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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 MONDAY 4 JULY, 2022

AT 9.30AM

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

THE COMMISSIONER: Mr Darams.

MR DARAMS: May it please the Chief Commissioner, we'll continue the evidence in the public inquiry this morning, taking evidence from Mr John Giovanni Panuccio.

THE COMMISSIONER: I'm sorry?

MR DARAMS: Mr John Giovanni Panuccio.

10

THE COMMISSIONER: Yes. All right. Thank you.

MR DARAMS: Mr Panuccio is unrepresented.

THE COMMISSIONER: Yes. Mr Panuccio, to give evidence, you have to give evidence on oath or affirmation.

MR PANUCCIO: Oh, on oath.

20 THE COMMISSIONER: Oath. I'll get my associate to administer the oath. If you wouldn't mind just standing.

THE COMMISSIONER: Just take a seat there, Mr Panuccio. Just put your full name on the record please, what's your full name?---Giovanni John Panuccio.

10 All right. Mr Panuccio, just a couple of formal matters. Shortly Mr Darams, who is appearing as Counsel Assisting, will ask you come questions.---Yeah.

And I might have some questions for you and you understand that having taken an oath to give evidence before this Commissioner, you are bound to given truthful evidence. Do you understand that?---Yes.

Now, you're not legally represented here today, you don't have a lawyer appearing?---No.

20 No. Thank you. If you wouldn't mind just directing your answers to the microphone there and keep your voice up, it will help everyone. Mr Panuccio, I'll just explain to you the procedures of this Commission. A witness called to give evidence before the Commission may, under the provisions of the Independent Commission Against Corruption Act, object to giving answers to questions or producing documents or other items if they're required to. The purpose of taking objection is that the evidence that you give here today in this public inquiry won't or can't be used against you in the future in any other proceedings, be they criminal or civil proceedings. You don't have to object but you're entitled to object if you wish in order to obtain that protection that the evidence you give here today can't be used in
30 other proceedings. You may object, for that reason, and I can make a declaration that all your answers, if you do object, are to be taken as given on objection. As I said, the evidence can't be used against you in other proceedings, but there is one exception to that, and that is if a witness who is called to give evidence objects to give evidence but then goes ahead and commits an offence under the Independent Commission Against Corruption Act, such as giving wilfully false evidence, which is called perjury, it can carry a penalty for up to five years, then the evidence could be used in relation to any prosecution for an offence under the Act,
40 but otherwise the evidence can't be used against you in other proceedings. Are you following me? Do you understand what I'm saying?---Yeah.

Okay. The question then is whether you wish to object to giving evidence in the light of what I've said. What do you wish to do?---Okay.

MR DARAMS: The Chief Commissioner was asking you a question.
---Yeah.

THE COMMISSIONER: I'm asking you are you seeking to avail yourself of those provisions of the Act and object to giving evidence or don't you?
---Nuh, no. I've got no problem with that.

10

Sorry?---I've got no problem with that.

Well, it's not a question of whether you've got a problem or not. It's a question of whether you want to object on that basis - - -?---No.

- - - that I've explained?---No.

Pardon?---No.

20 You don't wish to object?---I - - -

You're entitled to object if you wish. That's why I'm trying to point out to you it's a right that a witness has under the provisions of our Act to object if - - -?---I, I don't understand exactly what you're saying.

You don't understand it?---Nuh.

30 Okay. I'll try once more. There's provisions of the legislation under which the Commission operates which permits a witness to object to giving evidence. The witness must attend and then must give evidence.---Right.

The provisions of the Act entitle a witness to object in order that the witness's evidence can't be used against that witness in any other proceedings in the future. The only exception to that is if a witness commits an offence, such as giving false evidence. Then the evidence could be used in a prosecution for giving false evidence or for committing an offence under the Independent Commission Against Corruption Act but otherwise if the witness objects, the evidence can't be used in any other proceedings. That's what I'm trying to explain to you.---Yes. Yes.

40

You're entitled to object if you wish.---Yeah.

And I'm just trying to explain to you - - -?---Yeah.

- - - where you stand. Because you haven't got a lawyer here explaining it to you, I'm trying to explain it to you. So you're entitled to say "I object" if you wish in the light of what I've said.---No.

You don't wish to?---I don't accept, no.

10 Well, Mr Panuccio, what I might do, Mr Darams, is just adjourn for a short while and you can just speak to Mr Panuccio to make sure he does understand - - -

MR DARAMS: Sure.

THE COMMISSIONER: - - - what I've been explaining to him and when you've given him a further explanation, he can object if he wishes to or not object if he doesn't wish to object. So that's, Mr Panuccio, I'll just adjourn for a short time - - -?---I, I, I just understand the - - -

20

- - - so that Mr Darams, who's assisting me, will be able - - -

MR DARAMS: I'll explain it.

THE COMMISSIONER: Just stay there for a moment. He will just go over the matter I've raised with you, just so that you're clear, that's all.---Yeah. Yeah. Good.

Okay. Five minutes or so?

30

MR DARAMS: May it please.

THE COMMISSIONER: Good.

SHORT ADJOURNMENT

[9.53am]

THE COMMISSIONER: Yes, Mr Darams.

40

MR DARAMS: Yes, Chief Commissioner. I have explained the effect and the operation of the Act and I believe that Mr Panuccio will take the objection but perhaps we will get that on the record.

THE COMMISSIONER: Yes, very well. Mr Panuccio, you have heard what Mr Darams has said, that he's explained to you the provisions of the Act and having had that explanation now, I'll ask you do you wish to take an objection to giving evidence or not?---Yes.

10 All right. Mr Panuccio, you do understand that even though you take the objection, and I'll make a declaration to that effect, you still must give truthful evidence? You understand that?---Yes, yes.

And if a witness does not give truthful evidence, that is gives false evidence, then that is an offence under the Act and it could constitute an offence which can be prosecuted. An offence of giving wilfully false evidence carries a term of imprisonment for up to five years. Do you understand that?---Yes.

20 I just make you aware of that because it's very important that a witness knows the importance of giving truthful evidence because the consequences can be very serious if a witness does not [sic] give false evidence. Do you understand?---Yes.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Panuccio, any documents or things that may be required to produce in the course of this public inquiry are to be regarded as having been given or produced on objection and accordingly there is no need for the witness to make objection
30 in respect of any particular answer given or any document or thing that he is required to have produced.

**DIRECTION AS TO OBJECTION BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MR PANUCCIO, ANY DOCUMENTS OR THINGS THAT HE MAY BE REQUIRED TO PRODUCE IN THE COURSE OF THIS PUBLIC INQUIRY ARE TO BE REGARDED AS
40 HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR THE WITNESS TO**

MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR ANY DOCUMENT OR THING THAT HE IS REQUIRED TO HAVE PRODUCED.

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Mr Panuccio, are you otherwise known by the name Nino?---Yes.

10

Is it the case that you're currently retired?---Yes.

When did you retire?---I think 2020, two years ago.

So you were working during 2020 or did you finish working at the beginning of 2020?---I was working up until 2019, all, all of 2019.

So when you say you were working up to 2019, do you mean you - - -?
---That I, I retired after that.

20

Sure. But in terms of working up to 2019, do you mean that you worked during 2019 or did - - -?---Yes.

So can you recall at what stage in 2019 you stopped working? Was it in July or was it in August or sometime earlier?---Oh, I'm not too sure. Around about the end of July.

End of July?---Yeah.

30

Where were you working up to that period of the end of July 2019?---I was employed by Uplift Cranes.

Were you working for Uplift Cranes?---Yes.

How long had you been working for Uplift Cranes before that?---20 years.

Is Uplift Cranes a company owned or associated with Mr Santo Rapisarda?
---Yes, it is.

40

So in terms of working for Uplift Cranes, if you retired or finished work in about the end of July 2019, does that mean you started in 1999?---No.

When was it?---I think 2001.

So from 2001 to 2019?---Something like that, yeah. Around about that period. 2002 I think it could have been, yeah.

What did you do before you started working with Uplift Cranes?---I had a seafood shop.

10 Was that sort of a retail or a seafood, was it?---Yeah, yeah. Wholesale and retail.

Wholesale/retail. How long were you doing that for?---Oh, about four years.

Just back to that period with Uplift Cranes, was Uplift Cranes your full-time employment or did you do other employment during that period of time?
---That was the full-time employment after, after the fish shop.

20 Were you doing any other employment in that period of time?---No.

So then we have the, just going back now to the fish shop, so that was about four years, so what 1998, maybe, to 2002?---Yeah.

Is that right?---Yeah, yes.

What were you doing before 1998?---I was working on the waterfront.

How had you worked on the waterfront for?---I think '68.

30

Since 1968?---'68/'69, yeah.

THE COMMISSIONER: Did you work as a painter and docker or were you associated with that union?---Yes, I did.

Yeah. What sort of work did you do?---I was a rigger.

MR DARAMS: For the entire period of time that you worked on the waterfront?---Yes.

40

Did you have any other roles or act in any other capacity during the time that you were employed on the waterfront?---At that time, I was an organiser, being an organiser.

With the Painters and Dockers?---Yep.

How long were you an organiser for?---Two, two thousand and – no. 1990, I think, 1990.

10 So 1990 until you ceased on the waterfront, is that right?---Yeah, yes, yes.

So, what, 1990 until about 1998?---Yeah.

So an organiser, but that's not, that was an organiser for the Painters and Dockers, was it or another union?---It was, it was for about five years I think, obviously because of the shop stewards, about - - -

During, during that – sorry.---About, yeah, during that period, yeah.

20 That wasn't, those roles there, they weren't – well, you weren't paid any money by the union in relation to those roles, were you?---Yes, I was.

You were. So were you employed or – so can you recall what you were paid by the union for that role as well?---No, I don't recall.

