting it was refused.

THE COMMISSIONER: No, no.---On the 17th.

10 That's not the question.---I'm trying to put it in perspective.

MR DARAMS: But Billbergia's planning proposals or proposal to redevelop the land that it owned in Rhodes West had been before council, full council on numerous times before May 2016. Different iterations of it, correct?---If you're referring to planning proposals, I don't think so, but the master planning and, and discussions around it, yes, numerous times.

From some stage in 2012/2013, is that correct, that discussions involving or about the land that Billbergia owned in Rhodes West and the Station
20 Precinct had been before council?---I, I, I don't think you can, you can isolate it. I think it was to do with the, the master plan that also dealt with all landholders in the area. I don't think you can isolate.

THE COMMISSIONER: Yes. I think we understand the master plan. That's been gone into in some detail.---Yeah.

The question is simply addressing your attention to the years 2012 to 2013 insofar as the Billbergia development proposal was concerned. I think this is the question - - -?---There was no development proposal - - -
30

I haven't finished. The question is focusing your mind on the period 2012 to 2013. Firstly, do you understand that?---2012 to, yes.

Right. Next point. The question is directing you to the fact that in that period of time, 2012 to '13, Billbergia proposal for redevelopment, planning issues had been before council on a number of occasions. Is that correct or not correct?---It, it's not correct.

Not correct. Okay. What - - -?---Can I explain?
40

Well, just wait for the next question.---Yeah. It's - - -

MR DARAMS: Well, can I come at it this way, the Billbergia proposals to redevelop the land that it owned in Rhodes West had been before council numerous times between 2012 and 2016 before this meeting in May 2016, whether it was included with other proposed developers or not. That's right, isn't it?---No, that's not right. There was no proposal. It was, there was no development application. They were providing information for the master planning of the site, with other stakeholders.

- 10 THE COMMISSIONER: But had not Billbergia been seeking to advance a proposal for redevelopment, which is the one referred to by Mr Kenzler's motion, for some years, that is it had been in council and progressing at different stages but it was there for some years before this date of Mr Kenzler's motion which was 30 May, 2016. Is that right?---No, no.

MR DARAMS: Just bear with me. Well, could the witness be shown volume 3.2, page 32? These are minutes of the council on 2 December, 2014. Do you see that this notes you as being present?---Yes.

- 20 Could I ask that you be shown the next page? So extract from the minutes? ---Yes.

So this demonstrates, doesn't it, Mr Tsirekas, that the matter involving Billbergia's land in the Station Precinct had come before the council at least on this occasion in 2014. Isn't that right?---Part of the master plan and the planning proposal, yes.

Well, so the answer is yes, Billbergia's - - -?---Yeah, well - - -

- 30 - - - planning proposal, there's a reference to a voluntary planning agreement by Billbergia in item 2. Do you see that?---Just let me just read it, thank you. Okay. Yes, I can see that with, with the other stakeholders, yes.

Yeah. So my question before about Billbergia's planning proposal or proposals in relation to the redevelopment of its land in Rhodes West had been before the council numerous times before 31 May, 2016? Maybe I'll change it, for a number of years before 2016 it had been before council, correct?---Well, not a number of years. This is 2014.

40

Well, the meeting that the planning proposal that was going to be discussed on behalf – or sorry, Billbergia’s planning proposal on 31 May, 2016, that wasn’t the first time it came before council, correct?---Oh, look - - -

The answer is obviously yes, it’s not the first time.---Yes. But I can’t remember them all.

No. Going back to volume 1.2, page 9. You get this email from Mr Kenzler, you say in accordance with your practice you would have read it, that is the email. You would have also read the attachment, that’s right?
10 ---Yes.

By reading the attachment to the email you come to understand that it’s about Billbergia’s planning proposal, correct?---It was about the item that we were dealing with at the business paper.

THE COMMISSIONER: What’s the answer to the question?---Yes.

What’s the answer to the question?---Yes, Commissioner.
20

MR DARAMS: You then forward this email and attached proposed resolution to Mr Furlong. Do you see that?---Yes.

I want to suggest to you that you had a conversation with Mr Furlong at or about the time that you forwarded this email to him.---Oh, look, I can’t recall.

