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PUBLIC
HEARING

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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 4 MAY, 2022

AT 10.00AM

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

THE COMMISSIONER: Yes.

MR DARAMS: Thank you, Chief Commissioner. We'll continue this morning with Mr Bruzzano. Before I call Mr Bruzzano back to the witness box, I just want to tender some material from yesterday. I wish to tender the transcript and audio of session 13220. If that's accepted it will become Exhibit 21.

THE COMMISSIONER: Sorry, what's the exhibit number?

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MR DARAMS: 21.

THE COMMISSIONER: Thank you. Yes. The intercept transcript as described will be admitted and it will become Exhibit 21.

**#EXH-021 – AUDIO AND TRANSCRIPT OF
TELECOMMUNICATION INTERCEPT SESSION 13220 BETWEEN
FRANK BRUZZANO AND JOSEPH CHIDIAC ON 22/02/2019 AT
18:24:57**

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MR DARAMS: The next one is the transcript and audio of session 13867 and if admitted that will become Exhibit 22.

THE COMMISSIONER: Yes. Session 13867 and transcript will be admitted. Exhibit 22.

**#EXH-022 – AUDIO AND TRANSCRIPT OF
TELECOMMUNICATION INTERCEPT SESSION 13867, JOSEPH
CHIDIAC TO FRANK BRUZZANO ON 28/02/2019 AT 10:55:16**

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MR DARAMS: Thank you, Chief Commissioner. Unless there's any other matters from the Commission, I then propose to call Mr Bruzzano.

THE COMMISSIONER: Yes. Just there will be some updates on programming hearing dates. I can advise that Friday the 13th, that's Friday week, the Commission will not sit in the public inquiry by reason I have competing commitments. There may be some other adjustments to the

40

program and they'll be announced as soon as possible to give representatives and parties notice but I can advise that we will not be sitting on Friday, 13 of May. Yes, Mr Darams.

MR DARAMS: Yes. So I call Mr Bruzzano.

Good morning, Mr Bruzzano. I'll have the oath administered by my associate again. If you wouldn't mind standing, the Bible's there.

THE COMMISSIONER: Thank you. Mr Bruzzano, just bear in mind, if you wouldn't mind speaking into the microphone, keep your voice up rather than letting it drop down.---Yes.

It enables everyone, including myself, to hear. Yes.

- 10 MR DARAMS: Mr Bruzzano, you will recall from yesterday we played you some tape recordings of conversations between you and principally Mr Chidiac, and I asked you some questions about whether you can recollect what those matters were about, and on a number of occasions you didn't have any recollection about that. Do you recall that?---Yes.

- Are you in terms of this period of time, and when I say "this period of time" I mean, late 2018, early 2019, are you able to assist us with what you understood Mr Chidiac's role was in terms of, firstly, your client, Prolet
20 Constructions or the Jacobs brothers? Did he have any role or did he have any association or engagement with them?---My understanding is that Prolet and Mr Chidiac had an agreement and that agreement was for connecting parties together - - -

THE COMMISSIONER: Sorry? To what?---Connecting parties together, the Billbergia party and that's, that's my understanding.

- MR DARAMS: In terms of any relationship or arrangement between Mr Chidiac and Billbergia, whether financial or contractual or otherwise, are you able to assist us with your understanding of his or any such arrangement
30 or association Mr Chidiac had with Billbergia?---No.

In relation to any association or arrangement between Mr Chidiac and Mr Tsirekas, are you able to assist us with any understanding that you might have had about that?---No.

Now, could I ask that session number 18197 be played, the first eight pages, please?

- 40 **AUDIO RECORDING PLAYED**

MR DARAMS: Now, that's a recording of conversation between you and Mr Chidiac.---Yes.

Do you remember that conversation now?---I believe so.

Yep. Can you tell us what you and Mr Chidiac were discussing, what the particular issue was?---I don't remember the particular issue but I think it's the same issue.

10 THE COMMISSIONER: Please keep your voice up.---Yeah. It's the same issue. There's one issue that pertains to Prolet and it's their property in Rhodes and whatever planning, whatever the, the planning matter is. It's that, that, that issue.

MR DARAMS: Can you assist us why you're having these conversations with Mr Chidiac and why they're not conversations that might be occurring between Mr Chidiac and Mr Joseph Jacobs or Mr Kinsella for Billbergia?
---Oh, I, sure they're definitely having those conversations.

20 So what's your role in all of this as well?---I was just having a general discussion based on what I've heard.

THE COMMISSIONER: In the course of the discussion you said "It will all happen quickly after, you know." What were you referring to there?
---I do not know.

I'm sorry, would you just move closer to the microphone. I keep asking you, or it might be that you're not keeping your voice up.---I'm, I'm close to the phone.

30 I'm sorry?---I'm close to the microphone.

All right. Lift your voice.---Yes.

Do you know what that means? Speak louder.---Yes, yes, I will.

Do you understand that?---Yes.

40 So I don't have to keep reminding you.---I understand.

Okay. I'll put it again. On the transcript it's attributed to you, you said, "It will all happen quickly after, you know." What was that a reference to?
---I'm not aware.

Sorry?---I don't know.

Not a clue in the world?---Not a clue.

10 You don't know what you were predicting would all happen quickly?---I don't know what I was referring to.

MR DARAMS: Can I just ask you a question about a couple of these extracts. If I could ask you to be shown page 4 of the transcript. In the third entry there it's Mr Chidiac saying, "Yeah, he sent me a message. I didn't even, I didn't even open it up to be honest." Did you understand that to be a reference to a message from Mr Joseph Jacobs?---I don't remember that. Now that I'm reading it, I'm assuming it's a message from Joseph Jacob.

20 You then say, "Don't worry about it. Just hold it. It will be good for you. just hold it." What did you mean when you said that?---Oh, I, I don't know.

Aren't you suggesting to Mr Chidiac that he should keep a record of whatever message was sent to him and that at some stage Mr Chidiac might be able to deploy that message?---I'm not sure, I can't remember what we were talking about.

30 Just back to your comment about "Don't worry about it. Just hold it." You were referring to the message that was sent to Mr Chidiac?---Most probably, yes.

There's not any other interpretation on that though, is there?---I don't think so.

No. Then you say, "It will be good for you. Just hold it." So when you say, "It'll be good for you," aren't you suggesting to Mr Chidiac that if he keeps a copy of that message he might be able to use it or deploy it in some way in the future that would be of a benefit to Mr Chidiac?---I wouldn't put it that way.

40 Okay. How would you put it, given that they're your words?---I don't know because I don't recall the matter.

Right. It seems obvious that that's what you are suggesting to him, though, aren't you?---It's not obvious, no.

So then Mr Chidiac responds with, "No, no, no, it's the one Wicker," W-i-c-k-e-r. Do you understand what Wickr is?---I don't know what Wickr is.

But you then respond, see, Mr Chidiac says, "It's Wicker. It self-destructs." Your response is, "Oh, well, that's a waste of time, then, isn't it?"---Yes, 10 that's what I said.

So what are you referring to there? Is the reference to the Wickr or the self-destruction of the message?---Most probably Joseph sends, Joseph Jacob sends a message, he destroys it, so that's a waste of time.

So who destroys it?---Well, didn't Chidiac say that it self-destructs?

Well, he's referring to Wickr.---Yes. I don't know what Wickr is.

20 I see. Then you go down a little bit further. You say, Mr Chidiac's referring to his message. You say, "I understand but it'll be good if some of those were on your phone normally, you know what I mean? There's nothing wrong with it. It'll be good." What were you intending to convey to Mr Chidiac there?---If I understand this correctly, and I recall this correctly, I'm probably just saying use your phone normally, I mean, there's, there's nothing wrong, so, you know, that's - - -

Again, aren't you really suggesting to Mr Chidiac that he should keep some record of these messages that he's been sent because it'll assist Mr Chidiac 30 in the future?---I don't think so.

Well, that seems to be the obvious conclusion one draws from reading this transcript, though, Mr Bruzzano, isn't it?---I don't believe that's obvious, no.

I see. Mr Bruzzano, sorry, Mr Chidiac earlier in the conversation inquired about catching up with you for potentially dinner or something on the weekend. Had your relationship with Mr Chidiac developed by this stage to a friendship one where you might be doing those sorts of things with him? 40 ---No, not really.

Not really. Had you gone out socially with Mr Chidiac by this time in March 2019? Had your friendship developed?---I, I, don't believe I had dinner with him, no.

But had your friendship with Mr Chidiac developed by this stage? You seemed quite friendly in the phone call.---No, not really.

Now, could I please have the witness played session 14517? The transcript is at volume 7C, page 34.

10

AUDIO RECORDING PLAYED

[10.24am]

MR DARAMS: Now, so this is a call between yourself and Mr Tsirekas on this occasion. I want to ask you a few questions about the transcript of this conversation. If we can just go to page 1 of the transcript. The fourth entry down, Mr Tsirekas refers to Pierre. You understood that to be Pierre Jacob?---Correct.

20

Then if I could ask you to go down to the bottom entry, Mr Tsirekas says he's got Peter and Scott, Peter and Bob there or there. Did you understand who Peter, Scott and Bob were that Mr Tsirekas was responding to, sorry, referring to?---No. No.

You had no idea who those individuals were?---No.

Do you see from looking at this transcript that when Mr Tsirekas says that to you, it appears that by saying just their first names that he must at least believe that you would understand who he's referring to. Do you accept that as a reading of the transcript?---No.

30

You don't? Well, are you able to assist us in any way at all as to who Mr Tsirekas might have been referring to?---I don't know those people.

He then says, Mr Tsirekas says, "It'd be good for you, you and, um, Jacobs to come in." Are you able to assist us as to why Mr Tsirekas might have thought at this stage in April 2019 it might have been good for you and the Jacobs – being the Jacobs brothers, that's correct?---Yeah, no.

40

Are you able to assist us as to why Mr Tsirekas might have thought it was good for you and the Jacobs brothers to come in?---No.

You don't have any idea at all?---No.

10 Just ask you again whether you might be able to reflect, now having heard this conversation, you see the transcript, April 2019, you've obviously raised an issue about having lunch with Mr Chidiac and being asked to effectively blow that off. Does it assist you with any of these questions I'm asking you?---No, because I had no intention of going.