Were you an employee of the union or was it just a stipend or an amount provided to you?---I think I was being paid by the company I was working for at the time.

30 Yeah, as a shop steward or an organiser.---Yeah, yeah, yeah.

You're employed by a company working on the - - -?---Yeah, and plus, yeah, that's right.

As opposed to being employed by the union.---That's right, yeah, yeah.

Just you know Mr Tsirekas, don't you?---Yes.

Do you know how long you've known Mr Tsirekas for?---Since 2002.

40

You've only known Mr Tsirekas since 2002, is that right?---That's right.

Had you met him before 2002?---No. No.

So 2002 is the first time you met Mr Tsirekas?---Yes.

Can you recall the circumstances you came to meet Mr Tsirekas?---Yeah, I had a good friend of mine, Peter Woods, at Concord Council. And just one day he introduced me to Angelo and that was it.

10 THE COMMISSIONER: How recently have you last seen Mr Tsirekas?
How recently have you last seen Mr Tsirekas?---10 minutes ago.

Sorry?---10 minutes ago.

Sorry, I can't hear you.

MR DARAMS: 10 minutes ago.

20 THE COMMISSIONER: Just talk into the - - -?---10 minutes ago.

Prior to today?---Prior to today? Last Friday.

Where was that?---At the coffee shop.

And was that just to have a chat?---No, we didn't have a chat. Just, just said good morning and, and he moved on and walked The Bay.

30 MR DARAMS: Turning to the coffee shop you've just referred to, is that the Nield Park café?---That's correct.

Is that a location where you sometimes would meet with Mr Tsirekas?
---Yes.

There are other persons that meet as a part of that group too, is that right?
---Yes, that's correct.

Is Carlo Ianni one of those individuals?---Yes.

40 Is Mr Ianni your cousin?---Yes, he is.

THE COMMISSIONER: Who was present at last Friday at the meeting at the coffee shop?---Pardon, sir?

Who was present last Friday at the coffee shop?---Carlo Ianni, Sarkis, Tony and Andrew.

MR DARAMS: Do you know Andrew's last name?---No, I don't. I'm very bad in names.

10 Is "Tony" Tony Pace?---Yes.

Is "Sarkis" Sarkis Elias?---Yes.

Mr Frank Colacicco is one of the individuals that does meet on those occasions, time to time?---Yes.

Was Mr Colacicco there last Friday?---No.

20 In terms of that group of men meeting at the Nield Park café, that was something that you were doing in 2019, is that right?---Yes.

Were you doing that before 2019?---I think we were. Maybe it wasn't all of us there. A few of us were there before that. I don't remember who they were.

Sure, but whilst the attendees or the members of the group might have changed from time to time, I'm just asking you how long were you a part of meeting before 2019?---I've been going there since it was open, so I don't know when that opened up.

30

Well, when you were saying you were going there since it's opening - - -?
---Yeah.

- - - I'm just asking you to focus on where you might meet with Mr Tsirekas and you might meet with your cousin. That group of individuals you'd meet on Friday.---Yeah, yeah, yeah, yes.

So do you remember how long you might be doing that for before two thousand - - -?---Could have been four or five years.

40

Before 2019?---Yeah.

Just back to when you first were introduced to Mr Tsirekas, you've said 2002. Is there a particular reason why you are specific for that year, 2002? ---Yes, because I think amalgamation took place around about that period, between Concord and, and Drummoyne Council.

Right. Could I just ask that you be shown volume 8.13, page 1? Now, Mr Panuccio, you'll recall in March this year, you met with some officers of the Commission and you had an interview with them?---Yeah.

10

Do you remember Mr [REDACTED] and Mr [REDACTED], meeting with them?---Yes, I did.

Right. Now, this is the first page of the transcript of the interview that occurred on that day. I'm just telling you that for your information. If I could ask that you be shown page 5 of the transcript? I just want to draw your attention to some questions and answers you gave on that occasion in March this year. If I can just ask you, can you see down the left-hand side, you can see the numbers 5, 10, 15, 20?---Yeah.

20

They correlate to lines of the transcript. So could I ask you just to go to about line 18, so it's just above the 20. See, Mr [REDACTED] says this, "Okay. All right. And as I explained to you before, we're conducting some inquiries in relation to or allegations concerning Angelo Tsirekas." Do you see that? ---Yeah.

You responded, "Yeah, yeah." Do you see that?---Yeah.

30 Then Mr [REDACTED] says, "The Mayor of Canada Bay." I just want to jump over a couple of questions. Mr [REDACTED] at line 25 says, "When did you first meet Angelo?" Your response on that occasion was, "In the '90s." Then Mr [REDACTED] said again, "In the '90s?" You said, "Yeah, yeah." Now, you've just today said that the first time you met Mr Tsirekas was in 2002. I just wanted to - - -?---It was around that period.

Around what period?---The, the late, late '90s - - -

Around the '90s or around - - -?--- - - - 2002.

40 Sorry? Just so I understand - - -?---I think the - - -

Mr Panuccio, just one moment. Just so I understand. When you say it was “around that period” are you saying it was around the ‘90s or was it around 2002 that you first - - -?---It would have been the late, it would have been 2001 or 2002. It was when the amalgamation took place.

Well, if we can just go over the page?---Yeah.

10 Just ask you to read for yourself for the moment just the questions and answers. Just read it to yourself. I’ll come back to it in a moment. Have you had the chance to read that, Mr Panuccio?---What do you want me to read?

I just asked you have a read of the questions and answers to yourself on this page, ‘cause I just want to ask you questions again about your recollection. ---Yeah.

20 Do you accept again when you were asked questions about when you first met Mr Tsirekas you put the timing back in the ‘90s?---Well, could be late ‘90s or 2001, or around about that period.

That’s what I’m just trying to understand. Are you saying you’re not certain now when you first met Mr Tsirekas?---It was around about that period.

So somewhere between 1998 and 2002?---I don’t recall exactly what date but about that period.

30 Yeah, I’m not asking you the exact date and I appreciate you might not know the exact date but in terms of the year you see - - -?---The year was the year I told you, when the amalgamation took place. So whatever year that was, it was around that period, it was that period.

In any event, when you first met him you had, after that period of time, did you meet with Mr Tsirekas regularly?---No.

Did you become friends with Mr Tsirekas?---Down the track, yes.

When do you say you became friends with Mr Tsirekas?---Very good friend, maybe around when he was campaigning for the state, state election.

40 The state election?---Yeah.

Do you mean the federal election in 2016?---No, when, no, there was a state election too, wasn't there?

I'm just asking you about when you became good friends with Mr Tsirekas.
---Around the state election.

Can you recall when the state election was?---No. I can't recall.

Was it before 2016?---Yes, it was.

10

Was it before 2010?---When the Labor Party got kicked out, the last election, that's when it was.

If I could just ask that you be shown page 7 of the interview in March this year, so volume 8.13. Just go to line five. You give some evidence here, "You, you know we, we have a lot of functions. He's come to my wife's 60th birthdays, all my kids, so we get pretty close and then he had a fallout with his wife." Can you recall now what year your wife's 60th birthday was?---No. Do you want me to read that?

20

I'm just asking you, do you recall what year your wife's 60th birthday was?
---It was '98, '98. Oh, 2018, sorry.

So your wife turned 60 in 2018, is that right?---That's right.

I'll just ask you, you say this answer, "You know, we, we have a lot of functions. He's come to my wife's 60th birthdays, all my kids, so we get pretty close and then he had a fallout with his wife." Just pausing there. Are you saying that you were close with Mr Tsirekas at the time that Mr Tsirekas separated from his wife?---No. Didn't have no fallout, no.

30

Well, when you refer to, just have a look at this line here, "so we get pretty close and then he had a fallout with his wife." Just stopping there, they were your words to Mr [REDACTED] and Mr [REDACTED], you remember that?---I don't recall that.

That's fine. So when you said "so we get pretty close" are you talking about your wife and Mr Tsirekas and his wife got pretty close as a group of friends?---Well, yeah, we were pretty close friends.

40

So just focusing in that there. I'm just trying to understand your evidence. So you're saying that you and your wife and Mr Tsirekas and his former wife were close friends, is that right?---Yes.

Then Mr Tsirekas and his wife had a falling out, is that what you're saying here?---Yeah. That's probably what, what I, yeah.

10 So just so I understand this, that means, doesn't it, that you were close with Mr Tsirekas, you were close friends with Mr Tsirekas when he was married, still married to his former wife, correct?---Yeah.

So you and your wife and Mr Tsirekas and his former wife would catch up or socialise together?---Oh, before that, yes.

Before that as well? Before they, Mr Tsirekas and his - - -?---Just you're confusing me a little bit.

20 I'm just trying to understand how long you've been close friends with Mr Tsirekas. Do you understand that?---Yes.

I was just asking you, based on the evidence you gave to Mr [REDACTED] and Mr [REDACTED], it seems to suggest that you were close friends with Mr Tsirekas at a time when he was still with his former wife, is that correct?---Correct.

So if he's, you would accept if he separated from his former wife in 2013, just take that as a date, that's the separation year.---Ah hmm.

30 That means that you were close friends with Mr Tsirekas before 2013, correct?---Yes.

Do you recall whether Mr Tsirekas' former wife came to your wife's sixtieth?---No.

Now, in 2019, you gave Mr Tsirekas \$7,040 of your own money, is that right?---When?

In 2019.---Yes.

40 Why did you give that money to Mr Tsirekas?---Because I had a problem. What problem?---Bit of a gambling problem.

So why is it if you had a gambling or a bit of a gambling problem you gave the money to Mr Tsirekas?---About that period – do you want me to go on with it or yes or no?

Just asking you why you gave the money to Mr Tsirekas. You said you had a bit of a problem.---Yeah.

