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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 TUESDAY 3 MAY, 2022

AT 2.00PM

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THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Mr Bruzzano, just before the luncheon adjournment I was asking you some questions about your relationship with Mr Tsirekas. I just want to continue with those questions. But as I understand your evidence, you were introduced to Mr Tsirekas by Mr Joseph Jacob.---Yes.

10

You didn't know before that introduction by Mr Joseph Jacob that Mr Tsirekas was the mayor?---Correct.

You hadn't met Mr Tsirekas before that introduction by Mr Joseph Jacob? ---I don't believe so.

When Mr Joseph Jacob introduced you to Mr Tsirekas, did you understand that he, Mr Joseph Jacob, and Mr Tsirekas were friends?---I, I, understood that they knew each other.

20

But did you understand that they were friendly with each other?---I did not know the extent of the relationship.

Now, in terms of your relationship with Mr Tsirekas, had that, from your perspective or your assessment, remained the same throughout the period that you have known him or have you and he become friendlier throughout the period of time that you've known him?---Friendlier, you naturally become friendlier.

30

So can you identify a point in time where you might have become friendlier with Mr Tsirekas?---No specific moment that I recall.

Can you recall any occasion where you might have formed the view that your relationship with Mr Tsirekas was more friendly than it was previously?---Not particularly.

Have you ever asked Mr Tsirekas to do anything on your behalf?---Yes.

40

What have you asked him to do on your behalf?---I had him chase up some matters for me when I had a development in council, an application in council.

When you say development application before council, are you talking or speaking about the development application or applications involving 168-172 Victoria Road?---Correct.

How many times did you ask him to chase up matters in your behalf?---I don't recall.

Was it multiple occasions?---I don't recall.

10

Are you able to assist us a little bit more? Was it 20 times?---No, I don't think so.

So less than 20 times, so more than twice?---Perhaps.

Well, more than 10 times but less than 20 times?---Oh, look, I never kept track so I, I could not give you an answer that's remotely accurate.

20 So more than one occasion but less than 20 occasions, so on multiple occasions?---Multiple occasions, yes.

THE COMMISSIONER: Sorry, were these matters involving projects that you were involved in, construction projects or development projects?---I, I had one particular project, yes.

Which one was that?---The address is 168-172 Victoria Road.

132?---168-172.

30 Whereabouts?---Drummoyne. Victoria Road, Drummoyne.

Right. And when was the development application approved in that one? ---Oh, I don't recall exactly. I think it was approved four/five years ago.

Sorry?---Four or five years ago.

Yeah.---I would have to check.

40 Was that a development in your name or in some corporate vehicle?
---Corporate entities with my family.

Which one?---Corporate entities with my family.

A corporate entity?---Corporate entities, correct

Of yours?---Of yours, yes.

What was the name of the company?---Okay. My brother and I personally, on one of the properties, another company called Pupa Bella Pty Ltd.

10 Called?---Pupa, Pupa Bella.

Ah hmm.--- And another company called Rock Invest Pty Ltd.

Okay. And what sort of a development application was that?---It was a block of units.

To construct a block of units?---Correct.

20 Right. Yes. And in relation to matters other than that particular project, when you say that you requested Mr Tsirekas to chase up matters, what particular projects are you there referring to?---That particular project, 168-172 Victoria Road, Drummoyne.

Yeah, apart from that project?---Oh, that, that, that's, that's all.

Pardon?---That's all.

30 Is that the only development you've ever been involved in either individually or through a corporate entity?---Correct. Correct.

All right. Apart from a business development application have there been any other personal development applications that you've put through council?---No.

Thank you.

40 MR DARAMS: Now, Mr Bruzzano, you said that the application that you've been giving evidence about was, did you say it was approved or put before council about four years ago?---It was approved.

Could the witness be shown volume 10.1, page 174? I just want to draw to your attention, Mr Bruzzano, the date of the meeting of council of the City of Canada Bay of 24 May, 2016. Just note that. Now, I then want to ask you to be shown page 175. Just draw your attention to the first item on the page. Now, this is a reference to an item to be discussed at the meeting that evening in May 2016. It's a reference to 171-72 Victoria Road?---Yes.

I understand that that's a part of the land that you and your brothers or family members own. Is that right?---Correct.

10

So this is referring to an application or a matter in 2016?---Correct.

Were you referring to something different when you referred to the approval of an application in 2018 in relation to 168-172?---No. This is the, the first round of DA.

Can you explain to us what do you mean by the first round of DA?---If you notice, it's 170-172, item 1.

20 I see that. Yes.---Then I attached 168.

So just focusing on 170-172, you understand that that development application was a matter before council in May 2016. Is that right?---Yes.

That was resolved in your favour. Correct?---Yes.

Then call that phase 1 or stage 1 or whatever the terminology you use. You were going on to explain how 168 became a part of your development. Can you do that, please?---Well, 168 became available for sale and I acquired it and asked the architects to attach it.

30

Did you acquire 168 Victoria Road after May 2016?---I think I was in the midst of acquiring it.

Yeah. So the chronology is you've put a development application in over the property at 170-172?---Correct.

That comes before council resolution in favour of the development application. Is that right?---Yeah, that's correct.

40

You then after that date settle on the purchase of 168 Victoria Road?

---Correct.

You then ask the architects to incorporate, for want of a better description, that property into the development?---Correct.

You lodge another development application. Is that right?---Correct.

The latter development application spans 168-172 Victoria Road?---Correct.

10 Now, in relation to, going back to Mr Tsirekas, have you ever asked him to do anything for or on behalf of a friend or a mate of yours?---I don't recall at the moment.

Is it possible that you might have done that?---I don't recall.

Well, what kinds of things might you have asked Mr Tsirekas to do or on behalf of mates of yours?---You say "mates"?

Friends, acquaintances.---I don't think mates.

20

Well, what about friends or acquaintances?---I, I don't think that, either, not, not that I recall.

That would be something you would remember, though? Given the nature of your relationship with Mr Tsirekas as I understand it, if you were asking him to do something for someone else, a friend, a mate or an acquaintance, would that be something you would remember?---Do, do what, though? What, what are we talking about?

30 Ask him to look into an application, ask him to have a meeting with him in relation to an application, something like that.---I, I do recall for a client of mine, I, I asked him if he would mind having a look at what was happening with their application.

When did you ask him to do that?---I don't recall. Some time ago.

Can you assist us with the time of that? Are we talking six years ago, seven years ago?---Three years ago.

THE COMMISSIONER: Was this a development application or something else?---It was, the one I'm referring to was the, my client's home. There was some, some matter there. I don't remember what it was - - -

MR DARAMS: Why did you ask Mr Tsirekas to look into that?---I thought Mr Tsirekas could help.

10 When you say you thought he would help, is that based upon the fact that you've asked him previously to do things like that and he did do things that you've requested him to do?---No. I think that was probably the only other time.

THE COMMISSIONER: Did your client run into some difficulty that prompted his request for you to try and get some help on that?---The client was a little bit anxious. Look, I don't quite remember. I was, I was, I was due to have some surgery and I don't quite remember, but he was - - -

20 The client was a little bit anxious about what?---Oh, about his, his home. He's being approved for some reason. Look, I don't quite remember.