THE COMMISSIONER: You do recall this conversation?---Now I do.

Mr Tsirekas says that "I've got a VIP ticket for you and Jacobs to come in." Do you understand why Mr Tsirekas had gone to the trouble of getting you and Mr Jacobs VIP tickets?---I don't know what that means.

20 You don't know why he had done that?---I don't even know what a VIP ticket means.

You don't know what VIP means?---Not in the context of having lunch.

Pardon?---Not in the context of having lunch.

30 Well, he did, very shortly afterwards, indicate it was a lunch at Parliament House. You'd put one and one together, wouldn't you, and work out that he's talking about a ticket for you and Mr Jacobs that he obtained to attend with him at Parliament House for the lunch.---I understand, but that was the first I'd heard of it.

I'm sorry?---That was the first time I've ever heard of anything like that and ---

Well, it might have been, but did you have some understanding as to why it was Mr Tsirekas had gone to the trouble, of all the people in the world, to get a VIP ticket for you and for Mr Jacobs?---No.

40 MR DARAMS: Just I want to focus this next question and ask you to please do the best you can to reflect on your relationship with Mr Tsirekas at this time, that is April 2019. Can you assist us as to why he might be inviting you?---Well, my opinion, I think he probably preferred Pierre there

and was probably thinking I would get Pierre there. I don't think he particularly wanted me there.

THE COMMISSIONER: Would you keep your voice up?---Yeah. I, I don't think - - -

Do you deliberately talk quietly?---Not deliberately, no.

Or is it just your ordinary manner?---My ordinary manner.

10

All right. Would you mind just speaking above your ordinary manner?
---Yes.

So that we can hear what you're saying.---Yes.

Yes. Now, did you want to add to what you were saying then?---Could you repeat the question?

20 MR DARAMS: I was asking you to focus on your relationship at this time with Mr Tsirekas, and I asked you whether you could assist us as to why he, Mr Tsirekas, invited you and, I will suggest, was somewhat insistent that you change your plans to come to the lunch. I asked you whether you can assist us as to why he might have done that. You then said something, you didn't really think he wanted you there but he wanted Pierre. That's - - -?
---Well, that's what I'm thinking.

So just why were you thinking that, that he would really want Pierre there and not you there?---Well, I cannot really see why me going there is good for me.

30

THE COMMISSIONER: No, but why would he want Pierre?---Oh, I don't know. I honestly don't know.

Well you, I thought, suggested that you understood he was really wanting Pierre to be there. Is that what you said?---Well, that's just my opinion seeing this right now.

But what subject matter would it be relevant for Pierre to be there so that he could listen or talk about it?---I, I have no idea.

40

MR DARAMS: Is that a serious answer? You have no idea whatsoever?
---Absolutely no idea.

THE COMMISSIONER: Why did he want you to be there, as you understood it?---I have no idea.

Well, he's fairly insistent, if not demanding that you attend, was he not?---It seems so.

10 Well, does it reflect the relationship he had with you, that he at times would, if not demand or direct, make it very clear as to if he wanted you to attend you would attend?---But I didn't attend.

Pardon?---I did not attend.

No. But was it customary for him to speak to you in this way about matters? That is, not just ask you but that he would be insistent. Was that his manner or was that the way he spoke to you?---I, I, I, I know of his
20 manner. Sometimes he will insist on having a coffee. He goes, "Come on, let's go now. Come on, let's just do now. We'll have a coffee." That's, I just find that all normal.

But why was he being so insistent with you, as you understood it, on this occasion?---I have no idea.

MR DARAMS: Could I suggest to you that you understood – sorry. Could I suggest to you that it's probably got something to do with your relationship and the closeness of your relationship with the Jacobs brothers. Is that one possibility?---I don't know.

30

Okay. Could the witness be shown page 2 of the transcript? And just to draw your attention to Mr Tsirekas' comment, "Get Joseph Jacobs to come with you." So now he's asking at least to get one of the Jacobs brothers to come, this time Joseph. Again, are you able to, given that it's Joseph this time, are you able to assist us as to why he's, in effect, insistent on Mr Joseph Jacobs coming?---No, no.

Now, did you try and, or did you call Mr Chidiac and try and reschedule your lunch with Mr Chidiac?---I don't think so.

40

Well, just go back to my questions before. I want to ask you about this. So you, it appears, if you're being honest with Mr Tsirekas on that phone call, that you've arranged or you are intending to have lunch with Mr Chidiac. Correct?---Sorry? Can you repeat that question?

If we accept what you say on this call to Mr Tsirekas is the truth, that is you weren't lying to Mr Tsirekas to blow Mr Tsirekas off, you were having lunch with Mr Chidiac?---It seems so.

10 Can you tell us why you might be having lunch with Mr Chidiac?---I don't remember.

So we're talking April 2019. Has your friendship with Mr Chidiac developed further at this stage, such that you're just having lunch with him?---No. We would have just organised a lunch.

Sorry? We would have?---We would have possibly just organised a lunch.

20 Is this a business lunch with you and Mr Chidiac?---Yes.

What business being? Were you doing his taxes, were you?---I have no idea what, what the conversations were about.

Right. If the witness could be played session 14534. The transcript is at volume 7C, page 38.

AUDIO RECORDING PLAYED

[10.36am]

30

MR DARAMS: So this is a call between you and Mr Tsirekas later on on the same day. Now, I just want to ask you a few questions about some of the comments. So if I could ask you to be shown page 1 of the transcript? I just draw your attention to what Mr Tsirekas says, the fourth from the bottom. He says, "You tell him (not transcribable) he's wanting me to go and I got to go because it's important we go to lunch with him, and anyway it's more important to go in, talk to people you need to talk to." Now, one reading of that, those comments from Mr Tsirekas, is that Mr Tsirekas believed it was important for you to attend this lunch so that you could

40 possibly have conversations with people. Do you accept that?---Not at all.

What do you say, then?---He just wanted me there for whatever reason.

He seems to be suggesting, though, that it would be important for you because there were people there that you need to talk to.---No, I don't believe that's the case.

THE COMMISSIONER: That's what he said.---Oh, I - - -

10 In response to you, you'll see he says, "Talk to people you need to talk to."
Who did you understand he was referring there?---Nothing. I didn't believe him.

That's not an answer to my question. Who did you understand he was referring to that you needed to talk to?---I don't know.

Pardon?---I don't know.

MR DARAMS: No idea?---Got no idea.

20 Again, just if you can try and assist us, going back to the nature of your relationship with Mr Tsirekas at this time, who – are you not able to assist us as to who he might have been referring to at all?---No.

THE COMMISSIONER: Well, as at the date of this call, 5 April, 2019, based upon what Mr Tsirekas is there saying, "Talk to people you need to talk to," what was going on in your life at that time so far as matters of business were concerned?---Oh, I don't believe there was anything, no matters of business.

30 Why wouldn't you respond and say, "What are you talking about?"
---Because - - -

If it was a nonsense, if it didn't really relate to anything that was in progress at that time.---Because I was - - -

Or about to be ventured upon. Why wouldn't you say, "Please explain. What are you referring to here and who are you talking about?"---I felt I had no need because I was fairly certain that it's all rubbish.

MR DARAMS: When you say you were fairly certain it's all rubbish, what did you think was rubbish?---Well, there's nobody there that I needed to talk to. It's just to convince me to go.

Right. Just at this time, March 2019, had your development – when I say “your” I mean - - -

THE COMMISSIONER: It's April 2019.

10 MR DARAMS: Sorry, April 2019. Had your development at 168-172 Victoria Road, had it been completed?---I think so. I think so. I - - -

THE COMMISSIONER: Well, when do you say it was completed?---Not the building. Are you talking about the building?

MR DARAMS: Well, the development itself.

THE COMMISSIONER: Anything to do with - - -?---Yeah, the construction? Are you talking about the construction or the, the DAs?

20

MR DARAMS: Yes. Well, the construction of the building.---Well, I, I, if it wasn't complete, it was getting near.

Near. At this stage, in April 2019, were you – either with your brother or with the Jacobs – were you contemplating further, the possibility of further developments, property developments?---No, I'm not a property developer.

30 Could I just ask that you be shown page 3 of the transcript. You say to Mr Tsirekas in the middle of the page, “Is Joseph going?” Are you referring to Joseph Chidiac?---Possibly.

Just, there might be some context. So you say, “Is Joseph going?” Mr Tsirekas says, “You don't get these opportunities.” I'm going to come back to that in a moment. You then say, “Just get Joseph, get Joseph to come but what do you want me to do? I've got an arrangement with the bloke I mean.” So what's the arrangement you're referring to? Is that Mr Chidiac?---Mr Chidiac, lunch.

40 So that suggests to, if you read that in context, that suggests the Joseph you're referring to is Joseph Chidiac, is that right?---Yes.

So were you referring to Joseph Chidiac?---Oh, look, I don't remember. I'm, I'm trying to see if in context that makes sense.

When Mr Tsirekas said to you, "You don't get these opportunities," what did you understand he was referring to?---Oh, I took no note of that at all.

Why do you say you took no note of that?---Well, I just didn't believe any of it.

10 Is that, why, can I ask you this? Why did you not believe any, when you say any of that, are you saying you didn't believe anything Mr Tsirekas was saying in this phone call?---No, no. He invited me to go along but, but I know that Mr Tsirekas can exaggerate from time to time and that's what I think it was.

Sorry, can I understand that? Are you saying that your belief was that Mr Tsirekas was exaggerating or making these things up in order to get you to attend or agree to attend this lunch?---Yes.

20 Okay. Are you able to assist us as to why Mr Tsirekas might do that?---No.

No. Are you saying that there was some other communications or interactions you had had with him before April 2019 where he had done that sort of thing?---No. Only casually when I met up with him in Drummoyne.

30 So when you say you casually met up with him in Drummoyne, how many times are we talking about there? Because you've made, as I understand your evidence, you've made an assessment that Mr Tsirekas was exaggerating, in effect, not telling the truth or all of the truth, in order to get you to attend this lunch, and I'm just trying to understand why you would have come to that view as opposed to the fact that Mr Tsirekas was being truthful or honest with you at this stage?---Well, you don't, in my opinion, you don't ring someone up out of the blue and say, "You've got to come right now for lunch. There's something really good here." I mean, these things are, are generally planned. So, yeah, I'm sure he was just exaggerating and convincing me to come, for whatever reason.