10 And I asked you what the problem was and you said a gambling problem.
---Mmm.

I'm just asking you why in those circumstances did you give the money to Mr Tsirekas?---Because I knew he could hold it for me and I wouldn't touch it.

Can you recall the circumstances of you giving it to him? That is, how did you give it to Mr Tsirekas?---How did I give it to him?

20 Yeah.---I gave it to him in the car park or a house. I'm not too sure where I gave it to him, but I gave it to him – when did I give it to him? I had to give it to him because I had a couple of, couple of envelopes I had to give to him also.

Well, what were in those envelopes?---It was money.

Where did the money come from in the envelopes?---From, from a fundraiser.

30 What fundraiser was that?---For Angelo, from mates of Angelo.

How did you get the money in the envelopes to give to Mr Tsirekas?---Yes, I did.

40 No, how did you come into possession of those envelopes with money in it?---It was a fundraiser, and when I got back, 'cause I had to go to some kind of a luncheon that day, when I come back, one of, a person who was there handed me over two envelopes because the lady who was raising the money or taking the money that day, she left and these people come a bit late. And they gave it to me to give to Angelo.

Who was the person that gave it to you?---Arthur.

Arthur who?---Oh, second name - - -

Did you know this Arthur fellow?---Yes, I do.

How long had you known this Arthur for at that time that they gave you the envelope?---Oh, a good 10 years.

10 Before the time that the person gave you the envelopes? You'd known Arthur - - -?---Yeah, I did know Arthur, yeah.

- - - for 10 years - - -?---Before that, yes.

And when I say "for 10 years" I mean before the date that he gave you these envelopes, is that right?---That's right, yeah.

So you've known Arthur since about 2009?---Yes, yeah.

20 You don't know Arthur's last name?---No.

Can you tell us how it is that Arthur might have known to give you these envelopes of cash?---Well, just he was part of the fundraiser. He was part of organising the fundraiser too.

Did you have a role in the fundraiser?---I had a role but, like, there was a few people had a role, yeah.

30 What was your role in the fundraiser?---Well, asking people to come to the fundraiser, yeah.

Where was the fundraiser?---I think it was at Aqua Luna.

So in terms of your role, was it just limited to asking people to come to the fundraiser?---Yes.

Did any people you asked to attend the fundraiser go to the fundraiser?
---Yes.

40 Who were those persons, do you know?---I can't recall now.

Do you recall how many people you asked to go to the fundraiser?---I would, could have asked about 20.

Did you go to the fundraiser?---No.

Are you able to assist us as to how the money came in the envelopes from Albert to you, like, how can you help us out with any conversation you might have had with Albert?---It, it was a while back, I, I don't - - -

10 Arthur, sorry. Arthur.---Yeah, well, I got there a bit late that afternoon and - - -

To the fundraiser?---Yeah.

I thought you said you didn't go to the fundraiser?---I thought you, I thought you meant during the day, I didn't go during the day, didn't participate during the day. I went later on, when it was all over.

20 I see. So - - -?---It's just the way, yeah.

So did you or did you not attend the fundraiser?---Well, it all depends how you put it. Did I go during the day or did I go after the fundraiser was finished?

Did you go after the fundraiser was finished?---Yes, I did.

Where did you go after the fundraiser was finished?---To Aqua Luna.

30 Right. Who was there at that stage, do you remember?---It was only a few people left, probably, might be, be about six people left and Arthur was there.

Right. So just focusing on that, how is it that Arthur comes to give you this money to presumably give to Mr Tsirekas or someone else?---Because he was part of the, the people I asked to come to the fundraiser.

So you asked Arthur to go the fundraiser?---Yeah. Yeah.

40 Do you know how Arthur came into the possession of this money?---Well, probably people might have said, "Arthur, give, give to Nino" or whatever, I just don't know but he handed them over to me.

Well, what did he say when he handed the money over to you? What were you to do with it?---Just, he said, "Give it to Angelo."

THE COMMISSIONER: How much was the amount of cash that he handed to you?---I'm not too sure how much was in the cash, but, but

- - -

10 Approximately.---Might, he said one of them was 2,000 in one envelope and I think he said the other one was, could have been in, around about that, that amount, too.

MR DARAMS: Did you count the money in the envelopes?---No.

So you just took the envelopes - - -?---Yes.

- - - and kept them on yourself until you gave to Mr Tsirekas?---Yes.

20 So if I understand that evidence, you took possession of the envelopes with the cash in it on the day of the fundraiser?---I'm not too sure if I took it at that, that evening or the next day, but I know that Arthur gave it to me. I, I know that if, Arthur's had the two envelopes and he, and he handed them over to me and said to me, "Give them to Angelo, 'cause the, a couple of people come late to the fundraiser," whatever, something along those lines.

Well, I thought you said just a few answers ago that you attended the fundraiser but after the fundraiser had finished on that day - - -?---Yeah, well - - -

30 - - - where Arthur gave you the envelopes. Are you now saying that you're not sure whether or not it happened on that day?---Look, it was a long time ago, but I know that I received them two envelopes to give to Angelo and, and that's what I did.

Are you sure that you received those envelopes from Arthur?---Well, I thought I got them from him, yes, both, both envelopes, yeah, could have been - - -

40 You understood that the money in the envelopes came from money raised at the fundraiser. Is that right?---Yes.

That's the basis upon which you were giving it to Mr Tsirekas?---Yes. Yes.

THE COMMISSIONER: Were there any donation slips with the money?
---I gave, I, I, I think I gave the, the donation sheets about a, a week in, in
advance to people to fill in the forms.

MR DARAMS: The Chief Commissioner's question, though, was do you
know whether there were any donation slips with the envelopes of money?
---Oh, no, don't recall.

10

Is that because you didn't look into the envelopes?---No.

You didn't look inside the envelopes?---No.

THE COMMISSIONER: Mr Panuccio, just going back in time, you said
you worked for Uplift Cranes. I think when you were interviewed by the
investigators at ICAC you agreed that you worked for that company from
between about 2002 and 2018. Would that be about right?---Um - - -

20 I think you said 2019 today but I think when you spoke to the investigators
it was about a period 2002 - - -?---Well - - -

Just a minute. To 2018. Would that be about right?---I'm 68 now. 2019, I
think.

You think it's '19?---Yeah, 'cause - - -

All right - - -?--- - - - I had a major operation in 2018. And, and I was still
getting paid I think around 2019, yeah.

30

And so you, about 2019 you retired?---Yes.

Okay. And since your retirement, have you been in receipt of the age
pension?---Yes.

All right. Since about 2019 you think it was?---Yes.

Till the present day?---Yep.

40 And have you had any other source of income other than the pension in that
period since you retired?---No.

And your previous employer, Uplift Cranes, where were they based?
---Eastern Creek.

Sorry?---Eastern Creek.

Eastern Creek. And what sort of workforce did they have? How many employees? Approximately.---Maybe 40 or 50.

10 Right. Who was the boss in your day?---I had plenty of them?

Hmm?---There was plenty of them. Everybody was a boss.

Well, who was your last boss?--- Santo Rapisarda.

Ah hmm. And while you were working for Uplift Cranes, did the company pay tax, tax deducted from your wages?---Yes.

20 Ah hmm. And did you put in tax returns each year?---I don't recall.

Sorry?---I don't recall if I did.

You don't recall. Well, did you have an accountant? Did you have an accountant who you saw from time to time?---I had, yeah, I had accountants, yeah.

Who were they?---Just can't come across his name. I don't know. I think it was Max, Max, Max. I remember his second name.

30 Surname?---Max Raiola I think.

How do you spell the surname?---Don't know.

It's an Italian name?---Yeah.

How do you spell it?---I don't know.

Where was his office?---In Five Dock.

40 MR DARAMS: Is he still there, do you know?---Max?

Yeah.---No, I don't.

You don't. When was the last time you put in your income tax?---Oh, I don't recall.

Did you put in one last year?---Pardon?

Did you put one in last year?---No. No.

10 Did you put in one in the year that you finished up or the year you finished up working in 2019, you put in one - - -?---I, I must have but I just don't remember.

THE COMMISSIONER: What bank do you bank with? What bank are you a customer of?---Commonwealth Bank.

How long have you been a customer of the Commonwealth, or CBA they call it these days?---A few years now.

20 Well - - -?---A few years.

A few years meaning?---Four. Four, five years.

And who were you with before then, before Commonwealth or CBA?
---I think it was the National.

National Australia Bank are you talking about?---Yeah.

30 They call it NAB these days, is that the bank you're talking about?---That's it, yeah.

You used to be a customer of NAB or National?---Yeah, yeah.

And then you swapped over to Commonwealth Bank?---That's right.

Which branch of the Commonwealth Bank did you bank with?---Five Dock, Five Dock.

40 Five Dock. And the National Australia Bank, what branch?---Five Dock. Five Dock also.

MR DARAMS: Just back to the \$7,040 you gave to Mr Tsirekas. Do I understand your evidence before, you gave him that amount at the same time you gave him these envelopes with the cash donations in them?---Yes, I did.

You gave them to him at the same meeting in the car park or Harris Farm, is that right?---I don't remember exactly where it was but I gave it to him.

10 At the same time?---Yeah.

So that suggests that you gave him that money after the fundraising event in 2019, is that right?---That's correct.

Just one moment. So if the fundraising event was either 30 or 31 May, 2019, that means you must have met with Mr Tsirekas to give him that money, that is the money in the envelopes and the \$7,000 that you gave to him, either on the last day in May or early June, is that right?---No, it's not. I gave it to him I think around the 3rd or the 4th, because I, I waited three, 20 three days with it, three or four days because I was doing some commitment at home but I think I gave it to him around about the 3rd or the 4th.

Of June 2019?---Of June, yeah.