It’s obvious that you must have had a conversation with him though.---I, look, I can’t recall. I think that was my last council meeting. I had a, a lot of other things on my mind.
30

My suggestion though, you can accept it or not, but it seems obvious that you must have had a conversation with him about it.---Well, I won’t accept it because I, I can’t recall.

Well, why were you forwarding – I’ll come back at this way, I’ll withdraw the question. Are you saying that you forwarded this email onto Mr Furlong without having a conversation with him about it?---I can’t recall.

40 Why did you forward this email at its attachment to Mr Furlong?---I think if you read the body of the report that council was dealing with on that night,

an affected party that was also referred to in that report was I-Prosperity. So as a matter of courtesy, I suggest that it would be improper if they weren't aware of changing of resolutions and putting in a draft resolution without giving notice to other affected parties that were referred to in the report. And again, I think council, or council officers, if this was a draft that was out and distributed to councillors and to whoever else, as a matter of courtesy, that proper transparency should have been that, if this was going to be debated on the night that any affected party should also be aware and, and be prepared.

10

Well, I'll just ask you a few questions about what you've said then. When you say "affected parties", the proposed resolution or motion was about Billbergia's planning proposal?---Yes.

Mr Furlong wasn't associated with Billbergia and its planning proposal. ---No, no. I think what I, what my answer was that, in the body of the report there are other parties that were referred to, the council report.

20 THE COMMISSIONER: The parties being referred to doesn't ipso facto mean that they were affected parties within the technical meaning of that phrase, obviously, you would agree?---Look, no, I don't agree.

The fact that somebody's mentioned in a report doesn't automatically mean that person is an affected party, would you agree?---No, I don't agree.

MR DARAMS: Could the witness be shown volume 3.4, page 171. I'll just ask you to refamiliarise yourself with this document, Mr Tsirekas. Let me know when you want to see the next page.---Okay. Yes.

30 Show you the next page?---Yes, thank you.

I'll show you the next page.---Yes.

Show you the next page.---Yes, thank you.

The last page, please.---Yes, thank you.

Mr Tsirekas, is this the report that you have been referring to in some of your answers?---Yes.

40

So if we can go to page 172, please. The reference I think you are making of the identification of I-Prosperity's planning proposal is that paragraph above the bold text Statutory Process, that's right?---Which paragraph did you mention, sorry? The one - - -

The second-last paragraph on the page, the one that starts "Whilst not the subject of this report".---I-Prosperity, yes.

10 What I want to suggest to you, Mr Tsirekas, is that it's quite clear from this report that the subject of the report is not I-Prosperity's planning proposal but it's the Billbergia planning proposal. Would you agree with that?---No.

Even though Mr Sawyer, the author of this report, says "Whilst not the subject of this report"? They are his words.---Also in the last paragraph, if you read it, it says "Clearly time is a problem for the current council to deal with Billbergia planning proposal and the subsequent I-Prosperity planning proposal."

20 Right. But the report itself that was prepared by Mr Sawyer was about Billbergia's planning proposal. You agree with that?---No. It also referred to the I-Prosperity planning proposal which was mentioned in the report.

THE COMMISSIONER: Well, you see at the top of the page, what is it called?---Yeah, it's, clearly I can see that, Commissioner.

What can you see?---It's a Billbergia Planning Proposal.

And that's what it was, wasn't it, it was a proposal by Billbergia?---Yeah.

30 Which was the subject matter of consideration by council at this time. ---Well, no, because, Commissioner, it also referred to the I-Prosperity planning proposal.

We know that, we can read that.---Yeah.

40 But this was, this particular item, entitled Billbergia Planning Proposal, was a step in the process as to whether or not Billbergia would get the approval it was seeking. It was just but one step, wasn't it?---One step, Commissioner, for, for both parties.

Not for both parties at all. Well, you contend it is both parties and you seek to support that proposition in what way?---In reading the report which mentioned both proposals, Commissioner.

I see. And that's the paragraph, just so we're understanding one another, which paragraph are you now referring to?---The last paragraph, Commissioner.

The one that made reference to I-Prosperity?---Yeah. And, yes.