40 So if I just understand that, your belief is he was exaggerating what he was saying to you to try and get you to attend this lunch because it's something that would have been planned for quite a while and so if it was so important

for you to attend then why weren't you invited earlier. Is that right?
---Correct.

Okay. Now, could I ask that the witness be played session 15990? So it's at volume 7C, transcript page 45.

AUDIO RECORDING PLAYED

[10.48am]

10

MR DARAMS: Now, Mr Bruzzano, obviously a call you placed to Mr Tsirekas in May 2019. I remember asking you some questions yesterday about whether you had asked Mr Tsirekas to assist a friend or a client of yours. Do you remember me asking you those questions?---Yes.

My recollection is that you agreed that he had done that and you did identify a Domenic?---Yes.

Is this the occasion that you were referring to?---Yes.

20

Just before I ask you a few questions about it all, listening to that conversation, it appeared that you had quite a friendly relationship with Mr Tsirekas. Is that right?---Well - - -

Am I right in that assumption?---We had a friendly conversation on the phone.

Well, a relationship, you'd, what, you'd had lunch with him the day before?---Yes.

30

What was the nature of that lunch? Why did you have lunch with him? Do you know where it was? You seemed to have left some individual with Mr Tsirekas.---No, I think that was a, a group. I was invited to a group.

Well, just if I could ask you to be shown page 1 of the transcript? Mr Tsirekas refers in about the middle of the page "the bloke that you left me with, he wouldn't let me go". So are you able to assist us as to do you know who that person is?---No.

How many people have you introduced to Mr Tsirekas during the period of you knowing Mr Tsirekas?---I don't think I've introduced anybody to Mr Tsirekas.

So you said that this was a group attended this lunch the day before. So do you remember the lunch?---No.

Well, how do you know it was a group?---'Cause I don't remember, I, I just don't specifically remember it and I'm, I'm assuming it was a group.

10

But why are you assuming it's a group if you don't remember it?---Well, if there was somebody else there - - -

A group of three?---Well, I wouldn't have organised it. It was either, either Angelo or myself would have gone to get a pizza somewhere, and if there was more than that, you'd find I would have been invited.

Well, let's just go back to my question and see whether you can assist us. Do you accept it appears you went to, I'll say lunch but you had a meal with at least Mr Tsirekas the day before?---Yes.

20

There was some other individual that Mr Tsirekas said you had left with him?---Yes.

But you don't have any, but you can't assist us as to whether there were other people at this lunch the day before?---No, 'cause I can't recall it specifically.

Now you, when you called Mr Tsirekas, can I suggest to you that you did that specifically to sound Mr Tsirekas out to see whether he could assist your client friend?---Yes.

30

Because of the relationship you had with Mr Tsirekas at that stage, that is 1 May, 2019, is it the case that you believed or hoped, because of your relationship with Mr Tsirekas at the time, that he would help your client friend?---No.

Well, why is it that you contacted Mr Tsirekas with that request to assist a friend, that client?---Well, because he's the mayor.

40

You could have equally rung the council staff, correct?---I could have.

Why didn't you do that?---Because I've got Mr Tsirekas' mobile number on my phone and it's very easy to just dial his number.

But the reason, could I suggest to you, that you chose that option is also because of the relationship you had with Mr Tsirekas at this time and you believed or hoped, because of that relationship you had with him, that he would respond favourably?---Yeah, well, well, yeah, I know him and I've got his number, I've got his contact details. He's the mayor. And I'm
10 hoping that he could help.

Could I suggest to you that you also believed that he would help you because of the interactions you had had with Mr Tsirekas leading up to this point in time? For example, when you had your development application, you reached out to Mr Tsirekas to see whether he could assist in moving meetings, that's right?---Yes, that's right.

I want to suggest to you that when you did make those requests previously, you got a favourable result, at least from your perspective. That is, you
20 were provided with some assistance.---On that, did I get a favourable result?

Well, what I was going to suggest to you was if you had reached out to Mr Tsirekas before this time to see whether he would help you and he'd said something to the effect "No, I can't help you, no, go and do this," then you would have formed the view that there was little utility in going to Mr Tsirekas. Would you agree with that proposition?---I'd agree with that, yeah.

So it suggests that if you are doing this in May 2019, at least by this stage,
30 based on your relationship with Mr Tsirekas but also based upon your dealings with him previously, you expected or hoped and anticipated that he would respond favourably and assist the friend/client/mate that you were asking to help with?---Yes.

Can you assist us as to whether or not what Mr Tsirekas suggested might happen, a meeting/catch-up, did that actually eventuate?---I'm unaware what happened after that.

Have you ever had a conversation with your client/mate Domenic
40 subsequently about his development and how it proceeded?---I, no, I don't recall that I did.

Well, do you ever recall any conversation with your friend/client Domenic where he said, “Oh, look, that was a waste of time with” – or any conversation where he suggested to you that in fact he, Domenic, had met with Mr Tsirekas and, and/or anyone else from the council?---No, I don’t think I’ve had any further discussions after that.

10 THE COMMISSIONER: Do you recall the luncheon that you had with Mr Tsirekas and others, or at least one other, in the day before - - -?---I don’t specific - - -

- - - 1 May, when this recording was made, in which there’s reference to having a good meal there, and the food was apparently good quality? Do you remember what restaurant that was?---I don’t recall it.

All right. And do you now have a recollection as to who was there at that lunch?---I don’t recall.

20 Well, you recall yourself being there and Mr Tsirekas being there, is that right?---Correct.

Do you recall if there was anybody else there?---Not specifically because I don’t recall the event.

Well, the conversation on 1 May suggests that there was another person who Mr Tsirekas says he stayed on with for some time. So there might have been a third person there.---A, a third person, but more than likely there would have been more than three people.

30 But you don’t recall?---I, I just don’t recall.

Do you recall if you paid for the meal that you attended with Mr Tsirekas and possibly another person?---No, I don’t believe I paid for that meal.

Sorry, I can’t hear you.---I don’t believe I paid for that meal.

Well, who did?---I don’t recall who was there.

40 You don’t recall who paid?---No, I don’t recall. Sorry?

You don’t recall who paid for the luncheon?---I, that’s correct.

MR DARAMS: Could I ask you to be shown page 5 of the transcript? Just draw your attention to what you say to Mr Tsirekas in the second entry. You say, in reference to Domenic, "He's someone that, that you want to meet."---Yes.

Why did you say that to Mr Tsirekas?---Oh, because Domenic, my client, he's a businessman and he lives in the area, he's a constituent and he's just a really nice person and if you're going to meet people, you want to meet nice people.

What sort of business was he in?---Domenic is into building materials, sells building material.

Well, do you know what type of building material?---Sand and cement.

So when you say to Mr Tsirekas that he's someone that Mr Tsirekas should meet, that's simply because he's a nice person?---Well, he, he lives in the area, he's a constituent so, you know, you, you've got to get, you've got to know your constituents.

Right. Now, just at the bottom of the page Mr Tsirekas says, "Yeah, let's have a coffee next week, okay?" Then you say, "You would like to meet this guy", who you say is really nice. Do you remember whether you had a coffee with Mr Tsirekas the following week?---No. I don't believe that ever happened.

Why is that?---Oh, I don't recall it. I, I don't, I'm fairly certain none of that happened.

But why are you fairly certain it didn't happen if you can't recall it?---No, no. I'm fairly certain that that follow-up never, never occurred.

Yeah, but I'm asking you why – you seem to struggle and have struggled recollecting a large number of conversations that I've taken you to and potential lunches, sorry, lunches and the like but you're not saying you're fairly certain that this didn't happen.---Yeah, yeah. It's because it would have required Domenic to be there and he wasn't there. So I've had no coffee with him for a little while.

When you say Domenic wasn't there, what do you mean by that?---Well, well, here Tsirekas says, "We'll have a quick coffee so I can tell him what he needs to do." That would be for me to arrange a meeting with Domenic but I know that that didn't happen because I never sat with Domenic.

But that was the whole reason for your call, to arrange a meeting with Domenic and Mr Tsirekas so that Mr Tsirekas could help him. Isn't that the reason you called?---No. The reason I called was for him to see if he can help with whatever application was within council.

10

Well, when you say help with whatever application, what were you thinking Mr Tsirekas could do with that application?---I'm not sure. I just wanted him to have a look to see what was going on.

And you don't recall ever having a conversation with your mate or client, Domenic, subsequently as to whether or not Mr Tsirekas did provide any assistance?--- No, because during that time, May '19, after that I was diagnosed with an illness and - - -

20 THE COMMISSIONER: I can't hear you.---During that time, May '19, I was then subsequently diagnosed with an illness and I was off in hospital, surgery and then convalescing for a period of time. And I don't know what happened to that after.

MR DARAMS: On any of these lunches with Mr Tsirekas that you and he have attended, have you ever paid for his lunch?---I do recall paying.

Do you remember which lunch or lunches you've paid for Mr Tsirekas?---I recall having a pizza - - -

30

THE COMMISSIONER: Sorry?---I recall having a pizza with, with Angelo.

That's not the question.---Sorry.

MR DARAMS: Do you recall where and when you paid for Mr Tsirekas' lunch?---I recall having lunch at Pymont.

THE COMMISSIONER: And paying for it?---And paying for it.

40

When was that?---I don't remember the time, when.

MR DARAMS: Well, was it sort of 2014 or was it 2015?---I, I don't recall. I, I, I don't recall.

Can you tell us why you had lunch with Mr Tsirekas?---He was available and I was available and we, we made an arrangement.

Yeah, but what was the purpose of catching up with Mr Tsirekas?---Most probably no specific purpose.

10

So at the stage you were catching up or the time you were catching up with Mr Tsirekas, are you catching up with him as friends or mates, just to have a lunch?---No, as I do with my other clients, I'm, I simply catch up, just networking.

I didn't understand that Mr Tsirekas was a client of yours, though?---No, I'm not saying that. I said as I do with clients of mine, it's customary I catch up. It's a good form of networking.