THE COMMISSIONER: Sorry, how much was it, how much did you give him?---7,000.

7,000.---The whole thing.

30 Where did you get it from?---Where? I had it at home.

No, but where did you get it before you had it at home?---Oh, saved money.

Saved it from what?---I'd been saving money for years.

And were your wages paid into your bank account?---No.

Pardon?---No. They were paid into the bank.

40 Did you bank it?---Yeah.

Your earning, I mean.---It was money I had at home over the years.

But I'm talking about your banking moneys. You banked money at the Commonwealth?---Yeah, I do, yes.

And prior to that you banked money, you put money - -?---I always, yeah, I always banked money because me grandkids give me money to bank so I do the shopping for them.

10 Right. So do I understand, from your wages, you used to put your wages into the bank, whichever bank it was, National Australia Bank or Commonwealth Bank.---Yes, yep.

And then you drew out of that account for whatever life necessities you have to pay for, is that right? Or you withdrew cash?---No, no. I, I've always had cash at home. I've also - - -

Yeah. But just concentrating on your wages at the moment.---Yep.

20 You told us you banked your wages, is that right?---Yes.

And then you'd draw out of your bank account money as you required, is that right?---Yes, yes.

All right. And you said you saved money, is that right?---Yes.

And that's how you explain how you had \$7,000 in cash from your savings, is that right?---(NO AUDIBLE REPLY)

30 Is that right?---I didn't understood the question.

Okay. You told me, when I asked you how much it was, you said \$7,000 that was handed to you by Mr Tsirekas, correct?---Yep.

Right. And I asked you where you got it from and you said you had been saving, it was from your savings.---That's right.

Right. And what was the source of money that you set aside by way of savings over time?---How have I got that money? I put it away because I
40 save money over the years.

Yeah, yeah. I know. But how did you - - -?---Well, I, I just put money away all the, over the years.

What, from your earnings?---Not from me earning, from, from my grandkids, from my superannuation, from compo claim, from whatever, whatever, whenever I had money I put away and, and I just don't want to go on about where I, where I made myself a thousand because I had a bit of a gambling problem and I didn't want people to know about it, but it seems like everyone's going to be knowing about it.

10

I'll put it again. Where did you get the \$7,000?---I put it away. I, I was putting money away.

From what? What was the source of the \$7,000?---Over the years I've saved the money?

From what?---From my grandkids or from betting, from whatever. I've just put money away over the years. I've had it.

20 What sort of investments?---What do you mean, what sort of investments?

You said you've put money away, savings?---Yeah.

You referred to investments.---No, put money away for a rainy day.

MR LEGGAT: Chief Commissioner, my note is "from betting", not "from investments". "From betting".

THE COMMISSIONER: "Betting", was it?

30

MR LEGGAT: Yeah, "betting" rather than "investments".

THE COMMISSIONER: Okay. Thank you. And when you say betting, are you referring to the club you go to?---To the pub, yeah. That's correct.

Which one? Which club?---The, I go to many clubs.

I'm sorry?---I go to many clubs.

40 Which ones?---I go to Pymont, I go to Drummoyne Rowers.

Which one at – sorry, Pyrmont, what was the - - -?---Pyrmont, yeah. One of the hotels there.

MR DARAMS: What’s the hotel?---On Harris Street.

Is that the – no, what’s the name of the hotel?---I just, it’s a statue there somewhere along Pyrmont and Harris Street somewhere there. I don’t know the name of the hotel.

10 THE COMMISSIONER: So there’s two hotels, you say, is where you betted?---Drummoyne Rowers.

MR DARAMS: Drummoyne Rowers.

THE COMMISSIONER: Rowers. That’s a - - -?---Or sailing club there.

It’s a sailing club, yeah.---Yeah. And Western Suburbs Bowling Club.

MR DARAMS: So you say the money you were saving at home, is that
20 right?---Yes, correct.

Came from betting?---No, it’s money I’ve had all, since I can remember saving money. I’ve been saving money all my life.

Okay, well, just focus on the money you say you had at home. That is, the \$7,000.---Yes, correct.

That you gave to Mr Tsirekas in - - -?---That’s correct.

30 - - - on the 3rd or 4th of June, 2019.---That’s correct.

You were asked a number of questions or you were asked a question a number of times where that money came from and your answer is “I’ve just saved it at home.”---Yeah.

But what I’m asking you, you seem to suggest that some of that money came from betting, is that right?---Or I had a good day that, that Saturday.

Sorry, so let me just – so when you say you had a good day that Saturday - -
40 -?---Well, the - - -

Just let me ask you about this because you realise your oath is to tell the truth. So are you now saying the \$7,000 that you gave to Mr Tsirekas was winnings from the previous Saturday?---No, what I'm saying is I've had good Saturdays.

You've had good Saturdays?---I've had, yeah, I've had some good Saturdays, yeah.

10 Yeah, so are you saying the good Saturdays - - -?---Yeah, I just - - -
- - - are you saying that you've had wins?---Wins, yes.

Is that the source of the \$7,000 you had at home, is that what you're saying?---No, plus what I've saved over the years.

20 When you say what you've saved, you must have earned or obtained the money from some source for it to be saved.---Over the years, I've saved money over the years and I've had money at home and I've, and various, I like to keep cash at home.

THE COMMISSIONER: I understand what you're saying, but what you've been asked more than once is what was the source of the money that ended up as cash in your hands?---Money that I've saved over the years.

From what?---From, from work, from whatever I do. I just, I just put money away.

30 All right. So you've identified - - -?---I just don't understand - - -
- - - one source was from work, right?---Well, yeah.

What else? What was - - -?---My grandkids could have given me money because they're all working, and I might have a lucky day, have a bet. But I just, money that I've saved over the years. That's money that I had.

Over how many years? What sort of, you're talking about two years, five years, 10 years?---No, that was all my life. I've just saved money and I've kept money in the, in the cupboards.

MR DARAMS: How much money did you have at home or you had saved when you gave this money to Mr Tsirekas on 3 or 4 June, 2019?---How much did I have at home?

How much did you have? How much had you saved?---I had, I had a fair bit.

How much?---Well, I had that 7,000 plus I had money in the cupboard there.

10

Yeah, how much?---Well, whatever I had money there.

I understand you had money there. We've got that. But how much did you have there? So we know - - -?---Well - - -

- - - you say you've given Mr Tsirekas \$7,000.---That's right. I've had other, other, a bit more there.

At that time, how much more did you have?---I put money aside there.

20

How much did you have there at that time?---Well - - -

How much did you have there at that - - -?---\$7,000.

So you gave all the savings - - -?---No. I, I gave my 7,000 that was for my trip to go overseas with, right? I had, I had about 10,000 and it was whiggling down through the bets I was having, right? So what happened is I gave it to Angelo to say that, "And, listen, Angelo, can you look after this 'cause I don't want to spend it. I want some money to go overseas with it," and that's, that's what I've done.

30

Well, we'll come back to that in a moment.---Yeah.

But just focus at the moment. So you've given some evidence that you had just saved up all your life - - -?---Yeah.

- - - money at your home. Correct?---That's correct.

You said you've given \$7,000 of that money, the savings you've had all of your life - - -?---That's, yeah.

40

- - - at your house to Mr Tsirekas on the third - - -?---I had more, I had more than that 7,000 - - -

Well, how much more did you have?---Well, that was put away. It was - - -

How much more did you have? That's what I'm trying to understand.---
Well, just, whatever it was. I had money put away in the (not transcribable)

Well, what was it?---All-up?

10

Yes.---I probably would have at least 15,000 at home.

THE COMMISSIONER: Did you keep a record of how much cash you held at home?---No. I'm just saying, I - - -

You said your grandchildren might have given you some gifts - - -?---My grandkids give me money all the time.

20 And when you talk about grandkids, are these the children of your son or daughter or both?---No, my grandkids are my daughter's.

Your daughter's children.---Mmm.

Is that right, you're talking about - - -?---Yes.

MR DARAMS: How old were they in 2019?---23, 22.

30 THE COMMISSIONER: Can I ask you this. Your daughter. What's her name?---I've got two daughters.

Okay. Well, what's the daughter who's got the grandchildren?---They've both got grandkids, both of them.

They both? Okay.---Yeah.

And you see them on a regular basis, do you?---They live with us, Your Honour.

40 I'm sorry? I can't hear you?---They live with me.

They live with you?---Yeah.

Anyway, well, you obviously are close to your daughters?---Very close.

Yeah. You trust them?---Yes, I do.

Right. And I suppose, as dutiful daughters, they help you if you've got health problems or other problems. Is that right?---Yes.

So that's the sort of relationship you have with your two daughters?---Yes.

10

They are supportive of you and they live with you or you live with them. Is that right?---Are we going into a personal now, Commissioner?

Sorry?---Like, are we heading into my personal life now?

No, no, no. I'm just - - -?---Yeah, I mean - - -

Not asking for details. I'm just asking you whether you had a close relationship with your daughters and I understand you to say yes?---Well, I, I have, yes.

20

Yeah. All right. Okay. That's all right.

MR DARAMS: So how much of these savings that you say you accumulated over the years came from your grandkids?---No, I, it's, it's what I've saved over the years and what, like, whatever, it comes from the family, whatever, I mean - - -

30

Well, I'd understood one of your answers was that the savings that you had accumulated all your life from which this \$7,000 came from, that's what you're saying. Correct? The 7,000 you gave to Mr Tsirekas in June 2019? ---That 7,000 I didn't want to touch 'cause that was a gambling 7,000. That was the seven. I hadn't touched the rest of the money. But that money there was the money I gave to Angelo, was the money that I gamble with, and I didn't want to touch the money anymore, that \$7,000.

So the \$7,000 that you gave to Mr Tsirekas - - -?---Yeah. That's correct.