10

And it's on that basis that you're contending that what in fact council was addressing and dealing with was both a Billbergia planning proposal and also a proposal by I-Prosperity. Is that what you're saying?---Yes, Commissioner.

But that's a nonsense, isn't it, with due respect?---No, no, it's not, Commissioner.

It's not, all right.

20

MR DARAMS: Did you have a conversation with Mr Sawyer, the author of this report, before 31 May, 2016, where Mr Sawyer, or whether you discussed that proposition with him, that is his report was about I-Prosperity's planning proposal. Did you have that conversation with him? ---No.

No. I suggest that conversation didn't happen, that conversation didn't happen at all.---I can't recall but I – no.

30

Well, if we just go back to volume 1.2, page 9. What Mr Kenzler sets out in his email, I'll ask you to read it, is that he's prepared the proposed motion after he's discussed this matter with Mr Sawyer and Mr McNamara, the references to Gary and Tony in the body of the email. Do you see that? ---Yes.

So that Mr Kenzler appears to have had these conversations with those two individuals, that's the first assumption I want you to draw from this email. ---Yes.

40

Secondly, he sends the proposed resolution to all councillors but he also copies them in to the email, as well?---Mmm.

I take it you didn't, given your answer before, after you received this from Mr Kenzler, you read it, you understood it, you say you had some understanding that this was meant to be in relation to I-Prosperity's planning proposal as well. I take it you didn't then go back to either Mr Kenzler and raise that with him, that it should include I-Prosperity? Did you go back to Mr Kenzler?---No, I didn't. No.

You didn't go back to Mr Sawyer, as well?---No, I didn't.

10

Right. What you decided to do, I suggest, is send it to Mr Furlong?---For proper process to occur, if an affected party is, is part of a report and isn't included in - - -

My question was different.---But I'd like to answer it if I can.

No, no. You're not answering my question, though, with respect, Mr Tsirekas.---All right. Yeah.

20 My question was you accept you didn't go back to Mr Kenzler?---Mmm.

You didn't go back to Mr Sawyer?---Well - - -

Instead you forwarded this on to Mr Furlong?---Yeah, yeah, look, I can't recall if we had conversations with anyone.

No, no.---But I don't recall it, no.

30 THE COMMISSIONER: Well, you can see you send it to Mr Furlong at 9.27 on 31 May, 2016?---Mmm.

And you indicated "for your information" in your email. Is that right?
---That's right.

So I think what's being put to you is that you didn't send it or reply to or take the matter up with Mr Sawyer or Mr Kenzler, but you did decide that you'd take it up for the information with Mr Furlong?---As an affected party in a report, yes, for transparency.

40 MR DARAMS: Well, why wouldn't you go back to the author of the proposed resolution, why wouldn't you go back to them in the first instance

or at all?---'Cause I, I, I wasn't, I wasn't prejudging any outcome. I, I wasn't the author of a draft resolution that was being circulated prior to meeting and I wasn't prejudging any outcome. I was just assisting with the process of, of being transparent and allowing affected parties to know what was going on.

Let's just pick up this transparency. Did you ring Mr Kenzler and say, "Neil, I'm forwarding this on to Mr David Furlong for his comments"? The answer is no, isn't it?---Well, well, I, I was allowing an opportunity for
10 affected parties to do what they wanted to do and I recall here at this, last five weeks, that David Furlong did take it up with councillors, councillor.

No, you. I'm asking about what you did.---Well, I wasn't going to draft anything.

I'm asking you about transparency.---Yeah. Yeah.

You don't ring Mr Kenzler and say, "Look, I've forwarded it on to David Furlong for his comments because my interpretation of the report is that it affects I-Prosperity and therefore I want his comments." You didn't do that,
20 did you?---I wasn't leading on drafting anything. I was allowing affected parties to be aware of what was going to be debated.

Can you answer my question, please? Just focus on this issue of transparency which you've referred to. As a matter of transparency, you didn't at any stage go back to Mr Kenzler and say, "Look, this is what I've done because I think you've missed the point on the proposed motion. It doesn't deal with I-Prosperity"?---No. I, I wasn't the author of the draft motion, so I didn't have any idea of what was going to progress because all
30 I was doing was trying to be transparent and allowing affected parties to know what was going to be debated.