Approval of a development?---No, no, it was his home. I, I'm not sure what went on.

Sorry, well, that's what I'm really saying. A DA in relation to his home? Is that what - - -?---Yes, correct, yes.

All right.

30 MR DARAMS: How long had this person been a client of yours?---This person's been a client for a while.

Well, when you say - - -?---Many years. Many years.

As long as the Jacobs brothers have been your client?---No, less.

Significantly less or - - -?---Maybe 10 years.

40 So at the time of the request are you talking about or are you talking about now?---Sorry? Um - - -

You said maybe 10 years the person had been your client. I'm asking you was it at the time of the request or are you talking about 10 years now?---10 years now, I think.

So they were a client about seven years at the time of the request.---I think so.

Can you remember the name of the client?---Yes, I do.

10 Can you tell me the first name of the client?---Domenic.

Now, just going back to – you said that you thought Mr Tsirekas might be able to help.---Yes.

Well, I just want to understand, why did you think Mr Tsirekas might be able to help you?---He's the mayor.

But in terms of your relationship with Mr Tsirekas at that time, did you think that's something that he would do because of the fact that you and he were friends?---No.

20

No. You just thought that he'd be able to help just because he was the mayor?---Correct.

Is that the only occasion you've asked Mr Tsirekas to help out on behalf of a client or some other person you know but not yourself?---I can't recall right now.

So it's possible there were other occasions?---Look, it's possible.

30

Because that's the nature of the relationship you had with Mr Tsirekas? You could ring him up and ask him to help out on behalf of clients or other friends?---Well, I, I know him. I have his mobile number, so it's (not transcribable)

THE COMMISSIONER: We know you know him. But the question – put it again.

MR DARAMS: I asked you whether it was possible that you did it on behalf of other clients or friends – that is, ask Mr Tsirekas as to whether he could help – and what I'm asking you is that you did, is it possible you did

40

that because of the nature of your relationship with Mr Tsirekas?---Well, that's the only way. I mean, I wouldn't have his number if I didn't know him.

THE COMMISSIONER: So is the answer to that question yes?---I don't think I understand the question, if I could have that again.

Well, it's been put twice, so just listen to it.---Yeah, I will.

10 I'll ask Counsel to put it a third time.

MR DARAMS: The question is that you don't recall whether you asked Mr Tsirekas to assist any other client or any other friend of yourself, that's right?---That's correct.

But it's possible you did do that, you just can't recall?---Correct.

20 What I was suggesting to you is that it's possible you did do that for other people as well, not Mr, well, not Domenic, because of the nature of the relationship you had with Mr Tsirekas, that you felt comfortable asking him to do these things.---Yes. I agree with that.

And because of the relationship you had with Mr Tsirekas, you felt comfortable that he might say, "Yes, I will help out."---I felt comfortable. But he never said to me he'll help out. He says, "I'll look into it."

30 All right. Is it the best of your recollection that after looking into it you had other conversations with Mr Tsirekas about the matter you asked him to look into?---No, I never have.

Never have. Now, have you ever provided any financial support or the like to Mr Tsirekas?---No.

Have you ever donated to any of his political campaigns?---No.

Ever been asked to donate to any of his political campaigns?---No.

40 In terms of meetings with Mr Tsirekas during your time that you've known him, I take it you've met up with him for coffees or tea or whatever non-alcoholic occasion?---Yeah.

How many times have you done that, do you know?---Oh, a number of times. I don't recall.

Too many to count or recollect?---Oh, I wouldn't say too many, no.

20 times?---Oh, less than that.

Have you done that just one-on-one, that is you and Mr Tsirekas?

---Occasionally one-on-one.

10

Have you done that in the company of other persons?---I, I have had a meal in the company of other persons.

So when you say "a meal" you're using the singular reference to a meal. Does that suggest you've only had a meal once with Mr Tsirekas?---I've, I've had a meal with Angelo maybe once or twice on my own with him.

Sorry? Once or twice on your own?---Yeah, that is lunch. We've had coffee a couple of times, a few times, perhaps? And - - -

20

Sorry. Is the coffee just you and Mr Tsirekas?---Yes. These are the ones just on our own.

Just focusing on you and Mr Tsirekas.---Yes. Yes. Yes. So they haven't been that frequent. And then I - - -

No dinners?---No, no dinners that I'm aware of, no.

30 So I think you're moving on now to where you might be with Mr Tsirekas and other persons?---Yeah. And so then there were other persons of which I just got invited to and he was there.

So can you assist us out with those occasions. So starting with, let's start with dinners. Have you had dinners with Mr Tsirekas and other persons?---I don't believe so.

Going back to lunches. Have you had lunches with Mr Tsirekas and other persons?---Yes.

40 Who are those other persons you can remember?---Definitely Joseph Jacob, it would be Joseph Jacob that would generally invite me.

So Mr Jacob would invite you. Did he say to you, "Look, I'm having lunch with Angelo or the mayor or Mr Tsirekas"?---And, and others.

And others?---And others. "Come along." And sometimes I would, sometimes I wouldn't.

Who were these others that you can recall were at these lunches?---I, I don't recall, Pierre, Joseph's brother, was there, I, I recall Joseph Chidiac being
10 there and then there were others that I, I just don't quite recall.

Right. So in terms of these lunches with others present, are we talking multiple occasions or 'cause you've identified Mr Pierre Jacob, you've identified Mr Chidiac, I'll come to in a moment, were they all, are you talking about a lunch or are you talking about a lunch with Joseph and Pierre on one occasion or lunch with Joseph, Joseph Chidiac on another occasion or lunch with Pierre and Joseph Chidiac?---No. The, the, the lunches with Angelo are rare, very far few and between. My lunches predominantly are with Joseph Jacob.
20

Yeah. But my question was slightly different. I'm talking about the lunches involving Mr Tsirekas and other persons. That's what I was focusing on. So just back to those, where there were other persons and Mr Tsirekas, were they lunches, are we talking one lunch where it was Mr Tsirekas, Mr Pierre Jacob and Mr Chidiac or are we talking about separate lunches with Joseph Jacob and Mr Chidiac on one occasion, then another occasion with Mr Pierre Jacob and Mr Joseph Jacob?---I, I've had lunches with Joseph Jacob separately. I've had lunches with Joseph Jacob and Pierre Jacob - - -

30 THE COMMISSIONER: You weren't asked about having lunches with Joseph Jacobs.---I'm, I'm, I'm not, I'm not - - -

Just listen to the questions and we'll get through this easily.

MR DARAMS: We're focusing on lunches with Mr Tsirekas.---Correct.

So you've given me evidence about just the one-on-one lunches, you and Mr Tsirekas. I'm now focusing on those lunches where Mr Tsirekas is present. You said almost invariably it was at an invitation of Mr Joseph
40 Jacob. I'm asking you now who else was there. So it's Mr Joseph Jacob and Mr Tsirekas. You've identified Mr Pierre Jacob and you've identified

Mr Chidiac. Are you talking about those persons were present at those other lunches or would it be an occasion where it was Mr Chidiac, Mr Joseph Jacob and Mr Tsirekas and then another occasion where it's Mr Pierre Jacob, Mr Joseph Jacob - - -?---No, usually it's a group. It's a group. And I don't always know everybody who's there and Joseph Jacob invites me.