40

- - - are you now saying that's gambling winnings, is it?---That's, it, it could be up, it could go down, but - - -

But you're saying that's money you've generated over the years from gambling. Is that right?---Well, you can say that but I had that 7,000 and it goes up and it goes down. It was going down, then it went up and so I said to myself, I'm not going to touch it anymore and I asked Angelo if he could put that away for me.

My question, though, was was the \$7,000, was that your gambling money, was it?---That's correct. Yes.

10 Right. So where did you get that money from? Was that from - - -?---Over the years, over the years.

So it hasn't come from your grandkids?---No, no, no, no, no. That's my money, that \$7,000.

So where did you get that \$7,000 from?---From the, the money I've collected over the years and, and I've had ups and downs with the, with, with the gambling.

20 Right. Okay.---Mmm.

THE COMMISSIONER: Before you gave the money to Mr Tsirekas, did you count how much that you were giving him?---I, I, whether it was there that, that, in, in that pool of money, because I, that was the gambling money, I'd just put an elastic band around it and I gave to him and I, it was around about \$7,000.

All right. But you say around about but you didn't count it out note by note?---No. It was (not transcribable) \$7,000.

30

How do you know?---Because I, I, I counted most of it and then I got the, I won \$2,000 on that Saturday and, and, and it come up to five, so five and two is seven.

Well, I asked you a moment ago whether you counted and you didn't - - -? ---Yeah. I did, I - - -

No, no, listen to me. When I asked you a moment ago - - -?---Oh, okay.

40 - - - "Did you count it?" you said "No" but so now you're saying - - -?---Oh well, I mean, I mean - - -

No, wait a minute- -?--- I thought you said count it one by one and gave it to him, no, I didn't.

Right, okay. Right. You didn't count it.---Yeah, I didn't.

Okay.---Didn't count it in front of him, no.

10 MR DARAMS: So can we understand this, you had about \$5,000 at home prior to a Saturday, correct?---Prior?

Yeah. So you've given Mr Tsirekas \$7,000 on 3 or 4 June, 2019?---Yeah.

You just said a moment ago that you won \$2,000 on the Saturday in the betting, that's right?---That's correct.

And you added - - -

20 THE COMMISSIONER: And where did you – no, just a minute. Where did you win that that?---In Pymont.

That was the Saturday winning?---That was on a Saturday, yes.

That's at the Pymont, what - - -?---Hotel.

And again, can you remember the name of the hotel?---I think it was the Heaven, Heaven, Haven, Haven, Haven Hotel in Harris Street.

30 MR DARAMS: In Harris Street.

THE COMMISSIONER: I take it you've frequented that hotel, you know it well?---Oh, most of my mates go there.

Yeah. But it's a place you - - -?---Yeah, yeah. I, I've been there a few times, yeah.

Well, it would be true to say you frequent it? It's familiar to you?---Yeah. I've been there a few times, yeah.

40 Well, what's the name of it?---I, I'm not very good on names but I can tell you where it is, it's Harris Street in Pymont.

What's the - - -?---Right on the corner there.

What's the other street on the corner?---Pyrmont Road and Harris Street.

Did you have a betting account at that hotel?---No, I don't.

MR DARAMS: What did you win it on?---Pardon?

10 What did you win it on, what were you gambling?---Horses.

So you win \$2,000 on the Saturday, you put this together with the \$5,000 that you have at home, you give that to Mr Tsirekas on 3 or 4 June?---Yeah, yeah.

Put aside the \$7,000. How much more money do you say you had in cash at home?---I thought I said at home about 15,000 at home all up, all up.

20 How do you know that, did you count it on the day that you, or just before you gave it to Mr Tsirekas?---No. The, the, you keep, I, the \$7,000 was my gambling money, that's in, it's got nothing to do with the money that, what I put at home for my grandkids and my, and myself. I don't touch that.

Well, how much do you have at home now on that?---Now?

Yeah.---I haven't got much now. If you, you want to go there, probably about \$2,000 left.

30 So the \$7,000 was your gambling money?---Yeah.

That you gave to Mr Tsirekas to, what, look after for you?---(NO AUDIBLE REPLY)

You gave it to Mr Tsirekas for what reason?---Yes, yes, yes, I did,

40 Well, why didn't you give it to your wife or your daughters to look after it? ---At that period I had, I had the two envelopes, it, might come across my head was, well, I'll give it to Angelo because I know that Angelo will, you know, very hard to contact him to take any money back off him, so I just said to him "Can you look after the \$7,000?"

So you give it to Mr Tsirekas to look after it because, what, he's hard to get a hold of?---Yeah. He's hard to get a hold of sometimes so I, I wouldn't have to go and nibble a bit again and say "Look, can you give me 300 or 200 to have a, have a bet?" So that's why I handed him the \$7,000 then I go away.

THE COMMISSIONER: But why, of all the people you know, did - - -?
---Pardon?

10 Why, of all the people you know, did you choose Mr Tsirekas to take hold of your money which you say amounted to \$7,000?---Because he's a good friend of mine.

But you had other people who were very close to you.---Oh, he was, he was around at that period more often, I think and he just, I just seemed to see him every day that, around about that period.

But of all the people in this world, from what you've said, who you would trust would be your daughters, correct?---Well, Commissioner, I don't
20 understand what you, the question you're asking me.

Oh, don't you?---No. Because my, if, if I may, I haven't seen one of my daughters for seven years, is that what you want to know, Commissioner?

No, no.---Do you want to know one of my daughters left her husband, is that what you want to know, Mr Commissioner.

No, you're volunteering all this information. I'm not. I'm not seeking that.
---Are you asking me, I think you, I asked you if you want to go personal to
30 me.

Mr, Mr - - -?---I don't want to go personal here.

Mr Panuccio, if you carry on like this for too much longer - - -?---But - - -

No, just listen to me. You'll be obstructing this Commission in its investigations, and that could become a very serious offence. I don't want to see you put yourself into trouble. Now, you just listen to my questions and listen to Mr Darams' questions and you answer them. You understand that's your responsibility, to listen to the questions and answer them? You
40 understand that?---Yes, I do. Yeah.

I'm not asking you any questions about your personal relationships with your daughter or daughters. I'm just putting to you, if you were concerned about safeguarding your money, the logical thing to do would be to turn to one or other of your daughters, who you've earlier said you trust, and ask them to look after it. Is that not the case?---At that time I made that choice.

That time what? I couldn't hear you.---At that time I made that choice.

10 Yes, but I'm putting to you the logical choice would have been to – if you were concerned about this \$7,000, what you say amounted to \$7,000, would be to put it in the control or custody of those who you, who were close to you and who you trust. And I'm suggesting that on your say-so would be your daughters because, as you said before, you were close to them and you trust them.---That's correct. I did say that.

Yeah. Well, why wouldn't you entrust with your - - -?---Because I didn't, I
- - -

20 Why wouldn't you entrust the money – just - - -?---I didn't want, I didn't want the family to know about my gambling problem, and that's why I gave Angelo the money, to hold it for me till I go overseas.

Oh, I see. That's your explanation, is it?---That's what it was. That's a choice I made at that time.

MR DARAMS: Mr Panuccio, you accept you could have asked your daughters or your wife to hold onto the money before going overseas without telling them that the money was from gambling?---No, I didn't.

30

Well, why not?---Because I made that choice.

No, my question is that you accept that you could have asked them to hold onto the money for you or not give it to you, without disclosing that it was your gambling money? You could have done that?---I didn't want to take the risk. That's what I did.

What risk would you be taking?---I just didn't want my family to know about my problem.

40

Were you going overseas with your wife?---And my kids.

At that – sorry, when I say you were going overseas, I mean this trip that you were going to take in 2019.---Yes.

For the reason that you gave the money to Mr Tsirekas. That’s the trip?
---Yeah, that was my, it’s nothing to do with the family. That was my money.

10 Don’t worry about the money at the moment. I’ll come back to the money in a moment.---Okay.

Just focus on the trip that you were going overseas for in 2019.---Yes.

You understand that?---Yes.

You’ve given us some evidence that you were giving this money to Mr Tsirekas to hold for you before you went overseas on this trip.---Yes.

20 That trip, were you going overseas with your wife and your daughters?
---Yes.

Well, why in those circumstances didn’t you just give the money to those persons and say to them “This is money for the trip. I don’t want you to give it back to me, I want you to hold it until we go on the trip”?---I, I didn’t do that, no.

I know you didn’t do that, but why? That would seem a logical thing to do, wouldn’t it?---I didn’t, no, no.

30 THE COMMISSIONER: Sorry, I can’t hear you.---No.

Just – sorry.---I didn’t do that, no.

MR DARAMS: I understand you didn’t do it. But what I’m suggesting to you is that that would be a logical thing to do rather than give it to Mr Tsirekas, because you were travelling with your wife, you were travelling with your kids. They were going on this same trip. They would be able to hold that money for you before you went overseas, correct?---Yeah.

40 Well, why didn’t you give it to them?---Well, I just, no, it was just come through my head to do it that way and I did it that way.

Do you remember when you went overseas on that trip?---July.

What, the beginning of July, end of July?---Don't recall, but it was July.

THE COMMISSIONER: Where did you travel to, Mr Panuccio?---To Italy.

Hmm?---Italy.

10 Whereabouts though?---South. South of Italy.

South of Italy?---Yep.

A particular place?---Yeah - - -

Is it well known or not?---Yeah, yeah.

Whereabouts?---It's called Baniyana.

20 MR DARAMS: Just ask you to go back. When you gave the money to Mr Tsirekas, I take it you would have had a conversation with him when you handed him the \$7,000.---Oh, yeah. Yeah.

You must have had a conversation to tell him when you were coming to collect the money, correct?---Yeah, that's correct.