20 So in terms of networking, so was this a networking lunch with Mr Tsirekas, was it?---Everything that I do that's not personal is networking.

So does that mean that you agree with my suggestion that this was a networking lunch with Mr Tsirekas?---You could put it that way.

Well, I think you suggested that anything that wasn't personal was networking. Is that right?---Well - - -

30 They're your words. I'm just trying to understand.---I, I understand but that's not exactly right, either. You know, we just arranged to eat, have a meal together.

Yeah. I'm just trying to understand whether this meal, you can't recall when it occurred but you paid for, whether it was you're catching up as mates and you're friends, you pay for his lunch or whether you're catching up for some business purpose or to use your words, some "networking" purpose. That's what I'm trying to understand.---Well, I, I don't know. To me, I don't, I don't have a purpose like that when I eat with somebody but generally it's to foster good relations, that's - - -

40

THE COMMISSIONER: What other occasions did you take Mr Tsirekas to lunch?---I can't, I, I, I recall coffees, I recall various coffee shops in, in Drummoyne, I think I recall having a sandwich in another coffee shop in Drummoyne and potentially another occasion. It, it hasn't really been all that often.

But would you, are you saying you didn't from time to time lunch with him at restaurants? Are you saying that?---I, I said that I recall one particular restaurant and there could be others, but I don't specifically recall it.

10

MR DARAMS: Could the witness be shown volume 10.3, page 164?

THE COMMISSIONER: Page?

MR DARAMS: 164. Do you recognise that venue?---I think it's me.

Sorry, the question was do you recognise the venue.---Oh, the venue. That's Pymont.

20 THE COMMISSIONER: That's what?---Pymont.

MR DARAMS: So when you referred before to having lunch or pizza at Pymont, is this what you're referring to, the venue?---Correct.

Is this the Made in Italy?---Correct.

So if we just zoom in on the two gentlemen, it appears to be – well, it appears to be Mr Tsirekas, and from behind at least it appears to be you. ---Yes.

30

So is this the occasion – well, it appears to be the occasion you've just referred to about catching up with Mr Tsirekas for lunch at Pymont. ---Correct.

And if the witness can then be shown the next page. Just again it suggests here it's the same occasion, but we now have you and Mr Tsirekas standing at the bar. If we could – the bar or the drinks counter.---No, that's the cashier.

40 The cashier.---Yeah.

Are you standing in front of the cashier, is that right?---I believe so.

Just in relation to this venue, is this a venue you've gone to – not suggesting with Mr Tsirekas but other people before?---Yes, I've been there, yes.

Right. Have you been there multiple occasions?---Multiple occasions while they were still there.

10 So you were, because you were able to identify the cashier pretty quickly by just looking at the photo, I was wanting to understand whether that's because you've got a familiarity with this restaurant and the layout.---I had been there before, yes.

So if I could then ask you to be shown the next photo. Just zoom in on you and Mr Tsirekas. Just appears that you're putting, well, I'll suggest you're putting something back in your wallet. Is that likely to be the case?---I probably paid the bill, so yes.

20 So that's what I was going to just ask you. You did indicate before that you paid for the lunch, and I just want to understand whether you, or you'd accept that this is the occasion.---Yes.

Having seen these photos now, does that assist you in any way with your recollection as to what you and Mr Tsirekas were catching up on or catching up about on this occasion?---No.

30 Just bear with me one moment. Just want to ask that the witness be shown volume 10.3, page 180. Just, it's a little bit grainy, that photo, but do you recognise the location?---No.

You don't. It appears to be Mr Tsirekas on the left of the photo. That's you to his left in the middle of the photo, is that right?---Correct.

Are you able to identify the individual whose back is to the camera?
---Looks like it's Pierre.

Pierre Jacob.---Pierre Jacob.

40 Could I ask that the witness be shown page 181. I want to suggest to you this is on the same occasion. Do you recognise the person in the photo with

the 8 obscuring part of their head?---I, I would say if that's Pierre Jacob but it's not a clear picture.

So it appears to be Pierre Jacob to you, is that right?---It appears to be, yeah.

It's possible that if it's not Pierre it might be Joseph Jacob, is that right?
---Oh, look, it's, it's not a, not, not a good picture.

10 No, I accept it's a little grainy.---Ah hmm. Initially I would say Pierre Jacob but - - -

Are you able to assist us with the venue from this photograph?---No.

Are you familiar with a location called the Bowan Island Bakery?---Yes.

Yes. Does this look like the inside of the Bowan Island Bakery?---Yes.

Do you know where the Bowan Island Bakery is?---It's in Drummoyne.

20 In Drummoyne.---On Victoria Road.

Is that close to your Bruzzano & Associates work premises?---Correct.

Could the witness be shown page 182? Does that assist you with the person? Is that a clearer picture?---Oh, that's Pierre.

Yes. Are you able to assist us with the reason that you and Mr Pierre Jacob and Mr Tsirekas are catching up?---No.

30 No. Is that because there were a number of these catch-ups involving Mr Tsirekas and Mr Pierre Jacob that you just can't recall the details of them now?---No. Since this is Drummoyne, it could be anything. He could have just walked in. We could have seen him on the street. Everyone lives, everyone works there and so, you know, frequent gatherings in the streets of Drummoyne are common.

So here's one scenario. You and Mr Pierre Jacob or you and Mr - well, you and Mr Pierre Jacob catching up. Is that right?---Well, we were there together, yes.

40

I'm just putting scenarios to you. One scenario is you and Mr Pierre Jacob catching up, you see Mr Tsirekas walking along the street and you invite him in.---Correct.

That's happened from time to time, has it?---I recall that's happened, yes.

Another alternative might be that you all arranged to catch up at that time. ---It's possible.

10 Because that's happened on occasion?---It's possible, yes.

Well, no, has it happened on occasion?---Yeah. It has.

Yeah. I guess another alternative is that either you and Mr Tsirekas were catching up or Mr Pierre Jacob and Mr Tsirekas were catching up and the other person had walked by and been invited into the conversation. Do you accept that as another alternative?---Could be.

20 Has that also happened on occasion up this point in time?---I mean, I know that I've walked in.

That's what I'm suggesting to you, that's another alternative as well? ---Yeah, yeah.

Mr Tsirekas and Mr Pierre Jacob, or I would suggest Mr Joseph Jacob catching up, you've walked in and noticed them and sat down with them. ---Yeah, absolutely. Yeah. I mean, if I walked past and I saw them, I would walk in and say hello.

30 THE COMMISSIONER: In relation to the company Prolet, the principals in effect were the two Jacob brothers, is that right?---Correct.

And Prolet was involved in the development at 168-172 Victoria Road. Is that right?---No, no, that's, that's my development.

Sorry?---That, that is my development.

Right. Okay.---Pierre was the builder.

What do you understand Prolet has been involved in so far as developments are concerned in the Canada Bay Council area?---They, the building that I'm in - - -

Say again?---The building that I am in, my office, they built that.

Right. And where is the company's office, Prolet's, do you know?---It is in Drummoyne.

10 Is it near you?---Near me.

How close to you?---Two doors down.

Two doors down. So far as the brother Peter Jacob who may be the person in the photograph - - -?---Sorry? Pierre Jacob?

I said as to Peter Jacob, who may be the person, one of the people shown in the photograph on the screen, what was his, what role did he play in relation to Prolet? Was he a site manager? Was he involved in town planning or
20 was he involved in specific areas of construction? What role did he play?
---Okay. You, you said "Peter Jacob". I only know him as Pierre Jacob.

Pierre. I'm sorry.---Yeah.

I stand corrected.---Pierre's the, he's a director of Prolet Constructions.

Right.---And so he gets very involved in, in the construction side of things.

Were the two brothers both directors, to your knowledge?---I'm not sure if
30 Joseph is a director - - -

But certainly Pierre was the one who had an active role in relation to the business operations of Prolet, so far as you knew?---Absolutely, yeah.

Okay. Thank you.

MR DARAMS: Just to clarify some of the answers and the questions from the Chief Commissioner. Your development, when I say "your development" I mean, the one including your family - - -?---Yes.
40

- - - at 168-172. Prolet Constructions were the company that you engaged to build that development?---Correct. They were the nominated builder.

For want of a better description, their building licence was the licence used for the construction?---Correct.

You didn't pay Prolet Constructions anything in relation to the services they provided on your development?---I didn't pay them, no.

10 You did pay, however, the contractors engaged to do certain trades, et cetera?---Absolutely. I paid for everything, yes.

THE COMMISSIONER: Sorry. Did Prolet bill you for the construction?
---No. I paid for, all the bills came to me. Pierre simply checked to see if, you know, if the bills were fair and then they were handed over to me and my office paid them.

So just so we understand this, so far as Prolet is concerned, it was, as it were, head contractor or building contractor for the development. Is that
20 - - -?---Correct. It was the builder.

And it undertook the works by engaging the required subcontractors?
---Correct.

Right. But do I understand that so far as remuneration is concerned, you paid the subcontractors?---Correct.

But you didn't pay Prolet for its services?---No.

30 Why was that?---Well, Pierre offered, excuse me. He, he had no work at the time and, look, he offered. I was very grateful. I accepted. I worked alongside with him so that it wasn't a huge burden on him but he would spend, you know, an hour a morning at it. I was there three times a day. He hired a, a foreman who effectively was the builder, of which I paid. And on, on that basis, he offered, I accepted and I was very grateful.

Well, if, as you said, Prolet didn't have any work on at the time, it would have been expected that they'd relish the opportunity to enter into a contract with you so they could earn some income. I'm just putting that to you for
40 your comment.---Mmm. Yeah, that's, that's not what our arrangement was.

No, I know it wasn't. You've said it was a, in effect, a freebie insofar as that is to say contract services by Prolet were done for no remuneration.
---Correct.

But that sounds like an exceedingly generous approach to construction work. I just want to understand, what was the motivation, what was the reason for Prolet not charging you?---Well, they don't normally do contract work. They do their own work. So they're not experts in contract work. They use quoting. That's very, very hard. Builders can go broke doing that.
10 So that's not what they do. Pierre is a good builder. He, and so he offered. My, my site was particularly difficult because it's on Victoria Road and I had heritage, and so he, he would never, he wouldn't have done the job if it meant that he was to quote me and do a contract. So he had no work on. He was, as long as I paid for all the bills, insurances, absolutely everything, including rectification in the future, he was happy to do it and, and I was very thankful for it.