Can I ask that you please answer my question?---Yes.

As a matter of transparency, you didn't go back to Mr Kenzler and say something to the effect, "Hey, Neil, you haven't dealt with I-Prosperity's planning proposal and the report deals with that as well. Can you do some amendments or change your motion to deal with that?" You didn't do that?
40 ---Mr Furlong did, not me.

So when you say Mr Furlong did, you're saying that based upon what you've heard Mr Furlong say?---Correct.

All right. Did you have a conversation with Mr Furlong where you divvied up these tasks, so to speak, and you say, "David, will you go and speak to Mr Kenzler?"---Look, I, I can't recall the conversation back in 2016.

10 But why didn't you do this, then? Why didn't you? Because you're a councillor, you're the person who this was addressed to. Why didn't you go back to Mr Kenzler and say, "Look, Neil, you've missed the point here. It should deal with I-Prosperity as well, 'cause that's what the report that I've read says"?---Well - - -

Why didn't you do that?---Well, I wasn't the author of the draft motion and I wasn't progressing the matter.

I understand.---All I was doing was being transparent.

20 No, you weren't. This is transparency, why don't you – if you thought that the motion should have dealt with I-Prosperity, why don't you go back to the author of the motion?---No, I wasn't pushing I-Prosperity and I wasn't pushing any, any matter. The matter had to be debated at the council with nine councillors around the table, and normal practice is motions would come up from the floor of a council and they would be debated. This draft had been circulated a number of days before the meeting, and I thought it would be appropriate as such that the public, whoever was interested, should have been aware of what was going to be debated.

30 THE COMMISSIONER: You saw that the Kenzler motion was proposing for a reduction in levels or height in the Billbergia proposal.---Yep. Mmm. I didn't have a – it was debated around the table on, you know - - -

No, no. Look, we have trouble. We ask questions, you seem to go off on tangents. I'm not being critical, I'm just pointing out the facts.---Sorry.

Then I have to keep repeating the question. We've been doing that all morning.---Apologies, Commissioner.

40 It's going to take a long time, but if it takes a long time, then we will take the time. I'm not going to give you another lecture on how to answer questions. I just re-emphasise what I've already re-emphasised. And if you

don't start answering questions directly, then we'll have to do something about that. You read the Kenzler motion? You read the Kenzler motion we're talking about?---Yes, if we can put it back up there, I - - -

Is the answer to that a yes or is it a no?---Yes, I read it.

Right. See, it's much quicker when you just say yes or no.---Yes.

10 And when it's clear, it requires a yes or a no. No explanations around yes or no. All right. And you saw that what Mr Kenzler was seeking was a reduction in the height of the Billbergia project, and he put arguments around that.---Yes, Commissioner.

Right. Did you perceive that that could have some adverse impact on I-Prosperty because that might reduce the potential heights to which they could develop?---No, Commissioner.

20 Was that a concern of yours and that you wanted to bring that to the attention of Mr Furlong?---No, Commissioner. And if I - - -

You said you had nothing to do with progressing this matter, that's right? ---No. No, I did.

But you did take one specific step of sending a copy of the motion to Mr Kenzler but making no other representations to anyone else about the proposal that Mr Kenzler was pursuing, is that right?---And I think I've answered that question, Commissioner, yes.

30 So that Mr Furlong was the only one, as it were, you thought, you should speak to about the proposal that Mr Kenzler said he was going to put up? ---I don't know if I spoke to him, but I definitely - - -

When I said – communicate with him.---Communicated with him.

So he was the only one it occurred to you you should communicate with about the proposal that Kenzler was - - -?---And I think I've answered that, yes, Commissioner.

40 The answer is yes?---I think I've answered that. Because he was an affected party.

The answer, just to confirm it, is yes, is that right?---I think I've answered that, yes.

Good. And did you see that it was of some importance to make sure that I-Prosperity was put on notice through Mr Furlong of what Mr Kenzler was proposing?---As an affected party, yes.

All right. And that's why you sent it through to Mr Kenzler, so that he could consider what his client, I-Prosperity, could or should do, that right?
10 ---No.