THE COMMISSIONER: Well, they're group lunches from time to time? ---Group lunches. Yeah, that's what they are. Yeah.

10

MR DARAMS: In terms of the number of group lunches, what are we talking? Two, three, five?---Where, where Angelo has gone, I, I've probably only been to three, four.

20

Now, could I just ask that you be shown volume 10.1, page 60? Now, you'll see this is an email from Ms Gibson to Mr Tsirekas referring to a point in time in October 2015. Do you see that? There's a reference there to you and Mr Phillips attending a pre-DA meeting in relation to 170-172 Victoria Road, Drummoyne, with Tony. Now, firstly, do you remember attending that meeting with Mr Tsirekas?---Oh, vaguely.

Vaguely. I'm just trying to understand the timeline here. How long before this period of time, that is 30 October, 2015 had you met Mr Tsirekas?---I don't remember.

Was it a matter of weeks or was it sort of months or even a year before? ---Oh, look, I really don't remember.

30

Right. So given your evidence before, it's clear that this meeting occurred after you had been introduced to Mr Tsirekas by Joseph Jacobs?---Correct.

Yep. Now, in relation to that development at 168 to 172 Victoria Road, who were the builders engaged to construct that?---That was Pierre Jacob.

Yes. So Pierre Jacob from Prolet Constructions?---Correct.

40

Did Pierre Jacob, sorry, did Prolet Constructions charge you or the companies that were developing the land for the construction work?---I did not have a building contract with him and he did not charge me for his personal time, no.

So who paid for the costs of the construction?---I did.

So is it you paid for the costs of the individual subcontractors or tradespersons?---Absolutely everything.

How long did that construction, or the development, take?---About a year and a half.

10 Now, I want to ask you about Mr – sorry go back. These lunches and catch-ups with Mr Tsirekas, can you recall when they commenced, that is when they started? Did they start before this meeting in 2015?---Oh, I believe way after this.

When you say “way after”, how long after do you say?---Oh, I don’t recall. Never, didn’t commit it to memory.

20 Right. But are you able to assist us with an approximate time with some of the timelines now? So we’ve got a pre-DA meeting in October 2015 and you’ve got the development application coming before council in May 2016.---Yeah. I believe it was after that.

Can you tell us how long, from the best of your recollection, how long after – when you say after that, you mean after May 2016?---I believe so, yeah.

Yep. Can you tell us how long after that you believe it is?---Oh, no.

Do you remember Mr Tsirekas was not the mayor for a period of time between 2016 to 2017?---Yeah, yes, I do.

30 If Mr Tsirekas came back to, it’s a sloppy way of describing it, but became mayor again in about September 2017, these lunches and, well, these lunches one-on-one or with a group, did they start after that period of time or before that period of time?---I don’t recall.

Now, just I want to ask you about Mr Chidiac.---Ah hmm.

Is Mr Chidiac currently a client of Bruzzano & Associates?---Yes.

40 How long has he been a client of Bruzzano & Associates?---I believe we’ve done his taxes maybe for seven years.

THE COMMISSIONER: Sorry, for how long?---Seven years.

Seven.

MR DARAMS: So that's since about 2015?---I believe so.

Do you know how – I assume that someone introduced Mr Chidiac to Bruzzano & Associates.---Correct.

10 Did they introduce Mr Chidiac to you on behalf of Bruzzano & Associates?
---I, I don't understand your question.

Yeah. Do you know whether Mr Chidiac saw Bruzzano & Associates on the street and walked in and introduced himself or did someone make a specific introduction and was that introduction to you or one of your colleagues?---No, I recall Joseph Jacob introducing me to Joseph Chidiac.

20 Can you remember the circumstances of that introduction, why he was introduced to you?---No. Again, we often meet on the street, often we meet on the street.

When you say “we meet on the street”, you're talking about you and Mr Joseph Jacob?---Yes, and I meet Angelo on the street.

When you say you meet them on the street, are you saying that you arrange meetings on the street or you're just out on the street and people are walking by?---Just out on the street by chance.

30 Did the introduction to Mr Chidiac happen by chance or was it an organised introduction?---I believe it happened by chance at first, yes.

Can you assist us how that happened by chance? Is that – you're sitting, standing on the street with Mr Joseph Jacob and Mr Chidiac walks by, is that how it happened?---More than likely Mr Chidiac and Joseph Jacob would have been talking and I, I come along and then I'm introduced.

Did you know who Mr Chidiac was before that introduction?---No.

40 Had you heard of Mr Chidiac's name before that introduction?---No.

How did Mr – so can you tell us how that introduction unfolded? Is it Mr Joseph Jacob says, “Look, here’s my, here’s Mr Joseph Chidiac, he’s looking for an accountant”? Or is it just simply “Here’s Joseph Chidiac”? ---Oh, just Joseph Chidiac. There was no mention of an accountant.

Can you tell us how the relationship between Mr Chidiac and Bruzzano & Associates then developed, the professional relationship?---I don’t recall precisely but, look, over time I make myself known as being an accountant. And I’m networking.

10

So just when you say you made yourself known, is that you got Mr Chidiac’s number and rang him and said, “Look, I’m an accountant. Do you need an accountant?”---No, I’d never do that. People usually approach me.

Okay, well how – sorry?---They usually approach me once they get to know me.

20 So is it your evidence that after this introduction Mr Chidiac then approached you?---At some point.

Do you know how long after this introduction?---No, I don’t.

So if you’ve been his accountant since about 2015, the introduction to Mr Chidiac occurred before that period of time?---Possibly, yeah.

Well, if you’re – so is it likely, well, is it possible you were introduced in 2014?---Oh, look, it’s possible, yeah.

30 Yeah, I see. Now, what services did you – when I say “you” I mean Bruzzano & Associates – provide to Mr Chidiac?---Taxation.

So when you say taxation, is that his personal income tax?---His company and personal.

So his company Online Security Services?---Correct.

So you did it for Mr Joseph Chidiac personally, correct?---Correct.

40 Mr, sorry, Online Security Services, their taxation?---Correct.

Is this on an annual basis?---On annual.

Yeah. Did you do the work yourself or did someone in your office do the work?---Someone in my office.

Did you allocate that work to the person in the office?---Yes.

So did you oversight, oversee or provide oversight of the work done by that other employee?---In the beginning, yes.

10

In the beginning. So you don't do it now?---No, it's standard, it's - - -

Have you ever prepared or drafted invoices, sorry, have you ever prepared invoices on behalf of Mr Chidiac?---No.

Have you ever prepared invoices on behalf of his businesses?---No.

Are the only dealings that you've had with Mr Chidiac in the period 2015 to 2019 related only to his taxation matters?---Correct.

20

So if you're meeting with Mr Chidiac, are you just meeting with him about his personal taxes? Or are you meeting with him as mates or friends?---Not as mates or friends, but you become civil with one another and we talk about a variety of topics.

What are the topics you talk about?---I don't recall. Just topics, chitchat.

Football?---No.

30 Cricket?---No.

The weather?---Possibly.