Prolet was the licensed builder for the project.---Correct.

20 And how long have you known Pierre Jacob?---Look, I've known them for about 15 years.

Ah hmm. So when would you have – and in what circumstances did you first meet him?---Well, it all started with Joseph. He came up to see me one day. Just out of the blue he had a question on tax, his accounts, something that his previous accountant wasn't able to do or, and so I met Joseph and we, we kicked off a relationship.

And has that been a professional relationship as well as a friendship or - - -
30 ?---Yes. We've, we've developed as friends. I, I often have lunch with Joseph two or three times a week now.

And when was it that you first met him?---About 15 years ago.

How - - -?---About 15 years ago.

About 15 years ago. And have you charged him for professional services?
---Oh, yes.

40 MR DARAMS: You charged him your full commercial rates or discounted rates?---Full commercial rates, yeah.

One – just following up a couple of those questions. In terms of, you said some, gave some evidence about the difficulty in contracting or quoting for jobs, is that right? Building jobs, and the Jacobs don't do that or Prolet doesn't do that.---Yeah, if you don't have experience, it's, it's not an easy process I'd imagine, yeah.

One way they might have charged you for those services was just to charge you for the time that Pierre spent on your construction on an hourly rate.
10 That, that wouldn't have involved any estimation or anything like that, would it?---It still would have required that I pay all the bills. I did a lot of work there, mmm.

Yep, I'm just – I accept you paid all the bills. I'm just exploring this issue about the non-payment or the non-charging by Prolet Constructions of you. But if Mr Pierre Jacob was simply an hour a day or something along those lines, that could have been worked out on an hourly basis and invoiced on that? Is that one possibility?---Oh, yeah, could have been.

20 Yeah. Do you understand, 'cause it seems to be that the strength of your relationship with the Jacobs brothers was the reason why, or part of the reason why, they didn't charge you for any of their services in relation to your development. Would you agree with that?---Oh, totally agree with that, mmm.

Chief Commissioner, I've got a few more questions for Mr Bruzzano, not very long, but I just note the time.

30 THE COMMISSIONER: We'll take the morning tea adjournment and we'll resume in about 15 minutes.

MR DARAMS: May it please.

SHORT ADJOURNMENT

[11.29am]

THE COMMISSIONER: Yes, Mr Darams.

40 MR DARAMS: Yes. Mr Bruzzano, could I ask that you be shown – well, before I do that. Do you recall some evidence, yesterday I asked you some

questions about you meeting up with Mr Chidiac and Mr Pierre Jacob and Mr Tsirekas. Do you recall occasions that you've done that?---Yes.

Can you assist us what your recollection is of those occasions, how many times you'd done it, where you did it, what the purpose was?---I don't recall the venue. How many times, I don't recall either but I would say a few times, three.

Do you recall when that might have occurred?---No.

10

No. So you think on about three occasions you, Mr Pierre Jacob, Mr Chidiac and Mr Tsirekas have caught up for lunch?---Correct, yes.

You don't recall the venues?---I don't recall the venue at the moment, no.

Do you recall who might have paid for those lunches?---Yes. Quite often Joseph Jacob pays.

20 Is it your recollection that on those occasions that you caught up with Mr Chidiac, Mr Joseph Jacob and Mr Tsirekas that Mr Joseph Jacob paid?
---Yes.

Yep. Can you recall the purpose or reason why all four of you caught up? Was it a social catch-up as mates or was there some other purpose for the catch-up?---It was predominantly social.

30 When you say predominantly social, do I take that to mean that you were catching up as friends?---Well, with the Jacobs, yes and, and if Mr Chidiac and Mr Tsirekas came along, it's just a, it's a catch-up of, of – I'm finding it very hard to define the relationship.

Why are you finding it hard to define the relationship?---Because friends is, it's, well, friends is not correct and it's something other than friends.

What's this other than friends then? What's the reason or what are you talking about when you catch up?---Well, myself is predominantly all social but, you know, Joseph Jacob might, might revert back to some matters that he has, some planning matters.

40 So when you say – you say “planning matters”, is that right?---Correct.

So Mr Joseph Jacob, your recollection is that these lunch catch-ups with Mr Tsirekas and Mr Chidiac, Mr Joseph Jacob is talking about his planning matters?---Oh, not, not always but the conversation would, would then come up with some of the issues that Joseph has, Joseph Jacob, and it does happen, I have seen it.

Are you able to assist us, based on your recollection, of what those issues Mr Joseph Jacob had?---No, no. I, I generally sit on the other side and I, I just talk social with whoever's in front of me.

10

So who is Mr Joseph Jacob having those conversations with if it's not you? Is it Mr Tsirekas mainly or is it Mr Chidiac mainly or it a combination of both of them?---Oh, if Mr Tsirekas is there, he would mainly target Mr Tsirekas.

When you say "target", you don't mean that pejoratively, you mean that he was directing his conversation?---Oh, yeah, yes, yes. Correct.

20 In terms of, given you know Mr Joseph Jacob and you know his company's business, are you able to assist us as to the timing of these conversations? Are we saying 2013/14/15 or more 2017/2018/2019?---Oh, look, I don't know the timing but this, this had spanned many years, these issues at Rhodes. So it, it's just many years.

And in terms of the issues and the matters, you're talking about Prolet's planning matter before Canada Bay Council involving property in Rhodes East?---Well, it's the property in, in Rhodes, yes.

30 The properties that Prolet and its related companies own?---Correct.

In relation to the development or proposed development over those properties that Prolet or its related companies were seeking to do?---Correct.

Could the witness be shown volume 10.3, page 184? Just, firstly, do you recognise that location from that photo?---No.

Could it be outside the Made in Italy at Pymont?---It could be.

40 If I'm suggesting to you it is outside Made in Italy, does that assist you now with your recollection?---If you're saying it's Made in Italy, then it's Made in Italy. I'll accept that.

Well, what I was suggesting to you, does it look like, from your recollection of having been there a number of occasions, the outside area of Made in Italy?---I, I don't recall.

You can't tell from this photo?---No, no, I can't.

I see. So you're in the middle of that photo. Is that right?---Correct.

10 To your left is that Mr Joseph Jacobs?---Correct.

The person whose back is turned to the camera, is that Mr Tsirekas?---I don't have a clear view but I can say that it is, I believe.

The person to your right, is that Mr Chidiac?---Yes.

Is this one of the, well – sorry. Do you recollect from this photo this particular occasion?---No.

20 This would be one of those occasions we just spoke about where you and Mr Joseph Jacob and Mr Chidiac and I'm assuming that's Mr Tsirekas, you caught up for a lunch?---I'm not sure if that day we actually had lunch.

So when you say, well, why do you say that? Is there other occasions where you caught up, let's assume it's Made in Italy, and not had lunch?---No, no. That, that particular day, it, it just seems odd that Joseph Jacob and myself are standing up and they're, we're, you know, we're all outside here. I think maybe we caught up with them but not for the purposes of having lunch, perhaps? I, I don't know.

30

You don't remember?---I, I don't remember.

So when you say you might have caught up with them, do you mean catching up with Mr Tsirekas and Mr Chidiac?---Correct.

Do you recall now what the purpose of that catch-up was?---No.

40 Would it be similar to the answers you gave before that just a social catch-up but then it's likely that Mr Joseph Jacob then spoke about his planning matters before council?---I'm not certain.

Right. If the witness could be shown the next page, please?

THE COMMISSIONER: This is 185, is it?

MR DARAMS: That's correct. Page 185. Now, just focusing on the person on the left, does that assist you as to whether that's Mr Tsirekas?---I believe it is.

10 Looking at this photo now, are you able to tell us whether this is the outside of Made in Italy from this angle?---I, I can't tell from that angle, no.

Are you able to assist us as to whether or not this is one of those lunches or just it's possibly only just a catch-up by you and Mr Joseph Jacobs?---I, it's possible that Joseph and I were together elsewhere and, and somehow we drove past to catch up with them.

Yes.

20 THE COMMISSIONER: Are the people in this photograph the same as in the previous photograph you were shown?---Correct.

Including yourself?---Including myself, yeah.

MR DARAMS: So this photograph was taken on 25 January, 2019. Does that assist you with your recollection of these events now?---No.

I just want to, perhaps if I could just show the details of this photo? It appears to be taken at 2.44 on 25 January. Do you see that?---Yes.

30 Could I just ask that you be shown volume 3.5, page 180. Do you recognise that vehicle as being Mr Joseph Jacobs'?---Yes.

Have you travelled in that vehicle with Mr Jacobs before?---Yes.

This photo was taken earlier that afternoon, at 1.37. Do you recall now whether on this occasion you might have travelled with Mr Joseph Jacobs in that vehicle to the location?---Oh, I don't have specific recollection.

40 All right. Now, if you had caught up without, if you had caught up with Mr Tsirekas and Mr Chidiac with Mr Joseph Jacobs, with the proposition that you had attended there with Mr Joseph Jacobs on that occasion, and not for

lunch, is it possible you could have met with them for at least an hour?---I think more than likely we met with them, but I, I don't recall that it was as long as an hour.

Do you recall before meeting them whether you or Mr Joseph Jacobs had any other business to attend to in the Pymont region?---I don't recall.

Well, do you know whether at this period of time, in January 2019, either you or Mr Joseph Jacobs had any business in the Pymont region?---Not that I'm aware of, no.

If the witness can be shown page 179 of volume 3.5. So this photo's taken on the same day but it's earlier still, 1.32pm. Do you see that?---Correct.

Do you recognise that location?---It looks like it's the Made in Italy location.

So in Pymont?---In Pymont.

20 Yeah. We can see you're the person on the far left of the photo.---Correct.

Mr Joseph Jacobs is on the -- well, that person there, the full person in the right-hand side of the photo?---Correct, that's Joseph Jacob.

Mr Tsirekas is to his right?---Yes.