Why did you send it to him?---I was just making him aware of it. I didn't know what they were going to do.

Why did you want to make him aware of it?---Because he was referred to in the report as a - - -

No, but – yeah. Why did you specifically want to send this motion to him?
---Because it was a motion that was being circulated without anyone that
20 was referred to in the report had notice. It was, was put on the notice a couple of days – normally practice is, if there's going to be a change of recommendation, it comes from the floor of council and everybody's aware of what's happening – even the applicants, proponents, for and against – and it's debated.

Is this the position, that you were concerned to ensure that Mr Furlong had advised I-Prosperity what was going on so far as the Kenzler motion was concerned?---As, as a matter of courtesy, yes.

30 MR DARAMS: Could the witness be shown page 15 of volume 1.2? Mr Furlong sends this email back to you later on the day, on 31 May, 2016, where he includes "Hi Angelo, draft resolution as amended".---Yes, I can see that.

I want to suggest to you that the sequence of events, that is you forwarding the email with the draft motion or resolution, however you want to describe it, from Mr Kenzler to Mr Furlong, then it coming back amended by Mr Furlong, that suggests that at some stage in that process you must have had a conversation with Mr Furlong. Do you agree with that?---No, I don't. I
40 can't recall, that was my last meeting, I can't recall conversations with him.

But just, it seems obvious though, doesn't it, that you send some document with an FYI, the document come back amended by Mr Furlong. There must have been some conversation between you and he in this period of time about what would happen to it.---I, I cannot recall a conversation and if I can just explain - - -

Is it likely that you had a conversation with him though?---I can't recall.

10 Now, Mr Tsirekas, what did you do with the draft resolution that came back from Mr Furlong?---It, it would have been put up for debate at the council.

What did you do?

THE COMMISSIONER: What did you do?---I, I can't, I can't recall whether I, I gave it to the secretariat to put it up as part of the debate, I, you know, if, if I - - -

20 MR DARAMS: You didn't forward this back to Mr Kenzler, did you?---I, I think Mr Kenzler, as we know - - -

You didn't - - -?---I did not, no.

THE COMMISSIONER: But why wouldn't you, as a matter of courtesy, as you say - - -

MR DARAMS: Transparency.

30 THE COMMISSIONER: - - - advise Mr Kenzler that this new development is going to affect his resolution? Why wouldn't you, as a matter of courtesy or perhaps prudence, put Mr Kenzler now on notice that the ballgame was starting to change somewhat?---No, no real reason, Commissioner. I, I know Councillor Kenzler wouldn't have changed his mind, that the way he is, and the, just matter of normal debate around the council chambers that, off the floor, things would be considered and debated.

But why wouldn't you extend the normal courtesies to him as you say you did to I-Prosperity?---There's, there's no real reason, Commissioner.

40 But there is every reason, isn't there, to put him on notice now that there was going to be an amendment to his motion?---Yeah. And, and it was going to be debated off the floor.

Why wouldn't you give him notice and, as I say, extend the same courtesy that you say you extended to I-Prosperity so that he would now be on notice as to what was going to happen?---No real reason.

Well, there's a reason of courtesy for a start.---The, the, the courtesy would be that things would come off the floor of council so everybody would be aware of any changes to resolutions. So everybody had to debate it.

10 But there's every reason in terms of prudence, isn't it, to put the person who proposes to move the motion on notice that there's going to be an amendment moved.---There's no real reasons why I didn't.

MR DARAMS: Mr Tsirekas, just going back to this stage on 31 May, 2016, so just before the meeting that evening. Let me put some propositions to you based upon what appears to be the evidence that has come out, which you accepted, and some you don't recall. But bearing in mind I'm asking you about this period in time, that is your state of mind in May 2016. So you met with I-Prosperity, Mr Gu, in October 2015?---Yes.

20

That's right?---Yes.

You and Mr Chidiac meet with Mr Gu in Shanghai in November 2015?
---Yes.

When you were in Shanghai for the Dongtai visit?---Yes.

The only persons on that Dongtai visit or delegation who met up with Mr Gu were yourself and Mr Chidiac?---Yes.