So you've got, your conversations with Mr Chidiac are about either his personal taxation or his company taxation matters, otherwise general chitchat about nondescript things?---Correct.

The nondescript things could be the weather, could be sport?---Family.

40 Family, those sorts of things. What about any relationship between Mr Chidiac and Prolet Constructions? Did you have any understanding of

whether they had a relationship?---No, not a relationship, but I was aware that Chidiac was, had, could potentially assist Prolet.

THE COMMISSIONER: As you understood it in this period we're talking about now, 2015-2019, what business or employment activities did Mr Chidiac involve himself in to earn a living or to make money?---Oh, I just understood it as some sort of consultant.

10 I'm sorry, I couldn't hear that.---I understood it as some sort of consultant.

Yeah. What sort of consultant?---Oh, I'm not aware. Just some sort of consultant.

But you did his tax returns, didn't you?---Yes, yes.

Well, you would have an understanding of what activities he was engaged in.---Oh, not, not, not precisely. It's, we would just declare income.

20 Well, I'm not asking for precision, I'm just asking you just generally your understanding of what activities he operated in his consultancy.---Yeah, a consultant. Just as a consultant. Look, I, I, I don't know what exactly he did for that.

But consultancy doesn't tell anyone anything, does it, except that they sort of work for themselves and work with others. But work at what?---I, I'm not sure. I, I didn't ask.

30 But you've had many conversations over the years with him, as I think you've indicated in your evidence, is that right?---Yes.

You're not seriously telling me that you have not a clue in the world as to what activities he engaged in over the years to earn the money that he declared in his taxation returns?---Well, no, he never, he never spoke to me about what he, what he actually does or what his matters contain, what his consultancy matters contain. I, I, I don't know. It, it doesn't really - - -

40 But as friends who regularly met, I would have thought curiosity would have got the better of you and you said, "Well, hey, what do you actually do?"---We don't regularly meet.

All right. Well, you met on a number of occasions.---Yeah. It's not, not regular by any means.

And you never discussed with him what he did for a living in his consultancy?---I know what he did for a living, he was a consultant.

No, but I think we're sort of like ships in the night passing each other. Consultancy could cover a huge range of activities, couldn't it? The word consultancy - - -?---Absolutely, yeah, yeah.

10

Yeah, okay. What I'm saying is, just out of curiosity if nothing else, or from what he said to you, you gained some idea of what activities he was engaged in for his consultancy, did you?---No.

You did his tax his returns every year?---My office did, yes.

Hmm?---My office did, yes.

20 Yeah. Were you yourself involved in preparing any of his returns?---Not in collating the, the, the information.

I'm not just saying collating, in any aspect of the preparation of his tax returns, from year to year, did you - - -?---No, I, I don't involve myself in the preparation of any tax returns in my office.

No. You didn't do anything for any stage of his taxation returns at all, is that what you - - -?---No, I'm not hands-on at all. I, I have staff for all that.

30 But, I mean, as a client, he comes to have his taxation affairs attended to so you can provide professional services.---Yeah.

You would sit down with him from time to time, as necessary, to prepare the tax returns in accordance with the law. Is that right?---We don't sit. He emails his information, whether they're bank statements or otherwise, yeah.

Did you ever meet with him in your office?---Oh, of course, yes.

Yeah.---Yeah.

But didn't you gain some appreciation as to what he actually did for a living?---He was a consultant, assisting certain companies. I, I didn't ask "What exactly do you do?"

And you to this day, as you sit there right at this moment, have not a clue in the world as to what actually his consultancy was directed towards so far as his activities in it are concerned, is that correct or not correct?---I absolutely
- - -

10 No, no, please. Is that correct or not correct?---Correct.

All right.

MR DARAMS: Just in relation to Mr Chidiac's relationship with Mr Tsirekas, did you understand that he had a relationship with Mr Tsirekas in this period of time, 2015 to 2019?---Oh, I knew that they knew each other.

What about their relationship? Did you have any, other than they knew each other, did you have any understanding do their relationship?---No. I, I
20 had no detailed understanding, no.

So did you have any less detailed understanding?---I just knew that they knew each other.

That was it?---Yes.

Did you have a discussion with Mr Chidiac about Mr Tsirekas?---No.

No. Did you ever have a discussion with Mr Chidiac about the nature of Mr
30 Chidiac's relationship with Mr Tsirekas?---No.

Did you ever have any conversations with Mr Chidiac where you were able to inform or make any assessment of the kind of relationship that Mr Chidiac had with Mr Tsirekas?---No.

No. So your conversations with Mr Chidiac were either seen to be quite, if I could say the phrase, vanilla? That is you were talking about his taxes, to the extent you're talking about it, is that correct?---Correct.

40 Fair assessment?---Yeah.

Even from those conversations, you don't have any understanding other than the fact that he's a consultant as to what industries he might have consulted in. Is that a fair assessment?---Correct. Yeah.

The only other conversations you had with Mr Chidiac are pretty nondescript, maybe about the weather, maybe about family, something like that. Is that right?---Correct. General conversation.

10 So no conversations with Mr Chidiac where you could get any assessment or form any view about his relationship with Mr Tsirekas?---Correct.

That's correct about this whole period of time, perhaps I'd suggest from 2015 until now?---Correct.

Just going back to Mr Chidiac's relationship with Prolet Constructions, I might have misunderstood what you said but you said something to the effect there was some arrangement, you understood there was some arrangement between the - - -?---No.

20 No?---What I, what I'm, I'm aware of was what Joseph Jacob had told me at the time where he believed Mr Chidiac, Joseph Chidiac could assist greatly by referring or, or connecting them with Billbergia. And so Joseph Jacob was very interested in that.

When did you have this conversation with Mr Joseph Jacob?---It was when, when I met Chidiac.

So back in 2014, maybe 2015?---Possibly, yeah.

30 Was it only one conversation you had with Mr Joseph Jacob or was there a series of these discussions?---It was, it was one main conversation as to, you know, that's, that's what they were thinking, that's the direction they were going and Chidiac was to assist them. And then from then on, it was just much of the same.

So just back to this direction they were going, you mean the direction Prolet Constructions were going?---Yes.

40 In terms of the assistance that Mr Chidiac could provide them, that is Prolet Constructions, what was it that Mr Joseph Jacobs told you Mr Chidiac could provide or assist?---An introduction to - - -

Just an introduction?--- - - - to Billbergia.

To Billbergia. Were there any particular persons in Billbergia you can remember in that discussion or was it just simply Billbergia?---Billbergia, yeah. I, I'm, I'm not, I'm, I'm not too, I, I don't really understand the mechanics of these developments, so it was just a, an introduction as far as I'm concerned, yeah.

- 10 Did you have any conversation with Mr Joseph Jacobs where you counselled him, and I say counsel in terms of giving him advice, whether he should or shouldn't get involved in that type of arrangement?---I, I did, yes.

What did you say to him?---I said, "Look, be very careful. I mean, Billbergia seems like quite a large organisation and we're not. I'm, I'm not saying that it's wrong but, you, you know, you know, you've got to be very careful here because, you know, when you're not even, life can get very difficult."

- 20 Do I understand that evidence to mean that you counselled Mr Joseph Jacob, is this professionally or as a friend or both?---Both.