Again, does this assist you in relation to your recollection of this occasion? It appears that all of you were standing outside the restaurant at the, about, well, not all of you, but you three individuals at the same time.---Well, from what I saw was that Angelo and Chidiac were seated outside, and Joseph and I were standing.

That's the previous photo.---Previous photo.

Yes.---I'm assuming this is all the same day.

Yeah, this is earlier in the day. This is 1.32.---Yeah, yeah, yeah.

The later photo was 2.44.---Yeah.

40

THE COMMISSIONER: You'll see the sign there, The Millennium. Is that the name of the restaurant or is the photograph, the two previous photographs of the group sitting around a table and you standing - - -?
---Yes.

- - - is it near this location, the Millennium?---Oh, well, the, you can just see the bottom, which, with what I think is the Made in Italy sign.

Yeah.---So - - -

10

That's the restaurant, is it?---I believe so.

That's right. To the left of the photograph?---Yeah, yeah, yeah. Yeah.

And you're familiar with that restaurant, you've been there a number of times?---I've been there a number of times.

20

Yeah.---The only, what confuses me here is that I don't recall ever eating outside. We only ever eat inside. So Joseph Jacob and I standing would suggest that we didn't eat with them.

MR DARAMS: One possibility might be that you've eaten inside and then relocated outside, maybe because the weather was nice that day.---I highly doubt that. I wouldn't have relocated outside.

30

Right. So, then I want to just focus on, so one possibility is that you attended the Made in Italy, you were there for over an hour and you didn't eat but it might have been just a catch-up with, what, coffee or something like that?---No, no. We wouldn't go there just for coffee. That's, you eat there.

So that's what I suggesting to you, if you were there for more than an hour on that occasion, it's more than likely you had lunch on that occasion.
---Correct.

So in terms of photos being located outside, one, and probably the probable explanation is, you've had lunch inside and then relocated outside even for a brief period of time.---Look, perhaps. I just don't recall that.

Now, if you did have lunch on that occasion, it's likely, based on your evidence before, that Mr Joseph Jacob paid for lunch?---More than likely, if we had lunch there, Joseph Jacob would have paid for that.

It's also based upon your evidence, likely, that at some stage in the conversations, Mr Joseph Jacob was discussing his, when I say his, I mean his company and associated companies, planning proposals?---More, more than likely, yeah.

10 In the - - -?---I agree with that, yes.

Now, just finally, could the witness be shown – just bear with me one moment. Could the witness please be shown volume 6.6, page 3? Now, Mr Bruzzano, what I'm showing you is an extract of a text conversation extracted from Mr Joseph Jacob's phone, between you and Mr Joseph Jacob. So the green text, sorry, the text in green is a message from Mr Joseph Jacob to you.---Ah hmm.

20 Your reply, or your text, is in the blue balloon, just to orient yourself. So I just want to ask you if you read the first green balloon.---Yes.

Reading that text message, does that assist you with what's been set out or referred to in the text message in relation to DAs and the like?---Yes. He's telling me that he's going to chase James, which is the architect.

The architect for which properties or which development?---I, I believe he's referring to my, my one, 168-172 Victoria Road.

30 So this is 20 June, 2016.---Ah hmm.

So the evidence appears to be that the first development application over the properties, particularly 170-172 Victoria Road had already been lodged with council, that's right, back in May?---Correct.

Well, before May I should say.---Oh, before, yeah, before.

2016.---Yes.

40 So just on this timing, being 20 June, is this now referring to the subsequent development application being lodged because at this stage, you and your

brother or family had acquired or settled on 168. Is that right?---That's right.

So that's what this is referring to?---Correct.

Where Mr Jacobs says, "Homebush will start August this year," what's he referring to?---He's referring to his own development.

10 I see. Then he says, "So need to start constructing your one Drummoyne and your house in June/July 2017." So the Drummoyne one is that, that's the reference to the Victoria Road development?---Correct. Yes.

Was he also, when I say "he", was Prolet Constructions or one of their associated companies also doing work at your home?---No, no. That, that was just an idea which never, never proceeded into anything.

Is your home located in Canada Bay Council?---No.

20 You responds, "Thanks, Joseph." I want to then just ask if you can be shown the next page, just to assist you with the text correspondence. Once you've read that, just let us know and then we'll scroll down the page.---Yeah, I've read that one.

Then can we scroll down the page.---Yes.

30 See that? So what Mr Joseph Jacob is talking about here, isn't it, he's talking about lodging the second or further development application about you and your family's development?---Not lodging. He's, he's, he's, he's attempting to push James Phillips along because I was away, so, yeah.

But what Mr Joseph Jacob is talking about is the development application for your development?---Correct.

It's not about any other development or anything like that?---No. My one.

It's clear it's about all this?---Yes.

40 So this period of time in June 2016, what interest at all did Mr Chidiac have in your development at Victoria Road?---No interest at all.

Okay. Can I just ask that you be shown the next page then? So Mr Joseph Jacob responds back to you where he says, "Spoke to Chidiac. Wants the DA in ASAP." See that?---Yes.

Well, can you assist us as to why Mr Joseph Jacob would be referring to Mr Chidiac and having your DA for your development in, well, as soon as possible?---I don't know why he would say that.

10 At this time in June 2016, what possible interest did Mr Chidiac have in processing or proceeding with your development application?---No interest.

THE COMMISSIONER: Was Mr Chidiac getting paid by you - - -?---Not - - -

- - - to provide any services?---No.

Was he being paid by anyone to provide services that you're aware of in relation to your project?---No.

20 MR DARAMS: Did you understand at this stage that if then once your DA had been lodged with Canada Bay Council, Mr Chidiac could somehow assist with that application or assist with council in relation to that application?---That has never entered my mind at all, no.

THE COMMISSIONER: Well, did you raise a query, "What's Chidiac got to do with my development?"---No, I never noticed it.

30 MR DARAMS: Sorry. You say you never noticed this message from Mr Joseph Jacob. Is that right?---No, I noticed the message but I, I didn't notice "spoke to Chidiac". Look, I mean, I can only assume Chidiac is putting in a friendly advice? I don't know. I, I don't, I don't - - -

Friendly for who? For you?---Just saying, you'd better do that ASAP. Look, I don't know. I, I really don't, I don't recall that at all.

Well, the message is pretty specific because it says that on - so there are a couple of things in this. One is that Mr Joseph Jacob has spoken to Joseph Chidiac about your development application, correct?

---That's what it says.

40

Can you assist us as to why your friend and the person associated with the company that was going to construct your development might be speaking with Mr Chidiac about your development application?---No, that makes no sense to me.

At this stage, 20 June, 2016, you had already decided, did you, had you not, that Mr Joseph Jacobs' company, and I'll use that loosely, but Prolet Constructions was going to be the licensed builder for your development?
---No, no, we - - -

10

You hadn't decided at this stage?---No.

When do you say you reached this agreement with Pierre Jacob?---It was after I got the final DAs.

All right. So why is it then that Mr, if we go back to the message on page 3, Mr Joseph Jacob says here, "Homebush will start August this year." And you said he's referring to a Prolet Constructions construction site at Homebush, right?---Correct.

20

Then I said, then we referred to "So you need to start con, so need to start constructing your one in Drummoyne." Do you see that?
---Yes.

30

I thought I had understood from the answer you gave that that was because they, Prolet Constructions, were going to be constructing your development.---What he means is that, you know, they're going to be starting Homebush, so at some point, and so they don't want to be potentially doing my one, even though we hadn't agreed yet. But Joseph, you've got to know Joseph's personality. He will go out of his way to help and assist because he's a, he's that type of person. And so that's all that is.

So is this a better way to understand your evidence is that at this point in time, in June 2016, that it was a possibility that Prolet Constructions would be, undertake - - -?---A possibility, yes.

A possibility you had discussed with at least Joseph Jacob.---Yes.

40

Had you discussed it with Pierre Jacob?---Not, no.

So if we just go back to page 5, then. So Mr Joseph Jacob speaks to Chidiac about your DA. See that?---Yes.

Did you ask him to speak to Mr Chidiac?---No.

Did he tell you why he spoke with Mr Chidiac?---No.

Do you have any understanding today why he spoke with Mr Chidiac?
---No.

10

Is it because Mr Chidiac had some relationship or arrangement with the persons within council that could impact your development application?---I didn't need any of that. I didn't need anyone to talk to anybody.

I know you might not have needed it. But my question was slightly different. It was about whether or not you understood that Mr Chidiac had any relationship or involvement or arrangement with anyone in council that might have assisted you in relation to your development application. Is that what you understood at this time?---No.

20

No.

THE COMMISSIONER: This message from Mr Jacob, he's not saying that – well, firstly, so far as you can recall, Chidiac had nothing to do with your project, is that right?---Nothing.

30 But this email, or this SMS I should say, from Joseph Jacob to you is not saying, for example, Chidiac is advising that you deal with the application promptly or anything like that. It's saying that he wants – not you – spoke to Chidiac, wants the DA, ASAP. The way I read that is that Chidiac is wanting the DA to be lodged as soon as possible. That seems to be the literal meaning of the SMS, isn't it?---Oh, you'll find that it's a very poorly constructed sentence by Joseph Jacob.

But looking at the words nonetheless that are on the screen in that particular SMS on 20 June, 2016, according to Mr Jacob, Chidiac is saying that he wants the DA in ASAP and you're saying that he had no interest or involvement at all in the DA.---Correct. He had no interest.

40 Or the proposed development, is that right?---Correct.

MR DARAMS: Now, was there anything particular pressing at this time in June 2016 regarding your development application?---No.

I apologise, Mr Bruzzano, I did say one last thing. This is the one last thing I'm going to take you to. I overlooked one thing I wanted to ask you about. Could the witness please be played session number 11895, volume 7C, page 17 is the transcript.

10 **AUDIO RECORDING PLAYED** **[12.26pm]**

MR DARAMS: So, Mr Bruzzano, this is a conversation between you and Mr Tsirekas on 14 March, 2019.---Yes.

Now, you seem to be struggling with the location of the Made in Italy, but were you referring to Made in Italy at Pymont?---Yes.