30 Does that mean that the conversation you would have had with Mr Tsirekas was something along the lines "Look, hold this money" or "keep this money for me and I'll come and get it a couple of days before I go overseas"? Is that the conversation you had?---Yeah, yeah, something along those lines. Yeah.

Is that right? So you tell him "Here's the money. I want you to look after it for me. I'll come and get it a couple of days before I go overseas"?---I don't know if it was said in that kind of words but I probably would have said something along those lines.

40 Just going back to – when did you, in your mind, when were you going to get the money back from Mr Tsirekas? What, the day you were leaving, two days before you were leaving?---Oh, yeah, apparently - - -

No, no, just go back to my question, please.---I just don't know.

Well, you must have had it in your mind that you were going to get it back from him, you wanted him to – if I understand your evidence, you were giving it to him for safe keeping, correct?---Yes.

That's the effect of your evidence, I that right?---Yeah.

10 So that would suggest that you would have Mr Tsirekas keep the money for as long as possible just before you went away, correct?---That's correct.

So it's not like if you were going away in six weeks you would give to Mr Tsirekas and then come and get it the next week, would you?---No.

No. So that suggests that the conversation you were having with Mr Tsirekas, you tell him that you will come and collect the money from him a day or two before you go, is that right?---I don't remember the conversation but I - - -

20 But that – well, just go back. In your mind at the time that you were giving it to him you were going to get the money back from him a day or two before you left?---Yeah. I would have probably said something along those lines but I don't remember the exact words.

I'm not asking you about the exact words but in your mind when you had with conversation with Mr Tsirekas, when you give him the money, you must have had it in your mind that you were going to get it back a day or two before you left?---That's right.

30 Because that way the money would stay with Mr Tsirekas for as long as possible, correct?---That's correct.

It would be safe for that period of time, is that right?---Yeah.

Because it doesn't make sense for you to get it back a week after giving it to him because that - - -?---Oh, no, no.

- - - you would be exposed to the risk of you spending it, correct?---Correct.

40 All right. So don't you know when you give the money to Mr Tsirekas on 3

or 4 June that in fact Mr Tsirekas was going overseas in June that year?
---Yeah, that's correct.

Yeah. So how was it that you give him the money on 3 or 4 June to get back from him, that is Mr Tsirekas, sometime in July when you know that he's going overseas in June?---I didn't know that. I said - - -

That's not true though, is it, Mr Panuccio? You knew Mr Tsirekas was going overseas when you gave the money to him in June?---Yes, I did, yeah.

10

Yeah.---Yeah.

So what I'm suggesting to you, why would you be giving the money to Mr Tsirekas to look after, which you were going to get back a day or two before you went overseas in July, when Mr Tsirekas would already be overseas? How was that going to work out?---Well, maybe the conversations at the time he was (not transcribable) or whatever, just don't remember or don't recall exactly what, what took place at that period.

20 Well, what if it was suggested that you never had a conversation to the effect that you would be getting the money back from Mr Tsirekas because it wasn't your intention to get the money back from Mr Tsirekas?---What do you mean? Say that again.

What if it was suggested to you that you'd never had this conversation with Mr Tsirekas where you told him or said to him that you would get the money back from him because that was never your intention, that is to get the money back from him?---No, that's not correct.

30 Had you given Mr Tsirekas any other amounts of money other than the envelopes of cash and the \$7,000 you gave him on 3 or 4 June?---Yes.

How much?---He asked for me, to lend, lend him \$5,000 to upgrade his trip.

This is this trip that he was taking in June 2019, correct?---Well, around about that period, yeah.

How did you get that – did you agree to give him that money?---I gave it to him, yes.

40

How did you give it to him?---I gave it to my daughter actually, I didn't give it to him.

Why did you give it to your daughter?---Because he asked me to, to lend him \$5,000 to upgrade his trip and I had to pay my daughter at the time.

Why did you have to pay your daughter as opposed to give it to him?
---Because she works for Flight Centre and she can, and he had to pay the extra \$5,000 to upgrade his ticket.

10

Right. And so, what, you gave your daughter, how did you give it to your daughter?---Cash.

You gave your daughter cash?---Yes.

Where did you get that cash from?---In the cupboard.

From the cupboard, your cupboard?---My cupboard, yes.

20 So, where does this \$5,000 come from though? Is this part of your betting or is this part of the other money you were saving?---The money I had, the money I had just what I told you before.

THE COMMISSIONER: Is this money being paid, the 5,000 now, to upgrade his ticket to go overseas?---Yeah.

Upgrade it from what to what?---From business, I, I think it was business class now.

30 Upgrading it to business class or - - -?---Yeah, to business - - -

- - - or upgrading it from business class to first class?---From economy to business.

And so you agree to fund that upgrade?---Yes. Correct.

Why would you do that?---Because he asked me to.

Yeah, but lots of people might come and ask you for money - - -?---Yeah.

40

- - - but you don't always to give it to them.---Well - - -

Why would you agree on this occasion - - -?---Because he said to me that can you, can - - -

Just let me finish my question.---Pardon?

I hadn't finished my question. Why did you agree to give Mr Tsirekas an upgrade by paying \$5,000 for this trip that we're talking about?---Well
- - -

10

That's it. That's the question.---'Cause he asked me if I can lend him \$5,000 to upgrade his trip and I, and I did.

But why would you do that?---Because he asked me.

But why would you agree just because he asked you?---Because he's a friend and a, a close friend.

20 Yeah. But so if he came and knocked on your door at any particular time and said, "Look, I need some help financially," are you telling us that you would always, because he's a close friend, agree to helping him out?---Well, I understood at the time and he asked and, and I did it.

What did you understand at the time?---He was a, that he's a very good friend and he was going through a bad period there and, and, and I said "Yes."

30 I'm still puzzled as to why you'd agree to pay him \$5,000 not for a necessity but for a luxury, an upgrade?---Because he asked me.

But it doesn't make any sense. You might be able to throw light on this
- - -?---I, I - - -

40 - - - but here you have your friend at the time, mayor, saying, in effect, "I want an upgrade, but I can't afford to pay it myself," you step forward and say, "Here, have my 5,000. You can have the upgrade." Why would you part with \$5,000 in cash of your money to confer on him a luxury, which is an upgrade air ticket, international, so he could go off and have a nice holiday? Why would you agree?---Commissioner, he asked me and, and said, "Yes."

But why did you say, "Yes" - - -?---Well - - -

- - - to give him a luxury gift, in effect?---It's just, just the way it was at that, at that period and, and I, and I said, "Yes."

But that's not an explanation. I'm looking for an explanation.---Well, I can't give you one because I, I, he asked me and, and I did it.

10 MR DARAMS: You travelled to Italy in July. Is that right?---Pardon?
You travelled to Italy in July?---Correct.

With your wife at the same time?---Yes.

Were your family on the same flight?---Maybe, I, I mean, I, I can't recall.

Did you and/or your wife fly business or first class?---Business class.

20 Did you go on the same flight at Mr Tsirekas?---Well, I, I just can't recall.
You don't remember flying to - - -?---No.

- - - Italy, whether Mr Tsirekas was on the same flight?---Could have been, I just, at that time there, I just don't recall.

So you say you gave the \$5,000 to your daughter, cash?---Yes.

30 And what do you say to her about that? And what conversation do you have with her?---I, I said, "That's the money for Angelo for upgrade."
Well, when you say "here's the flight, for the upgrade" is that because she asked you for the money or is that because Mr Tsirekas asked you for the money?---No. Apparently, Angelo asked me to, to lend him \$5,000.

Well, when you say "apparently" what do you mean by that?---Well, he asked me that, if, if I can upgrade the, the ticket for him and I did.

40 So then you, what, have a conversation with your daughter. You say, "Here's \$5,000 for Angelo's upgrade"?---That's correct.

Do you remember when you gave your daughter the \$5,000?---Round about the same period I, I, about June, early June.

So you give your daughter the \$5,000 for Mr Tsirekas' upgraded flights, that's right?---That's correct.

And you give Mr Tsirekas the \$7,000 as well, about the same time?---Yeah, all around about the same time, yes.

10 What if it was suggested that the \$12,000 that you gave to Mr Tsirekas was never intended to be a loan – I withdraw that. What if it was suggested the \$5,000 you gave Mr Tsirekas or to your daughter for Mr Tsirekas' flights was never intended to be a loan and that you were intending to give the money to Mr Tsirekas?---No, it was a loan.

Why do you – can you tell us what the conversation you had with Mr Tsirekas about the terms of this loan?---None.

20 No. Well, how do you say, well, why do you say it's a loan?---Because he said he'll pay me back. "Can you lend me \$5,000?"

And the extent of the conversation is that he said, "Lend me 5,000 and I'll pay you back"?---Yeah.

You never had a conversation about when he would pay you back?---No.

So you agreed to give someone \$5,000 on the word that they said that they'll pay it back at some stage, is that right?---That's correct.

30 THE COMMISSIONER: When you paid the \$5,000, your daughter's working in the travel agency, is that right?---That's correct.

And where and when did you give the money to your daughter, the 5,000? ---At home.

At home. And that was given to her on the understanding that that would pay for the upgrade, is that right?---That's correct.

40 And what was the name of the agency your daughter's working for at that time?---At that period she worked for Flight Centre.

Flight Centre. And did Flight Centre, through your daughter, issue a receipt for the 5,000 to go into the - - -?---I don't recall.

Well, did she give you a receipt?---I don't take much notice of receipts.

MR DARAMS: The question was did your daughter give you a receipt for the 5,000?---I don't recall.

10 Did you go into the Flight Centre with the \$5,000 cash and hand it over to -
- -?---I gave it to her at home.

THE COMMISSIONER: How do you know your daughter put it towards the upgrade?---'Cause she told me so.