You're advising him to be careful because Billbergia is a much larger organisation than, what, for want of a better description, they might take advantage of Prolet or - - -?---Absolutely, yes.

Right. Do you know whether any arrangement was consummated between Billbergia and Prolet?---There were many attempts to bed down some sort of agreement, many attempts.

30

Were you involved in any of those attempts?---Not involved but I was aware of them, yeah.

Were you made aware by Mr Joseph Jacob or other people?---Joseph Jacob.

Did Mr Chidiac ever make you aware of those negotiations or those - - -?
---No, I spoke to Joseph Chidiac – Joseph Jacob, sorry.

- 40 Did you ever have any discussions with Mr Joseph Jacob where Mr Joseph

Jacob said that Prolet were trying to pursue a joint venture with Billbergia?
---Yeah, it's in, in, in relation to a joint venture of sorts, yeah. I'm not, you know - - -

Did you have any understanding as to where that joint venture would be, sorry, what that joint venture would do? Was it essentially developing property?---It's developing property, yeah.

Do you know which location or which area that would be?---Rhodes.

10

Which part of Rhodes?---No.

No. Now, I just want to see whether you can assist me with a few things. Could the witness be shown volume 3C, page 57. I take it you're familiar, Mr Bruzzano, with ASIC records?---Yes.

Records of this nature and type?---Yes.

20 So this is an ASIC record in respect of a company called Clear House Pty Ltd. Is that company familiar to you?---Yes.

Can you tell us how it's familiar to you?---Well, it's the trustee of a discretionary trust. It's, it belongs to the Jacobs and it is connected to one of their future developments.

When you say it's connected to one of their future developments, what do you mean by that?---Well, one of their future developments is owned by a unit trust, and the unit holder is Clear House Pty Ltd as trustee for a discretionary trust.

30

Do you know where that development is?---South-western Sydney.

Now, were you, did you have some role in the setting up of this company?
---Oh, my, my office no doubt would have set this up.

When you say no doubt they would have set it up, why do you say that?
---Well, I notice we're the registered office, that's Joseph's company, and we generally always set up Joseph's companies.

40 Now, can you just – I'll just ask you to go to the next page, please. I'll just ask you to focus your attention on the previous directors.---Yes.

There's a reference to that person there, and I just note the appointment date. Now, is that person familiar to you?---Diana Jacob is Joseph Jacob's sister.

I see. It appears to be the case that when the company was set up or registered, Ms Jacob became the director and then there was some change at a later stage such that Mr Joseph and Mr Pierre Jacob became directors.
---Correct.

10

Right. Was that, is that process something that you were familiar with happening for other Jacob companies? That is another family member became director and then the Jacobs brothers became directors?---Yeah, it has happened, yes, yeah.

20

Now, in terms of setting up this company, do I take it that once it's set up you provide the information – when I say the information, I mean the relevant information, the name of the company, its ACN, et cetera – you'd provide that information over to one or more of the Jacobs?---We provide the entire company to the Jacobs.

So there's a pack that comes when you register a company.---Correct, yes.

It's got all sorts of information and the company key and the like.---Yeah, correct.

Right. I just want you to note the date of the registration, being 10 September, 2015.---Yes

30

And I want to ask you about another document. So in that same volume, could the witness be shown page 3. Now, just did you have any role in the drafting or preparation of this tax invoice?---Oh, I don't believe so.

Yeah. Now, it appears to be an invoice from Clear House Pty Ltd, the company we've been talking about, to Billbergia. Do you see that?---Yes.

Are you able to assist us in relation to why that company might be invoicing Billbergia?---No, I, I'm, I don't know anything about this invoice.

40

Could I just draw your attention to the date of the invoice, which is September 9, 2015. See that?---Correct.

That appears to be the date before this company was registered. Do you see that?---Yes.

Are you able to assist us in any way about as to how that might have come about?---No, I don't know anything about this invoice.

Okay. The description, "Commissioned for 448 Concord Road, Rhodes, New South Wales, 2138, of 100,000," doesn't assist you with your
10 recollection or the like of this invoice?---No, no. I know nothing about that.

Now, I just want to ask you some questions about some other documents now. If we can go to – could the witness be shown volume 10.1, page 310? I'll just draw your attention to the email at the bottom of the page from Ms Sims of Weir Phillips to Mr Giaprakis on 17 March, 2017.---Ah hmm.

Now, Weir Phillips were acting for you and your family in relation to the development at 168-172 Victoria Road?---Correct.

20 So then the email above Mr Giaprakis responds to Ms Sims and yourself and Mr Joseph Jacob. Can you see that?---Yes, yes.

Now, it appears that you then forward this email onto Mr Tsirekas, my apologies, on 17 March at 9.45am. Do you see that?---Yes.

You say in the text of the email, "Angelo, can we see if it can go in the first Tuesday of April?"---Yes.

Is the effect of what you're doing there is asking Mr Tsirekas to see whether
30 he could move the consideration of your development application to another time and, well another date in particular?---Yes. I was seeing if we could move it forward two weeks.

Can I just ask you why you sought out Mr Tsirekas at this time and asked him if – sorry, go back one. You were asking for his help, weren't you?
---No, I'm asking him if, if there's anything he can do about bringing it forward, yeah.

But isn't that, but doesn't that mean you were asking for his help to move it
40 forward?---Oh, you could see it that way, yeah.

Well, what other way would you see it?---Asking someone if, if we can move it forward two weeks.

That would have been a help to you as you saw at that stage, of sending it forward?---I, I would have liked it, yeah.

Okay. So was that doing you a favour, would you agree with that?---What do you mean doing me a favour?

- 10 Well, if you were able to move the consideration of your development application, or whatever was being considered in relation to your development application, did you see that as being a favour to you if it could occur?---No. I just, it would have been better for me because we could get on with things.

Why didn't you go back to Mr Giaprakis and ask him to do that?---Oh, because me and Mr Giaprakis had been on the phone so many times, I'm sure he got sick of me. He stopped answering my calls for a while.

- 20 THE COMMISSIONER: I'm having great difficulty hearing you because you keep dropping your voice.---Oh, I'm sorry.

Would you do two things? Speak up and speak into the microphone.---Yes, yes. Mr Giaprakis and myself were constantly speaking on the phone and I kept ringing him relentlessly and I, I think he just got tired of talking to me.

MR DARAMS: Right. Do we take that to mean that you decided not to ask Mr Giaprakis too?---Oh, I probably asked Mr Giaprakis as well.

- 30 Right. Just going back to why you asked Mr Tsirekas. You know at this stage he wasn't the mayor of the council?---Yes.

So in those circumstances, can you assist us as to why you then still asked Mr Tsirekas?---Oh, I, I was seeing if he could help.

Is that because you understood, or at least believed at this stage, that Mr Tsirekas could still help you or assist you with your request?---Oh, I was just giving it a go. Possibly. If there's a possibility I would much appreciate it.

40

Yeah. Did you understand that that was because – sorry. Come back one. Did you reach out to Mr Tsirekas and ask him whether he would do this for you because you believe that you and he had a relationship at that stage where he might do this for you?---Oh, that didn't cross my mind at all.