20 If we ask you to go to this page of the transcript, you say in the middle of the page, "Yeah, where we go." I take it that's a recognition that by this time you had been, on multiple occasions, you have attended or gone to the Made in Italy at Pymont with Mr Tsirekas?---No, I was more referring to Joseph and I, Joseph Jacob and I.

But this is a conversation with Mr Tsirekas, not Mr Joseph Jacob.---I understand but I just said "Where we go," which is, you know, Joseph Jacob and I.

30 Do I understand that answer to mean that this, I assume it's a lunch, it's midday, around midday, that this was another occasion where you, Mr Tsirekas and Mr Joseph Jacob were arranging to catch up at Made in Italy, is that right?---I'm not sure from this is Joseph Jacob was, was there.

40 That's why I'm trying to understand the context of you saying, "Yeah, where we go" as being a reference to you and Mr Joseph Jacob as opposed to a reference to you and Mr Tsirekas.---Well, if, if it was a place where he would frequent with me, he would have known where to go and he was even after the address, wasn't he? So I would have referred to where we go, Joseph and I, because that's predominantly who I've gone there with.

See, what I want to suggest to you is that actually what you were saying when you say, "Yeah, where we go," you're actually referring to where you and Mr Tsirekas, either by yourselves or with other persons, go. That's how he would have understood that.---Yeah, look, I'm not sure what you mean but it's where Joseph and I go because that's predominantly who I've gone there with.

10 And it's also the place where you used to go with Ms Tsirekas, and at this point in time, I'm March 2019, had attended with Mr Tsirekas.---I have been there with Mr Tsirekas, yes.

So when you say, "Yeah, where we go," you're telling him, so he understands the location?---Well, I'm not sure if that's what I meant.

20 Well, that's what I'm asking you because you said these words. It seems to me, reading this transcript and listening to the call, given it's a call between you and Mr Tsirekas, that when you say, "Yeah, where we go," you're not referring to where you and Mr Jacobs go, specifically you're referring to where you and Mr Tsirekas go.---I, I don't think that's the case.

Just back on the first page of the transcript, Mr Tsirekas says, "Hey, mate. We're just here at Museum Station. Do you want to go to that little Italy place or what?" Then - - -

THE COMMISSIONER: What do you understand by his reference to – sorry. No withdraw that.

30 MR DARAMS: It appears that Mr Tsirekas is not only referring to himself, he's referring to someone else, as well, when he says, "We're just here." Do you see that?---Yeah, I see that.

Can you recollect now this occasion in March 2019?---No.

Is it possible, given your interactions with Mr Tsirekas at this point in time or up to this point in time, that Mr Tsirekas is attending with possibly Mr Chidiac, as well?---Possibly.

40 Did you ever have lunch with, at Made in Italy, with Mr Tsirekas and anyone other than the Jacobs and Mr Chidiac?---Not that I recall.

So if Mr Tsirekas is with someone, it's either going to be Mr Chidiac, is that right?---Look, that's a fair assumption.

Alternatively, it could be one or more of the Jacobs brothers as a possibility?---It's a possibility.

But it's unlikely to be any other person?---That's a fair assumption.

10 So, lastly, this period of time, March 2019, any understanding as to what was the occasion of this catch-up? Is this the purely social catch-up between you and Mr Tsirekas and potentially other persons or is it involving some other business planning matter?---I, I think it's just purely social.

So are you content to say or accept by at least this stage in March 2019, your relationship with Mr Tsirekas had developed such that you are catching up with him just for purely social reasons?---I, I have, yes.

20 When did that relationship come about? And that's probably a sloppy way of saying it but there's obviously a point in time where your relationship with Mr Tsirekas changes, you become friendly, as I understand your evidence previously. That's right?---Yeah, friendly towards each other, yes.

So now are we at this stage, March 2019, you're catching up with him purely for social reasons. Is that right?---It seems so.

I take it you must have enjoyed his company to want to catch up with him for lunch?---Yeah, look, I, I don't mind his company.

30 What I'm asking you is can you assist us as to when, from your perspective, the nature of your relationship with Mr Tsirekas did change?---No, I can't.

You can't. Chief Commissioner, they're the questions that I had for Mr Bruzzano at this point in time. I'd ask that Mr Bruzzano not yet be excused at this point in time, given the nature of the inquiry.

THE COMMISSIONER: Mr Darams, have you or the Commission received any notification, any application for leave to cross-examine Mr Bruzzano?

MR DARAMS: We have received an application this morning. I don't have an objection to the issues being identified and the questions that would be asked on behalf of Mr Tsirekas' representatives.

THE COMMISSIONER: Who has made the application?

MR DARAMS: I believe it's Mr Leggat and Ms King.

10 THE COMMISSIONER: Right. Mr Leggat, you wish to have leave to cross-examine Mr Bruzzano?

MR LEGGAT: Yes, I do, please, Chief Commissioner.

THE COMMISSIONER: I haven't seen your application but I propose to grant it. Can you give me some idea of how long you might be?

MR LEGGAT: We'll finish before lunch. So less than 25 minutes.

THE COMMISSIONER: Yes, that's fine. You go ahead, Mr Leggat.

MR LEGGAT: Right, thank you very much. Mr Bruzzano, you've never
10 been to Mr Tsirekas' home, have you?---No.

Mr Tsirekas has never been to your home, has he?---No.

I wonder if it might be put on the screen, please, volume 10.1 at page 113. Mr Bruzzano, you can take it from me that this is the council officer's report to the meeting of the City of Canada Bay Council, 24 May, 2016. Were you provided with a copy of the council officer's report prior to it being circulated at the meeting?---Sorry, is the question was I provided this
20 report?

Yes, were you provided with a copy of this report?---I, I wouldn't remember. I don't recall.

Very well. If we could go to page 116, please. You'll see on page 116 and following, the council officer has summarised submissions that have been received from adjoining property owners and occupiers in the location where your DA was located. Were you advised about the number of objections that had been made and the nature of those objections?---I was told there was a number of objections. I never numbered them.
30

If we look, just to take an example, we see in the column to the left there's a Mrs C.N. Yap of Renwick Street. Her objection is that your DA, property owner's DA, is excessive bulk and scale. And then the commentary is "The applicants revised the design to reduce its visual bulk from the rear and the outcome is the revised design is recommended for approval." Can you remember your architect or planner raising with you that there was a concern about excessive bulk, and accordingly you decided to revise the design to such an extent that it became satisfactory to the council officers?
---Yes.
40

And similarly, if we work through each of those issues, and we're not going to, but you'll see there's an issue about parking, there's an issue about building height, there's an issue about privacy, density, et cetera, at the foot of the page. Each one of those indicates that you responded in a particular way, and that the council found your response to be satisfactory. Does that accord with recollections and dealings that you had with council and council officers and objectors throughout the process?---Yes.

10 If we could go to page 178, please. We see there that the resolution in relation to whether or not development consent should be granted to your development application was put to the council. Ms Yap spoke, there was a Mr J. Phillips who was representing you, and there's a Ms Riezel, resident, and then the resolution was put. And if we go, please, to page 221, you'll see how the councillors voted after hearing from those people and after reading the council officer's report. That's at 221. We see at the foot of the page that there were six councillors who voted in favour and three who voted against. Was that your understanding of the voting that night?
---Look, I, I, I, I don't recall what went on.

20 Very well. So this is 24 May, 2016. So on that date the development consent was granted, as you understood it?---Yes.

Could we go to page 288, please? Now, you'll see this is an email from Mr Tsirekas to Narelle Butler and it's dated 7 September, 2016. Just read it to yourself, but in particular just draw your attention to the paragraph numbered 5. Let me know when you've read it, please.---Yeah, I've read that.

30 All right. So Mr Tsirekas is asking Narelle Butler, amongst other matters, whether in relation to the 168-172 Road DA, the applicant is awaiting a response from Peter Y. Did you know or do you know who Peter Y is?
---He, he's the council officer that was dealing with the application, I believe.

All right. And do you know the surname, what Y stands for?---Oh, I didn't think it was a Y. It could be.

40 There's a Peter G that I read somewhere.---Yeah, that's, that's what I thought.

Giaprakas or something like that.---Giaprakas. Yeah, Giaprakas, yes.

Yeah, yeah. So you can't cast any light on who the Peter Y might be but you think it was a council officer involved in the assessment of your development application?---Oh, I think so, yeah.

Right. And in fact – yes all right. I withdraw that. Do you have any recollection of what the response was that you were awaiting or the areas of expertise to which the response related?---Oh, oh, I don't recall. I left all that with the architect.

10

Very well. If we could go to page 290, please. Now, you'll see here, this is an email, Tony McNamara to Mr Tsirekas, and it's 9 September and it refers in paragraph 5 to your DA, and Mr McNamara is advising that the DA has come off notification on 18 August. "There were 19 objections to it, some will need to go to a council meeting." Just pausing there, was that as you understood the procedure that was relevant to your DA, that is because there were a certain number of objections it couldn't be dealt with in-house, the merits of it had to be determined by the councillors at a public council meeting. Is that as you understand what's happening here?---Yes.

20

The reference to "Peter G had not had an opportunity to review this in any great detail", that's a reference to the person who we were speaking about previously, was it, the council officer who had town planning qualifications and was involved in the assessment of the DA?---Yes.

Now, if we go to page 309, please.

THE WITNESS: Is it okay if I put my glasses on? It's - - -

30 MR DARAMS: Yes.

MR LEGGAT: Mr Bruzzano, I'd ask you to read what's on the screen. You'll see it's an email from you, dated 21 February, 2017. And it is addressed to Peter Giaprakas, G-i-a-p-r-a-k-a-s. You'll see from the top of the screen, top left, that Peter Giaprakas has an email address @canadabay.nsw.gov.au. Do you see that?---Yes.

40 Does that assist your memory as to who the Peter G might be that was referred to earlier?---Oh, he's the council officer working on my DA application.

That appears to be so, doesn't it?---Yes.

So this is an email that you've sent to him. Just read it to yourself, please, and then let me know when you've read it.---Yes.

So in the email, which is directed to Peter and copied to Joseph Jacob, you say, "Peter, you're eager to" – "Dear Peter, I am eager to move forward with this development. Truly appreciate you're very busy. I'll make further inquiry going with the additional information. I am keen to get it to
10 March's meeting." Now, that represents your state of mind at the time accurately, does it, that you were keen to move forward with the development and keen to get it to the March meeting?---Yes.