30

You went to Mr Harry Huang's wedding, or the banquet at Mr Harry Huang's wedding in January 2016?---Yes.

You travelled outside Shanghai to Nanjing with Ms Li, who you understood to be associated with I-Prosperity?---Not at that stage, no.

You travelled outside Shanghai to Nanjing with Mr Thornton, who you must have understood was associated with I-Prosperity?---No.

40 You travelled with Mr Chidiac, who you will have understood by this stage, January 2016, he had some association with I-Prosperity?---No.

So I suggest to you, you're travelling outside Shanghai in January 2016. You go to Harry Huang's wedding, who's associated with the founder of I-Prosperity, and you have no idea that there's any connection at all between all of these events?---No.

It seems to be rather either naïve on your part or that's just wrong. That's what it appears to be, I want to suggest. Which one is it?---Well, I'm not going to accept your proposition.

10

Okay. So then you have – I suggest to you there's a meeting, a breakfast meeting with Ms Li in March 2016 where you're discussing with Ms Li I-Prosperity's proposed development of its land in Rhodes West.---I don't recall that meeting, no.

You don't recall it? You don't deny it happened, though.---I don't recall the meeting.

I suggest to you you also, because it's likely, whether you recommended him with other persons, that you made a recommendation to Mr Furlong to be the town planner for I-Prosperity?---No.

20

You don't recollect doing that?---I don't recollect that and I would have - - -

But it's not outside the realms of likelihood that you did do that because I think you've said before that he – Mr Furlong, along with others, if people asked you, you would make that recommendation.---It was up to a person to decide who their planner was.

It's always up to people to decide.---And again I would have given them a couple of names to decide.

30

Including - - -?---And I wouldn't have referred just one.

Including Mr Furlong as one of those names.---Well, I don't know if I did then or not.

So I want to suggest to you it must have been – so then we get to May 2016. You get this draft motion from Mr Kenzler.---Yep.

40

That's a motion that's only been circulated internally – that is, within council, that's council officers or council staff, correct?---Mmm.

Correct?---Well, I don't know who else it went to.

Well - - -?---You'd have to ask Mr Kenzler.

Well, your understanding was it was only sent to councillors and council staff?---That's all I saw there, but I don't know who else it was sent to.

10

THE COMMISSIONER: In order to be clear about it, Mr Kenzler sent a copy of his, it seems, to all councillors, which is quite appropriate.---Mmm.

Yes? Quite appropriate for him to give notice to all his fellow councillors and therefore - - -?---Yes.

- - - send them a copy? Yes?---Yes, Commissioner.

Appropriate to send a copy to Mr Sawyer - - -?---Ah hmm.

20

- - - who had been involved in this matter. Right?---Yes, Commissioner.

Appropriate to send it to Mr McNamara, who's also on the email list there? ---Yes, Commissioner.

Right. All these people are, as it were, in the tent, if I can use that expression.---Yes.

That is the councillors, general manager, Head of Planning.---Yes.

30

And appropriate to send it to all of them.---Mmm.

He had no need to send it to anybody outside what I've called the tent, such as I-Prosperty, I'm putting to you.---No, I disagree, Commissioner.

MR DARAMS: So we get to this meeting on, sorry, then on 31 May, you receive Mr Furlong's email with the amended resolution or motion.

Correct?---He sent me back a, a, a, a draft resolution.

40

Yeah. You provide that to the secretariat or someone else, so that it can be debated that evening. Is that right?---I, I think that would be right, yes.

You get to this meeting on 31 May, 2016, and you make no declaration at all in relation to any of these matters. That's right?---A declaration of what?

Well, a declaration of a relationship between yourself and Mr Furlong?

---Well, I, I think I'd clarified that. There was no relationship. I, I know Mr Furlong and, and, in fact, if my, that position that you put to me would need to be put to a number of councillors around the table that had worked with Mr Furlong, as well.

10

You made no declaration of your relationship with Mr Chidiac, knowing at that stage that - - -?---No.

- - - Mr Chidiac was associated with the I-Prosperity planning proposal?

---I didn't know at that stage what his connections were.

You knew that he was involved with the I-Prosperity planning proposal, though?---No.