What did cross your mind when you sent this to Mr Tsirekas to see whether he could - - -?---Well, not very much 'cause it was five minutes later and I just shot it off straightaway. It was just a thought.

10 Well, in terms of that thought, can you assist us as to what you were thinking or seeking to do?---Yeah, to bring it forward two weeks.

Yeah. When you did that, could I suggest to you that you believed that Mr Tsirekas might be able to help you out in that respect?---I never believed it for a certainty.

But you had some belief that he might be able to assist you otherwise you wouldn't have done it. Is that right?---Absolutely, yeah, yeah.

20 Now, is this an example of one of those events that I asked you about previously where I said, "Did Mr Tsirekas ever assist you or do anything on your behalf in relation to any matter?" Is this one - - -?---Yes.

This is one?---Yeah.

Thank you. Bear with me. Now, I want to ask you, could the witness be shown volume 10.3, page 89?

30 THE COMMISSIONER: Mr Darams, just to interrupt. After you've dealt with this segment, I need to attend to something about 3 o'clock and I'll take 10 minutes.

MR DARAMS: Well, it might be a convenient time now 'cause I'm on a slightly different topic if you wanted to do that now?

THE COMMISSIONER: All right. Okay. Very well. We'll take a short adjournment for 10 minutes. I'll adjourn.

40 **SHORT ADJOURNMENT**

[2.57pm]

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Mr Bruzzano, I was asking you some questions about the correspondence that appears at volume 10.3, page 89. Could I just ask you to just look at this email and then I want to show you some further pages to assist you, well, hopefully assist you with some questions I'm going to ask you about it, okay, Mr Bruzzano?---Yes.

10 So just let me know when you've had enough of an opportunity to look at this page. Have you read it, Mr Bruzzano?---Yes.

Sorry about that. I just want you to note down the bottom of the page there's an email from some address called The Print Room, sent on the Friday, 13 July. Do you see that?---Yes.

Perhaps if you can go to the next page. Just note the name Mark Wohlfiel who it's been sent to. See that?---Yes.

20 You just need to note the name. I'm going to come back to another email in a moment. Then if I could ask you to look at the next page, page 91. Just see this email. Have you seen this letter previously or before?---I believe this was shown to me not that long ago.

Sure. And then could you just have a look at the next page. Now, have you had a chance to look at that, Mr Bruzzano?---Yes.

Now if we go back to page 89, now what appears to have occurred here is that Mr Wohlfiel has sent or scanned some document to himself and then
30 forwarded that on to Mr Tsirekas on 13 July, who has then – that is Mr Tsirekas – has then forwarded it on to you on the same date, that is 13 July, 2018, with the question “Is this okay?” Now, what I want to ask you is can you help us or assist us as to what Mr Tsirekas was doing in this case? And that is, are you providing some sort of advice or services to him?---I don't recall this but I can only imagine it had something to do with those electoral returns.

So when you say something to do with the electoral returns, why do you say, based on that information, that it's got something to do with that?
40 ---Well, in your other email - - -

Sorry, which email, sorry?---Sorry, not email, the other page.

Okay, so - - -?---It had something to do with the Electoral Commission or something, didn't it?

Right. So if I could take you to page 92. Is this the one you're talking about?---Local Government Remuneration Tribunal.

10 Sorry, when you answered my question, is this the document you were referring to?---Yes.

So this doesn't seem to refer to any Electoral Commission.---No.

This is a Remuneration Tribunal determination by the looks of it, or some form of determination.---Yes.

If we go back to page 91, this correspondence seems to be related to fees that might be payable to Mr Tsirekas as mayor. Do you accept that?---Yes.

20 Then if we go back to page 89, it seems that Mr Tsirekas is forwarding this material onto you to give you some identification of what he might be entitled to receive or be paid as the Mayor of Canada Bay Council, that's the way I read all that. Do you read that a similar way?---Oh, I'm confused about it. I, I don't recall it.

Right.---I don't recall any of this.

30 Don't recall any of this. So we're talking, so you've given us some evidence about Electoral Commission - - -?---Returns.

Returns. Which I had understood were probably 2017.---Ah hmm.

I want to suggest to you this hadn't got anything to do with Electoral Commission returns. Do you accept that, or would you accept that?---Oh, look, I couldn't say either way. I, I'm just uncertain what this is.

So you're not in a position at all to assist us, are you, with this correspondence, are you?---No, no.

40 It appears that from the nature of Mr Tsirekas' email to you where he says "Is this okay?" it seems that there must have been some type of

communication or correspondence between you and Mr Tsirekas of this nature. Sorry, when I say “of this nature”, of the nature talking about potential remuneration of Mr Tsirekas.---Oh, correct. I just don’t recall what we were talking about.

10 Now, I want to just – did you ever understand from conversations that you had, or interactions you had with Mr Chidiac that Mr – I withdraw that. Mr Bruzzano, I would like now to just play you some recordings and then I’m going to ask you some questions about what’s played in the recordings, and there’ll be a transcript put on the screen so you can follow that. So can we please play session 13220?

AUDIO RECORDING PLAYED

[3.18pm]

20 MR DARAMS: I’ve just got a few questions, Mr Bruzzano, about the content of this conversation with Mr Chidiac. Now, my interpretation of this conversation is that you’re not talking about his taxes?---No.

You don’t appear to be talking about idle matters like the weather and things like that, are you?---No.

Now, I had understood from the evidence you gave earlier today that they were the types of conversations you were having with Mr Chidiac during this period of time, 2015 to 2019. That was the effect of your evidence, wasn’t it?---Generally is, yeah.

30 Yeah. Now, just before I move off this page, who’s Pat?---Pat’s a dear friend of mine.

Right. Now, that suggests that Mr Chidiac knows Pat, as well?---Yes.

Did you introduce Pat to Mr Chidiac?---No, it was probably Joseph Jacob.

Right. Could I just remind you about the microphones and speaking into the microphone?---Yes.

40 Now, back to page 1 of the transcript of this. Now, I want to ask you first to identify a few people for me, please? If we go to the extract from Mr Chidiac, almost towards the bottom of the page, where it says, “I’ve got a,

and a couple of missed calls from John K.” Was that John Kinsella? Did you understand that to be John Kinsella?---Possibly, yeah.

Well, when you say “possibly” - - -?---Well, it, it’s John Kinsella is John K so - - -

Well, that’s what I was asking you.---Yeah.

You understood that was a reference to John Kinsella?---Yes.

10

From Billbergia?---Yes.

Well, I’m going to ask you some more questions about this in a moment, but just firstly, can you tell us what you and Mr Chidiac are talking about here and what, there appeared to be an issue that Mr Chidiac was raising with you that had been raised with him. Can you tell us what this was all about? ---I really don’t know what this is about. I think it’s - - -

20 Sorry, Mr Bruzzano, are you seriously saying you have, you don’t have any idea what this conversation between you and Mr Chidiac is about?---Well, I don’t recall this conversation at all.

Well, you’ve now had the benefit of hearing your conversation, and we’ve got the benefit of the transcript of the conversation. So doesn’t that assist you with your recollection of what you and Mr Chidiac are talking about here and the issue you’re talking about?---No, it doesn’t help me. It seems it may have something to do with Joseph Jacob. He’s upset about something.