And it appears that you were very comfortable conveying your keenness to the council officer, do you agree with me there?---Yes.

Let me move on. Could the witness please be shown volume 10.3 at page 120. Mr Bruzzano, this is an extract from a Canada Bay Council report, 14
20 August, 2018. You'll see Mr Giaprakas' name and what appears to be his signature. And then there's a resolution. Just read the resolution to yourself, please. Let me know when you've read that.---Yes, I've read it.

Thank you. It appears to me, correct me if I'm wrong, that a step in your dealings with council in August of 2018 involved Narelle Butler, the Manager for Statutory Planning, deciding that she would use delegated authority to deal with your development application and to decide the development application in your favour, is that what you understood to have happened?---Yes.

30 And let me move on. You were asked today about an attempt by Mr Tsirekas to invite you to Parliament House for a lunch. I want to ask you as to whether or not you were aware that Mr Tsirekas had, on a number of occasions, walked the Kokoda Trail with Joseph, with Pierre Jacob and with people by the name of Peter and Scott. Does that ring a bell to you?---With Pierre Jacob, yes.

Sorry, I mucked up the names. Let me put the same question to you that Mr Tsirekas, were you aware at the date of the invitation that Mr Tsirekas had
40 previously on a number of occasions walked the Kokoda Trail with Peter and Bob and Scott and Pierre Jacob? Does that ring a bell?---Yes.

And were you aware that from time to time Mr Tsirekas would seek to get money from people for the Kokoda Trail charity and that he would seek people like yourself to be donors to that charity? Does that accord with your recollection?---Yeah. I, I recall at times, yes.

Can I suggest to you, that what was happening when Mr Tsirekas was quite passionately insisting that you ought to come along, what he was trying to, to use the vernacular, to shake you down to get some money for the Kokoda charity? Does that accord with your recollection that that was what was
10 happening on this occasion?---Oh, I don't recall that specifically but I, I got the feeling it was just lunch, yeah.

All right. The circumstance where you asked Mr Tsirekas, I think this was on 1 May, 2019, to meet with Domenic Gianini, was it your view at the time that it was part of the mayor's job to provide information and assistance to a person who had launched a development application?---Yeah. My, my view is that, you know, the mayor has a thorough understanding of applications and could assist.

20 I want to move to the meeting at the Bowan Island Bakery in Drummoyne, which was the subject of volume 10.3, the photograph at page 180 and following. The Bowan Island Bakery in Drummoyne is situated nearby, if not adjacent to, [REDACTED], is that as you understand the situation?---Correct.

Is it immediately adjacent to [REDACTED]?---Oh, it's a, it's a, it's all a very brief short distance walk, brief.

30 Is it the case that if one walked from [REDACTED], one would go past that café and then would get to your office, and if one walked a little bit further one would get to Pierre Jacob's office? I may have got the cluster slightly wrong but those four locations – that is [REDACTED], the Bowan Island Bakery, the Pierre Jacob's office and your office – they're all within, what 50 or 100 metres of each other, is that right?---Correct.

Yeah. Is it your understanding that if Mr Tsirekas was to walk [REDACTED] then he would be walking past the Bowan Island Bakery?---Correct.

40 And that it would be about a five or 10 minute walk from [REDACTED] [REDACTED]. Is that as you understand it?---Yes.

Finally, are you aware that Made in Italy is actually a franchise which operates and conducts Made in Italy at the Great Northern Road premises in Five Dock, Pyrmont, also at Annandale, Rose Bay, Alexandria and there's another one in the Sydney CBD. You aware of that?---No, not, not really.

All right. Thank you, Chief Commissioner.

10 THE COMMISSIONER: Yes. Thank you, Mr Leggat. Mr Hall, is there any matters you wanted to raise?

MR HALL: Chief Commissioner, just one matter.

THE COMMISSIONER: You want to ask your client a - - -

MR HALL: Yes, just to clarify.

THE COMMISSIONER: Yes. I grant you leave. Yes.

20 MR HALL: Thank you. Mr Bruzzano, you mentioned earlier in your evidence that you suffered a serious illness and had recovered. At the moment, are you currently on any medication and what is that?---Yes, I, I take a daily medication, yes.

And the name?---It'll come to me in a moment. [REDACTED].

Thank you, Chief Commissioner.

30 THE COMMISSIONER: All right. Nothing else?

MR HALL: Nothing else.

THE COMMISSIONER: Very well. Well, Mr Hall, you did hear earlier Counsel Assisting indicating that it cannot be determined at the moment as to whether or not there is any further requirements for Mr Bruzzano. So, Mr Bruzzano, I'm not in a position to discharge you from your summons at this point in time for the reasons earlier mentioned by Counsel Assisting. Should you be required in the future, you'll be notified or Mr Hall will be notified by the Commission officers. However, you're free to go today.

40 ---Thank you.

Thank you.

THE WITNESS STOOD DOWN

[12.57pm]

THE COMMISSIONER: Yes, Mr Darams.

10 MR DARAMS: The next witness will be Mr Joseph Jacobs. I have some matters that I wanted to tender, perhaps just with the short time before 1 o'clock if we, I could deal with the tender now or I could deal with it immediately after lunch?

THE COMMISSIONER: Well, we'll deal with it now.

MR DARAMS: Let's deal with it now. So can I tender the audio and transcript of session 18197. That should become Exhibit 23 if admitted.

20 THE COMMISSIONER: Sorry? That's exhibit?

MR DARAMS: 23.

THE COMMISSIONER: 23. Thank you. Yes, that's admitted. Yeah. Admitted as Exhibit 23.

30 **#EXH-023 – AUDIO AND TRANSCRIPT OF
TELECOMMUNICATION INTERCEPT SESSION 18197 FROM
JOSEPH CHIDIAC TO FRANK BRUZZANO ON 15/03/2019 AT
17:57:39**

MR DARAMS: Tender the transcript and audio of session number 14517. If admitted - - -

THE COMMISSIONER: Be Exhibit 24.

40 **#EXH-024 – AUDIO AND TRANSCRIPT OF
TELECOMMUNICATION INTERCEPT SESSION 14517 FROM**

ANGELO TSIREKAS TO FRANK BRUZZANO ON 05/04/2019 AT 11:39:04

MR DARAMS: Tender the audio and transcript of session 14534.

THE COMMISSIONER: It will become Exhibit 25.

10 **#EXH-025 – AUDIO AND TRANSCRIPT OF TELECOMMUNICATION INTERCEPT SESSION 14534 FROM FRANK BRUZZANO TO ANGELO TSIREKAS AT 05/04/2019 AT 12:04:41**

MR DARAMS: Tender the audio and transcript of session 15990.

THE COMMISSIONER: Exhibit 26.

20 **#EXH-026 – AUDIO AND TRANSCRIPT OF TELECOMMUNICATION INTERCEPT SESSION 15990 FROM FRANK BRUZZANO TO ANGELO TSIREKAS ON 01/05/2019 AT 18:07:40**

MR DARAMS: Could I tender surveillance photo from 14 November, 2018, volume 10.3, page 164?

30 THE COMMISSIONER: Will become Exhibit 27.

#EXH-027 – SURVEILLANCE PHOTO DATED 14 NOVEMBER 2018

MR DARAMS: I then wish to tender three surveillance photos from 23 January, 2019. They are volume 10.3, page 180, page 181, page 182.

40 THE COMMISSIONER: Yes, the photographs of 23 January, 2019, three photographs will be admitted as one exhibit. It becomes Exhibit 28.

**#EXH-028 – THREE SURVEILLANCE PHOTOS DATED 23
JANUARY 2019**

MR DARAMS: I then wish to tender volumes 10.1, 10.2, 10.3 and volume 10A as one exhibit.

10 THE COMMISSIONER: Yes. Those three items will be marked as Exhibit 28.

MR DARAMS: Oh, sorry - - -

THE COMMISSIONER: Sorry, 29.

MR DARAMS: Yeah. They will be four items. So there's volumes 10.1, 10.2, 10.3 and volume 10A.

20 THE COMMISSIONER: I see.

MR DARAMS: Four separate volumes.

THE COMMISSIONER: So there's four items, all Exhibit 29.

**#EXH-029 – PUBLIC INQUIRY BRIEFS VOLUMES 10.1, 10.2, 10.3
AND 10.A**

30 MR DARAMS: I would then like to tender surveillance photos from 25 January, 2019 which appear at volume 3.5, pages 179, 180, 184 and 185.

THE COMMISSIONER: Yes. The surveillance photos from 26 January, 2019 becomes Exhibit 30.

MR DARAMS: Sorry, I might have misdirected you there, Chief Commissioner, that was 25 January.

40 THE COMMISSIONER: Sorry. 25 January, '19. Exhibit 30.

#EXH-030 – SURVEILLANCE PHOTOS DATED 25 JANUARY 2019

MR DARAMS: I then wish to tender the transcription of text messages from volume 6, pages 1 to – sorry – volume, 6.6, pages 1 to 5 inclusive.

THE COMMISSIONER: Text messages will be admitted, Exhibit 31.

10 **#EXH-031 – TRANSCRIPT OF TEXT MESSAGES**

MR DARAMS: Lastly, tender the audio and transcript of session 11895.

THE COMMISSIONER: Yep. Sorry, give me the number again.

MR DARAMS: Exhibit 32. Sorry, the number of the session?

THE COMMISSIONER: Yes.

20

MR DARAMS: 11895.

THE COMMISSIONER: That will become Exhibit 32.

**#EXH-032 – AUDIO AND TRANSCRIPT OF
TELECOMMUNICATION INTERCEPT SESSION 11895 FROM
ANGELO TSIREKAS TO FRANK BRUZZANO ON 14/03/2019 AT
12:28:11**

30

MR DARAMS: They are the tenders for the moment.

THE COMMISSIONER: Very well. Well, I'll resume a little after 2 o'clock, say five past 2.00.

MR DARAMS: May it please.

THE COMMISSIONER: I'll adjourn until five past 2.00.

40

LUNCHEON ADJOURNMENT

[1.01pm]