20 You didn't make any declaration involving or arising out of your relationship with Ms Li at that stage?---I, I didn't have a relationship and I didn't know what her position was on I-Prosperity.

But you knew that she was associated with the I-Prosperity planning proposal?---She had something to do with it but I didn't know at that stage what that was, whether it was consultancy or what it was, what, it was a friend, friendly relationship, I didn't know.

30 See, I want to put this suggestion to you that you did know on 31 May, 2016, that those circumstances that I've outlined with you going back to October 2015, including your meetings in Shanghai, the entertainment provided to you in Shanghai, all of those things you knew about on 31 May, 2016. That's correct?---No.

No. And what I'll suggest to you is that you knew because of all of those matters, you should have declared at this meeting that you had a conflict of interest in relation to the I-Prosperity planning proposal?---No, I thought I was clear on that about the, the positions of the people that you've mentioned. And I wasn't aware - - -

40

I want to suggest to you, you were aware and you - - -?---No.

- - - deliberately decided not to make the declaration, and the reason you decided not to do that is because you knew you were obligated to then manage that conflict of interest by either not having any involvement in that planning proposal or that matter before council or, in effect, divesting yourself of those interests. That's the reason you didn't declare it, Mr Tsirekas?---No, I deny that. And, again, if I was in, and, just, I'll leave it at that.

10 And I want to suggest to you the reason you didn't declare it is because then you wouldn't be able to have any involvement going forward in I-Prosperty's planning proposal or development or proposed developments over that land in Rhodes West whilst that matter ever came back before council, and then that would affect your friend Mr Chidiac's relationship with I-Prosperty?---No, I deny that - - -

20 Because, can I suggest to you, you knew that Mr Chidiac was, in effect, trading on his relationship with you with I-Prosperty and charging them fees in part based upon his relationship with you, and that if that relationship became of no use to Mr Chidiac because you couldn't vote or you couldn't have any dealings with the I-Prosperty matter, then Mr Chidiac's use to I-Prosperty would be diminished and they wouldn't be paying him money. What do you say about that?---I deny that, and I wasn't aware of the conditions or contracts or arrangements with that particular party and Mr Chidiac until these hearings.

30 I also want to suggest to you that the reason you didn't declare your conflict of interest at that meeting on 31 May, 2016 is because you also understood, because you couldn't have any further dealings in that matter whilst you were a councillor, that it would impact the benefits that you might have been provided or offered by I-Prosperty in the future in terms of things like travel and the like. What do you say about that?---I deny that.

Just so I'm clear about what you say is your evidence, you didn't make any declaration on 31 May, 2016 because there were no circumstances that you were aware of that required you to make any declaration at all, is that right? ---Yes, yes.

40 That's your evidence now under oath, is that right?---Yes, yes.

Can I ask you this, even now having heard all of this evidence that's helped you to recollect these events going back to 2015, do you still say, "On reflection, with that evidence I have heard, there was no occasion for me to declare any conflict of interest on 31 May, 2016"?---With which party? It's a bit confusing - - -

10 I-Prosperity, its planning proposal.---Yeah. Hindsight is a very good thing, and listening to the evidence, it's been made a lot clearer, the relationships and so forth between parties. So again, at the 31st when I made that decision not to declare, I didn't have those facts, I didn't have that information. So I was making a - - -

Tell me what information or what facts you didn't have as at 31 May, 2016?---Oh, I can't be – listening to evidence given here by witnesses.

Yeah, but what in particular do you say you didn't know?---Oh, I, I wasn't aware of Ms Li's position and I wasn't aware of any - - -

20 Just focus on this one. Ms Li's position, what is it that you've become aware of Ms Li's position you didn't know on 31 May?---Well, I didn't know her position in I-Prosperity, whether she was a director or holder of particular companies in the, within that group,

What did you know about Ms Li and I-Prosperity as at 31 May, 2016?---I didn't know much at all.

But what did you know?---I didn't know much at all. That, that she may have been assisting I-Prosperity with this application.

30 I note the time.

THE COMMISSIONER: All right. We'll take the luncheon adjournment until 2 o'clock.

LUNCHEON ADJOURNMENT

[12.59pm]