30 THE COMMISSIONER: Sorry, I’m not hearing you.---It seems to me - - -

You’ve dropped your voice again.---It seems to me it’s something to do with Joseph Jacob and that he’s upset.

MR DARAMS: What was Mr Joseph, we’ll go back. Mr Joseph Jacob, a long-term friend of yours.---Joseph Jacob, it is.

You regard him as a special person.---Yeah, he’s, he’s a good friend of mine.

40

Is he one of your closest friends?---Oh, I wouldn’t say that, no.

Well, haven't you described him before as a special person?---Yeah, he's a really good guy, yeah.

So it seems to be that Mr Joseph Jacob is upset about something. Your mate's upset about something. You don't remember what it's about.---No, I don't. I think Joseph asked me to make this call, I think. But I don't, I don't recall. I do not have recollection here.

10 Now, just we'll see whether we can assist on your recollection by having a look at a few more paragraphs. But if we go to Mr Chidiac, second from bottom, he says, "I haven't spoken to AT today." Now, when he says that to you, AT, you understand that to be Mr Tsirekas?---Yes.

Yes. That's because you and Mr Chidiac had, before this conversation, spoken in those terms. That is, you had referred to Mr Tsirekas as AT. ---He's often referred as AT.

Do you refer to him as AT?---No.

20

Mr Chidiac referred to him as AT?---Yes.

So when Mr Chidiac's saying this to you, you know who he's talking about?---Yes.

Then you say, "Well, apparently, apparently the position, the formal position of council is they object completely." Now, what are they, council, objecting to? I mean, you've relayed this information to Mr Chidiac.

30 ---Yeah, yeah, look, most probably what's happened is Joseph Jacob has explained some things to me, he's upset, and I rang Joseph Chidiac, and I'm only going off what Joseph Jacob had told me. I actually have no idea what went on.

Well, why did you ring Mr Chidiac on behalf of Mr Joseph Jacob?---I would have been asked to do so.

Yeah, but why? Can you tell us why?---I don't remember why.

40 Well, is it because you had a particular relationship with Mr Chidiac that Mr Joseph Jacob knew that you could raise these matters or have this discussion

with Mr Chidiac?---No, it was probably strategically better that I rang as far as Joseph Jacob is concerned.

When you say “strategically better”, what do you mean by that?---Joseph Jacob probably thought it was better that I ring and say these things.

I understand that’s an explanation, but why do you understand that – given how close you and Mr Jacob, Joseph Jacob, are, why did you understand that Mr Joseph Jacob might have thought it was strategically better for you to make the call?---I don’t know. I can’t remember the circumstances behind all this.

But you must have some basis to make that assessment of this strategically better position that you call Mr Joseph Chidiac rather than Mr Joseph Jacob call Mr Chidiac.---Yeah, no, I just don’t recall it.

Can you assist us, trying to do your best you can to go back now you’ve heard the conversation. You’ve got the transcript. As to the event you’re talking about, the circumstance you’re talking about, we’re only talking 2019 here.---Well, it’s, yeah, three years. But, look, where it says down the bottom formal position of the council is they object completely, I wouldn’t know that. I wouldn’t know that from a bar of soap. It’s Joseph Jacob telling me that.

But you must have some understanding from the conversation you have with Mr Joseph Jacob, being his accountant, being the accountant of Prolet Constructions, you must know their businesses quite well, I would suggest. Is that right at this period of time?---Yeah, I know about his business, yes.

30 So you must have some understanding about, and you must be able to recollect that now surely?---No.

No, not at all.---No.

Now, just if I go over the page, Mr Chidiac says, “Can you send, can you send me, you’ve got a copy of this,” and then you say, “No, no, it was on his laptop. I just read it, right?” That doesn’t help you? Reading some document Mr Joseph Jacob - - -?---No, no.

40 No. What about down the page where you say, Bruzzano, “Got it, he’s got it with Angelo now, mate, if you know what I mean.” So now, this is you

saying something to Mr Chidiac about Mr Chidiac knowing what you mean. Surely you must be able to help us out with what you're saying there or what issue was about.---Not at all.

Now, if we go over the page, I'll draw your attention to your extract in the middle where you say, "No, apparently with that it's the council's position made clear now and, anyway, I don't know. I said to him look, I don't know what this is about, I don't know, it's just political. I don't know." You're referring to a conversation you had, is that with Mr Joseph Jacob?
10 ---Yes.

Does this not help you with your recollection of what you were talking about with Mr Chidiac here?---No.

Are you sure about that?---I'm positive, yeah.

You've not got the faintest idea what you were talking about here?---I have no idea.

20 Now, just when Mr Chidiac says, "Yeah, yeah, but listen, hey, the feedback I'm getting, okay, and I've told the guys yesterday the feedback." Is he referring to the Jacob brothers?---I don't know.

Right. Well, let's go back and work on this relationship between you and Mr Chidiac and the things you might have been talking about with Mr Chidiac. What other people during this period, 2015 to 2019, might you be talking to Mr Chidiac with about? I mean, are there other clients of yours or other friends of yours that you would be speaking with Mr Chidiac about?
---No.

30

So he must be referring to the Jacob brothers here.---I believe this is referring to the Jacob brothers.

Now, if we go over to page 14. So the next page, please. Yep. Just where Mr Chidiac says, "It's not the end of the world, mate. For God's sake, just tell them to calm down." Again, that's Mr Chidiac saying to you obviously about the Jacob brothers. That doesn't help you with your recollection?
---No, it doesn't, no.

Are you doing your best to assist us with this conversation, Mr - - -?---Oh, yes. Look, I would love to, to have, to recollect this and to remember. I just don't - - -

It's clear, would you accept this, it's clear from this conversation that the types of things that you and Mr Chidiac had been discussing in this period of time, 2015 to 2019, included matters outside his tax return affairs, correct?---Well, this would have been something that Joseph Jacob would have asked for me to do.

10

Sure, sure.---So, it's not for me, it would have been for him. I don't remember why. I don't know what the strategy was but that's that, that's that matter.

Yeah. So my question was slightly different, if you wouldn't mind just focusing on my question. My question was that you're not talking about Joseph Chidiac's tax affairs?---Not in this instance, no.

Sorry?---Not in this matter, no.

20

You're not talking about mundane nondescript matters?---Correct.

This suggests that the type of relationship, the type of conversations you and Mr Chidiac have in this period of time were, I'm going to suggest to you, about matters involving at least the Jacobs brothers' businesses or business?---You, you could say that.

Yeah. See, I want to suggest to you that you did have conversations with Mr Chidiac during this period of time, 2015 to 2019, directly related to business matters involving the Jacobs brothers and Prolet Constructions?---Potentially, the occasion would have come up, yes.

30

Including in relation to any proposed development for Canada Bay Council, being the Rhodes East area where they own property or their properties own property?---I'm not sure about that, but just general matters on, on, on, on the Jacob brothers.

In respect of their dealings with the Canada Bay Council?---In respect of their dealings with those properties at Rhodes.

40

Now, if I could ask that we play session number 13867, volume 7A, page 46.