I see. And did Mr Tsirekas tell you that he had got the upgrade?---Well, apparently they might have contacted one another, Mr Commissioner.

MR DARAMS: The question was did Mr Tsirekas tell you that he got the upgrade?---Yes, he, he, yes, he did.

20

When did he tell you that?---When he asked for the loan.

No, what we're talking about is, if we understand your evidence, Mr Tsirekas asked you for the money to upgrade his flights, that's right?
---That's correct.

You then give the money to your daughter.---That's right.

30 You don't know whether you got a receipt from your daughter in respect of
that money.---I don't recall.

What we're asking you is how do you know the money went to the upgrade of Mr Tsirekas' flights?---My daughter told me so.

So your daughter told you. When did you have that conversation with her?
---At that, at that time.

What time?---When I gave her the \$5,000.

Well, what I'm asking you is that how do you know? You might have a conversation with your daughter, here's the \$5,000. How do you actually know the money went for the upgraded flight?---'Cause she told me so.

When did she tell you that happened, though?---Would have been around about that time.

THE COMMISSIONER: Mr Darams, I was going to take a morning tea break. We started a bit earlier, so I'll take the break. Mr Panuccio, we're
10 going to take a morning tea break.---Yeah, okay, thank you.

Going to take a morning tea break, about 15 minutes or so. I ask you not to discuss this matter with anyone over the morning tea adjournment.---Thank you.

Do you understand what I just said?---Yes.

I'll adjourn.

20

SHORT ADJOURNMENT

[11.14am]

THE COMMISSIONER: Mr Darams.

MR DARAMS: Mr Panuccio, the \$7,000 you gave to Mr Tsirekas in June 2019 I understand your evidence was effectively your gambling money, is that right?---Yes.

30 So the 7,000 was comprised of 5,000 that you had at home plus the 2,000 you won on the Saturday before you gave it to Mr Tsirekas?---No. What did you say again?

I'd understood your evidence earlier that the Saturday before you gave the \$7,000 to Mr Tsirekas, you remember giving some evidence earlier this morning that you won - - -?---That's right.

- - - \$2,000 on the Saturday before?---On that Saturday?

40 The Saturday before you gave the \$7,000 to Mr Tsirekas.---Okay, yeah.

Do you remember giving this evidence? That evidence is truthful, is it?
---Yeah, yeah.

So you won 2,000 on the Saturday before you gave it to Mr Tsirekas?
---That's right.

So if you gave him \$7,000, 2,000 was won on the Saturday. The other
5,000 must have been an amount you had accumulated over time.---Yeah,
that's correct.

10

Was the 5,000 accumulated from betting, was it? Sometimes you go up,
sometimes you go down.---That 7,000 was going up and down. That 7,000
could have been 10,000, could have been 3,000. That, that 7,000. That,
that, that was my money.

Yes, let me just - - -?---Yep.

I'm just trying to understand your evidence earlier. So the 7,000 was
\$5,000 from your betting that went up and down over time, correct?---It
20 could have been 10,000, that, that 7,000.

It could have started off as 10,000.---It could have, yeah.

And then it went down to 5,000.---It could have went down to two. It could
have went up to - - -

THE COMMISSIONER: But you'd - - -?--- - - - and then it's gone back to
seven.

30 Well, do you know whether it was 10,000 or are you just - - -?---No, just
saying. It could have, it - - -

It could have been.---Yeah, yeah, yeah.

MR DARAMS: I just wanted to focus on the evidence you gave before.
---Yeah, yeah.

Because we know you gave Mr Tsirekas \$7,000 in - - -?---That's correct.
40 - - - in June 2019.---Yeah.

You told us that 2,000 of that \$7,000 you won on the Saturday before.
---That's correct.

So if you give him \$7,000, 2,000 which you won on the Saturday before, it means that another five, the other 5,000 was your betting money, correct?
---No. The 7,000 I gave him, right, I had five and I won two and it went back to seven.

That's right. But what I'm - - -?---Yeah.

10

- - - what I'm asking you is that the \$5,000, which you added to the \$2,000, the \$5,000 was what you call your betting money, is that right?---That's right, yes.

That 5,000, over time, would have gone up and it would have gone down.
---Yes, correct.

20

But as at the time that you won the \$2,000 on the weekend before, the Saturday before, there was 5,000 in the betting pot, correct?---That's right, yeah.

The betting, I'll call that the betting pot of money.---Yeah, yeah.

Had you been accumulating that for years, had you?---Had I been - - -

Had you - - -?---Yeah, oh, yes, yes.

So, what, back 2012 - - -?---I could put some in, I could put some out, yeah.

30

All right. Can I just ask you about some further evidence you gave in March this year about this money. So could I ask that you be shown volume 8.13, page 42. I just draw your attention to about line 15, where Mr [REDACTED] says this "Okay, all right, I think you mentioned there was, apart from the provision of these two envelopes to Angelo, you mentioned cash. Was there anything else that you gave Angelo?" Just read from there on to yourself, Mr Panuccio. Could I just ask you to go – you've read that and you understand the questions and answers you gave on that occasion?---Yeah, I, if it's written there, yeah.

40

Just show you the next page.---Yeah.

Draw your attention, just read up to about - - -?---Yep.

So you've read that page as well?---Yeah.

See, what I want to suggest to you is that the answer you gave to Mr [REDACTED] and Mr [REDACTED] in March this year was that the money that you gave to Mr Tsirekas came from money you'd taken from your superannuation account. Isn't that what you told them?---Yeah, but it's still a betting account. I, I still had money in the betting account.

10

Well, you just told me not more than three or four questions ago that the money that you gave to Mr Tsirekas was from your betting money, correct? ---That's right, yeah.

Which you had been accumulating over a number of years. That's right? ---That's right.

And you also won \$2,000 on the Saturday before you gave it to Mr Tsirekas.---That's right.

20

But what you told Mr [REDACTED] and Mr [REDACTED] when you met with them in March this year is that the money you gave to Mr Tsirekas came from your superannuation. That's right?---Can I read that?

Well, "That was my money for going overseas 'cause I just got my superannuation and I said I'll grab it and give it to Angelo to put away for me so I won't touch it."---No, that's the money I had at home for betting, the \$7,000. It was \$10,000.

30

Well, see, what I want to suggest to you is you're telling the ICAC officers that the money that you gave to Mr Tsirekas to look after came from your superannuation payout and you were worried because you were spending bits and pieces or taking bits and pieces from that money.---But I still had, no, I, that money I still had inside the, in the, in the pool of money I've got at home. That's my betting money that \$7,000. It's got nothing to do with the pool of money I've got at home.

Well, if we can just ask you to be showed page 46.---Yeah.

40

Just read this page.---Yep.

So you tell the officers you've got 20,000 from your super and you gave that to your son, is that right?---That's correct.

But weren't you telling the officers in March 2022, earlier this year, that the money you gave to Mr Tsirekas came from this superannuation money that you'd given to your son?---Well, that was my gambling money I gave Mr Tsirekas. It wasn't the superannuation money.

10 Is that what you say under oath, that - - -?---That's what I'm saying. It was my gambling money. The other money I've still got at home.

THE COMMISSIONER: You're saying on your oath the 7,000, 5,000 of the 7,000 came from your gambling money?---That's, that, that's money I, I just use for myself.

Yeah, but I just want to clarify, that's all. You say that the \$5,000 of the \$7,000 came from your gambling money?---Yes.

20 Is that right?---Yes.

And not superannuation?---No, it's money I, I had from my, over the years. I, I collected over the years, I put that away just for myself, that \$7,000.

Yeah. That's the gambling money?---Yes, correct, yeah.

Right.

30 MR DARAMS: So, in terms of the superannuation money, you gave evidence that you got out in 2018, you gave that to your son though, didn't you?---The, the - - -

The superannuation money, the money you took from your superannuation account, you gave that to your son, didn't you?---To my son?

Yes.---Well, I don't understand that one, that question.

THE COMMISSIONER: It's not, I think you're looking at what's on the screen at the moment.---Well, I don't know, what son?

40 But Mr Panuccio - - -?---I gave it to my daughter.

No.---I don't, I don't get it.

No. You're looking at the screen. I don't think you'll find anything on the screen.---No, but I don't know what was on the screen, I, I - - -

He's just putting something to you.---Oh.

Now, just, Mr Panuccio, we both can't talk at the one time.---Okay, yeah.

10 Okay? So I'll put the question and then you do the answer. You got it? Do it in sequence, otherwise the transcript writer can't - - -?---Well, don't forget, I can't - - -

Okay. I'll speak up. I think the last question put to you by Counsel Assisting was to the effect, did you give – what was it, 10,000, was it?

MR DARAMS: \$20,000.

20 THE COMMISSIONER: Did you give \$20,000 out of your super to your son? I think that was the question. Just listen to Mr Darams. He will clarify.

MR DARAMS: Yes. So, you told the Commission officers in March this year that you got \$20,000 from your superannuation fund, correct?---Yeah.

Did you get 20,000 from your superannuation?---Yes, I did.

You then told the Commission's officers you gave that money to your son. ---I, I don't recall that at all.

30

You don't recall giving it to your son or you don't recall telling the Commission officers that?---I don't recall both.

So you don't recall - - -?---I, I didn't give my son \$20,000.

Did you give anyone else in your family \$20,000?---Probably gave it to my wife.

You probably gave it to your wife?---Yeah.