AUDIO RECORDING PLAYED

[3.36pm]

MR DARAMS: That seems to be the end of the call, Mr Bruzzano. I would like to again ask you some questions about this conversation. I might start
10 quite broadly. Are you able to assist us in relation to this conversation about what you and Mr Chidiac were talking about?---I, I think I recall this conversation. I don't really know what the matter is.

THE COMMISSIONER: So two things we know. One is issues concerning the development and that involves Canada Bay Council and people, John K and Rick are also involved in what was going in. There was upset at council having rejected the proposal. We know all of those things. So what's that all about?---Okay. I, my, my knowledge of all this is from Joseph Chidiac. Excuse me, that's wrong, Joseph Jacob. So my knowledge of this comes
20 from Joseph Jacob. There was a time where he was upset. I was rattling things that I don't really understand - - -

Sorry, you're dropping your voice again.---I was going on about planning matters that I, look, I don't really understand these matters but again, I made this phone call for, for Joseph Jacob to basically let Chidiac know that Joseph is very upset and things aren't going according to plan with regards to Prolet and the Billbergia potential, you know, joint venture. It's, it's more, it's more like a strategic message but otherwise I, I have no real idea what's gone on, yeah.
30

But you were involved in what they were talking about, weren't you?---No. Not at all.

Well you said, "We have all those traffic issues under control." Who is "we"?---I'm just repeating Joseph Jacob.

No, no, no. Who is "we"?---Oh, I don't know.

Well, you were talking in the first person, weren't you?---Yeah, no, I'm
40 referring to - - -

You said “we” including yourself - - -?---I’m referring to - - -

- - - have all those traffic issues under control. Traffic issues in relation to what proposal?---Like I said, I have no idea. I don’t - - -

Traffic issues in relation to what proposal - - -?---Rhodes, this is all to do with Rhodes.

Pardon?---Rhodes.

10

Rhodes. What land are we talking about?---I don’t know.

Mmm?---I don’t know.

What street?---I don’t know.

Who’s the applicant for the development approval?---I’m not sure.

Pardon?---I don’t know.

20

You don’t know?---No.

You don’t have a clue in the world?---No, I don’t get involved in it - - -

You are talking in this call, displaying knowledge as to what Chidiac’s referring to and who he’s referring to.---Yes. Again, I’m only repeating what Joseph Jacob had told me, limited information. It’s just to relay, to make them understand that Joseph is, that Joseph Jacob is frustrated and, and that’s all it is. It’s, I, I never get involved with planning ‘cause I don’t understand it.

30

Do you say that Joseph Jacobs was upset about the matter he had an interest in before council?---Yeah. Correct. Yeah. Whatever went on there. Yeah.

And what was Joseph Jacobs upset about? What was the key issue that council had rejected?---I’m, I’m unaware of that.

Well, why was he upset, Joseph Jacobs?---Well, obviously, things, there must have been some adverse finding or some adverse application that’s gone wrong. That, that’s all I know.

40

You're saying this is an application that Joseph Jacobs had made or one of his corporate entities had made?---Well, whether it's an application, I, I don't know. It's whatever matter has gone on, Joseph just repeated it to me and I made that call to or if he called me, I don't know, I spoke to Chidiac about that.

Did Joseph Jacobs indicate to you what the matter that he was upset about?
---Look, he probably did but that's not the point for me. The, the - - -

10 No, no, no. Did he?---Probably did, I don't remember.

Well, what was his gripe? What was his complaint?---These matters were very, very lengthy and Joseph would talk to me - - -

I'm not, you're just avoiding my question.---No, no. I'm trying - - -

I'll put it again. What did he indicate to you that he was upset about?---I don't recall.

20 What was the nature of his complaint or grievance?---Things are not going according to plan.

What does that mean?---Well, I don't know because I'm not familiar with the application.

No, just based on what he told you?---Things are not going according plan, it's just not what, what was planned.

30 So you mean he just rang up and in so many words said, "Things are not going according to plan," without telling you what it was all about?---Yeah, I, I, I've just, he just summarised it for me, but I don't need to know detail and - - -

Whether you need to know or not, what did he summarise?---I, I don't remember.

40 MR DARAMS: Just going back to this position of Joseph Chidiac in this overall circumstance, can you help us out as to what you understood Mr Chidiac's role was here? Is he some sort of conduit between Mr Tsirekas and Billbergia on the one hand or Billbergia on the one hand and you and the Jacobs boys?---No, no. The way I understand it is Chidiac is, is the

person that's connecting Prolet and Billbergia together and he's managing that joint venture. And as a result, there's an agreement that, that, that's around or was around and if things go well, Chidiac is part of, there's, there's an agreement of some sort.

THE COMMISSIONER: So was that the activity that Mr Chidiac was engaged in, introducing people together in respect of proposed developments?---Well, in respect of Joseph Jacob, the Prolet, yes.

10 Well, why didn't you tell me before? You kept persisting in saying - - -?
---No, no. You, you refer - - -

- - - you had no idea what he did for a living.---No, no. You were referring to his income tax returns and I said that he was a consultant and that's all I know.

No, but you recall the questions I put to you? Yes, but what activities was he doing in relation to his consultancy?---Well, that I still - - -

20 And you said you did not know.---Correct. I still don't.

Well, that was a lie, wasn't it?---No.

But you do know what he does. He works in relation to developments, trying to introduce people together, is that right, put people in contact with each other?---Well, in relation to Prolet, yes, but it hasn't - - -

Yes, Mr Darams.

30 MR DARAMS: You knew that he consulted to developers.---Oh, yes. I said he's a consultant, yes.

Well, again, the Chief Commissioner asked you before who you understand Mr Chidiac consulted to and you said you had no idea, but you do know that he consulted with developers.---But I, I don't know who, who, who's paid him. I don't know.

40 Now, I just want to go back to the Mr Chidiac relationship, and again, you must accept now, again, here's another example of an interaction between you and Mr Chidiac, it's got nothing to do with his taxes, it's got nothing to do with mundane matters, they're quite substantive matters, where you

appear to be putting forward the position of your client, Mr Joseph Jacob and his companies on the one hand. I'm right at this stage, aren't I?
---Correct.

On the other side of this conversation is Mr Chidiac putting forward a position on behalf of Billbergia. Is that correct?---Oh, I'm not sure about that.

10 I thought you just said that that's who Mr Chidiac was talking on behalf of because he was the, I'll say the go-between between Prolet and Billbergia.
---No, look, whatever went on then with that phone call, it was, it was council - - -

Sorry, I should stop. We have another technical issue, I've just been informed and we need to stop for a short time. I note where we're at.

THE COMMISSIONER: You'll be some time yet?

20 MR DARAMS: I've still gone some more things I need to canvass.

THE COMMISSIONER: Well, look, I think – there is a technical problem?

MR DARAMS: Yeah. There is, I'm told, yes.

THE COMMISSIONER: All right. Well, I think we'll adjourn and we'll resume tomorrow at 10 o'clock.

MR DARAMS: May it please.

30 THE COMMISSIONER: Thank you.

THE WITNESS STOOD DOWN [3.52pm]

AT 3.52PM THE MATTER WAS ADJOURNED ACCORDINGLY [3.52pm]