40

All right. Could I just ask that you be shown page 46 of the transcript again? I just want to draw your attention to line 20. Mr [REDACTED] starts here. Well, just at line 15 so you understand it. Mr [REDACTED] says, "You said to me you've got 20 grand in super." You say, "Yeah." Mr [REDACTED] then says, "All right. When did you get that?" You said, "When I had the operation." Mr [REDACTED] says, "In 2018?" You say, "Yeah, 2018, yeah." Then there's a reference to Cbus super and Mr [REDACTED] at line 23 says, "Cbus super, yep. So you got 20 grand out in 2018?" You say, "Yeah." And then Mr [REDACTED] says, "You've told me you gave that to your son, the 20 grand." You say, "I think
10 I would have given it to some of the family and they, they have me back
10." Just focusing on that there.---Yeah. Yeah, that - - -

No, just - - ?---I'm not playing so good in my mind, you know?

Well, I'm just talking about the evidence you gave just in March this year, so it's a couple of months ago. And you say that the 20 grand came from your super, you're not sure whether you gave it to your son or someone in your family but they, whoever you gave it to, gave you 10 grand back later. Correct?---It's in the family. Yeah. It's, I, I - - -
20

Just focus on my question, Mr Panuccio.--- - - - just don't know who, which one.

That's right.---Yeah.

Whoever you gave the 20 grand to, they gave you back 10 grand later on. Correct?---Yes. Yeah.

10 grand from the 20 grand from your super?---That's right.
30

That's right?---Yeah.

So then Mr [REDACTED] asked you some more questions, "Who's the someone in the family?" You say, "It could have been my son." And then Mr [REDACTED] asks you about your son's name. And then if we go over the page, Mr [REDACTED] continues with, "Johnny, yeah, Johnny, that's the name of your son." Mr [REDACTED] says, "And he gave it back to you, did he, or part thereof?" You say, "No, 10, 10 back, yeah." And when you say "10 back" there, what you were saying is that whoever you gave the 20 grand to, they gave you back
40 10 grand of that later. Correct?---Look, it's been a long time. I don't recall
- - -

Just focus on my - - -?--- - - - every little details, how the money come to me or how the money didn't come to me, so - - -

But you understood when you met with the officers - - -?---Well
- - -

Let me just finish my question, please, Mr Panuccio, and then you can answer. You understood when you met with the Commission's officers in
10 March this year that you had to be truthful with them. Is that right?
---Pardon?

You had to be truthful - - -?---Yeah, yeah.

- - - when you were answering questions - - -?---Yeah.

- - - with the Commission's officers when you met with them in March this year?---I did my best.

20 Did you understand that doing your best meant that you had to tell the truth?---Well, at the time I did my best, you know, just what I recall.

Did you understand, though, that you wouldn't make stories up? You understood that?---But I didn't say I was making stories up.

I'm not suggesting you were making stories up at this stage but did you understand that when you were told that you had to be truthful that you understood you couldn't make stories up about where the money came from. Correct?---Well, I just didn't recall, maybe just at the time I didn't
30 recall or - - -

So when you say you didn't recall - - -?--- - - - like, yeah, just - - -

- - - are you saying that the evidence that I've just taken you to here, are you saying that was just something you made up in March this year - - -?---No. I'm - - -

- - - 'cause you couldn't recall where the money come from - - -?--- - - - I'm
40 not saying that at all.

I see. So going back to my question, you did understand, though, when you met and sat down with the Commission's officers in March this year, you had to be truthful with them. Correct?---Correct.

Can I suggest to you that when you did answer these questions, you were being truthful to the Commission's officers?---I did my best.

Well, when you say you did your best - - -?---I, I did - - -

10 - - - do you mean to say you did your best to be truthful?---Well, no.

Well, what did you do your - - -?---I did my best to what I recall at the time. My, my, my, you know, I, I just thought that was the case at the time, but I just didn't recall exactly what I did. But I thought that was the, what I did.

So you're saying now you're not sure whether this evidence that I've taken you to is actually the truthful evidence or not or what happened. Is that right?---It's really hard to recall as, at the time, that's all it was. Just at that period, it was very hard to recall everything, what they were asking me.

20

When you say it was hard to recall what they were asking you - - -?---Yeah.

- - - do you mean to say when you were sitting down in March 2022 and you were being asked these questions, it was difficult for you to recall the answers to the questions of the events they were asking you about. Is that right?---It was very hard for me. Sometimes I'd, I'd miss what they were saying to me, so I, you know, I just couldn't sort of understand some of the questions that were asked of the period at the time.

30 Well, what if it was suggested that the transcript doesn't record you as saying anything along the lines, "Well, I'm not sure what you're talking about here" or "What's that question again?" - - -?---Well - - -

- - - or any other indication you didn't understand the questions they were asking you, Mr Panuccio?---Yeah, it was just, like, I couldn't hear most of what was going on, like, like, today. Very hard to sort of understand what you're saying, too. But at the, at that time, I gave my best answer.

40 Well, when you say you gave your best answer, was the best answer you gave the truthful answer?---It was just the way the question was asked, maybe I, the way I understood the question.

When you gave your best answer in March 2022, were you giving your truthful answers?---Look, I don't recall all that. I, just, it's very, you're going back, like, two months ago.

The question's slightly different, though. Were you being truthful with the Commission's officers when you were giving your answers to them in March 2022?---Pardon?

10 Were you - - -?---I did my, I did, I did my best to what I understood the question.

Yes, but can I ask you this. When you did your best in the way you understood the questions, were you giving truthful answers?---To the best of my knowledge, yes.

So what you told them was that what had happened is in 2018 you got \$20,000 from your superannuation. You accept that's what you told them?
---Yes.

20

You gave that money, the \$20,000 from your superannuation, either to your son Johnny or another family member. You don't quite recall who it was now.---Gone.

That's right? That's what you told them, correct?---Well, that's what I've said, yeah.

30 Yeah. That was truthful evidence, was it?---Well, the best of, at the time, the way I understood the questions they were asking me, I answered the way, the best, I thought was the best way.

And you answered truthfully, that's right? You answered truthfully?
---Well, I don't recall exactly what I said, but - - -

Yeah, well, what you said is set out in the transcript that I've been taking you to, okay?---Yeah.

So you answered those questions truthfully?---Mmm.

40 Then you get \$10,000 back of that \$20,000 from whoever you gave it to. That's what you told them in March this year.---Yeah.

Yeah. So then just Mr [REDACTED] clarifies all of this. "So July 2019, all right, so between 2018 and July 2019 your son held onto the 20,000?" Then you say, "Well, if he, if I gave it to him, yes, all of it." Mr [REDACTED] clarifies, "Or potentially another family member." You said, "Could have been." "Who else is the options?" "It could have been my wife too." "So whoever it is you've given it to, you've given them the \$20,000." And then if we can go over to page 50. And we come back to this here. Mr [REDACTED] at line 5 says, "Right, a portion, perhaps 20,000 if I remember correctly," talking about the
10 money you had already given evidence about. And then you say, "Yeah, yeah, that's right." Mr [REDACTED] says, "So, all right, all right, so 20K?" You say, "Yeah." And Mr [REDACTED] says, "And at some point prior to you leaving in July to go overseas, he gave you 10,000 to spend overseas?" "Yeah, yeah, I put it that, yeah, I put it away, yeah." "Do you remember when you went to July, in July '19 or when you went overseas?" "It would have been, it would have been July." And then about line 23 you say, Mr [REDACTED] says this at line 20, "Do you remember how close it was prior to you leaving
20 Australia your son gave you the money?" Then you say, "I think he would have given it, give it to me at least four to five months before that because I would have said, 'Son, give me the money,' or my, whoever gave it to me then, it could have been my wife. Look, I had, I had the 10 grand and it was a little bit on the way and I thought it could be a safe place to give it to Angelo. Same times I gave him the envelopes, the two envelopes, that's why." So what you told the Commission's officers in March 2022 was that the money that you gave to Angelo came from your superannuation money. Do you accept that?---Well, if I said that.

And you've given different evidence today, I want to suggest to you, that
30 the money that you gave to Angelo is somehow coming from this betting fund, if I can call it that, you'd accumulated over a number of years. That's the evidence you've given today.---Yeah, that's correct.

Do you accept that the evidence you gave in March this year to the Commission's officers about the source of the money you gave to Mr Tsirekas is different to the evidence you've given me today about the source of the money?---No, that's, I, I told you before, I still had \$15,000 at home. Didn't I say that?

40 THE COMMISSIONER: We're talking about the source of the money.

MR DARAMS: The source of the money that you gave to Mr Tsirekas, the source of the \$7,000.---The \$7,000 I gave Tsirekas was my money, my personal money, my gambling money, and I asked him to hold that money.

See, what I'm - - -?---That's the money I gave Angelo. The rest of the money that, well, my son gave me or whatever, but it's still there.

See, what I'm suggesting to you, but just for your comment, is that the explanation you gave the Commission officers in March this year as to the source of the \$7,000 you gave to Mr Tsirekas was money that you had got from your superannuation fund. That's what you told them in March this year. That's right?---I might have said that then but, you know - - -

So you accept that that - - -?---Whatever I gave Angelo was the \$7,000 of my gambling money that no one would touch at home. That was my stuff. The rest I've probably still got it at home.

Just listen to my question at the moment, though.---Okay.

20 What you told the Commission's officers in March this year was that the source of the money you gave to Angelo came from your superannuation fund, correct?---Well, might have said that. I don't know. I don't recall.

Well, I've just taken you to the transcript of where you answered those questions - - -?---Yeah, well, maybe, maybe I, at the time the time, the way I understood the question.

Just let me – you can't talk over me because it becomes an issue for the transcript unfortunately.---Okay, all right.

30 I want to suggest to you that you did understand the questions you were being asked in March this year and you answered truthfully and you indicated that the source of the funds that you gave to Mr Tsirekas came from your superannuation fund. Do you accept that or not accept it?---Well, I don't recall all that, no.

Okay. But you do recall the evidence you've given today and today your evidence is that the source of the \$7,000 you gave to Mr Tsirekas came from your betting funds.---That's correct.

40

See, what if it was suggested that you've given two inconsistent explanations as to the source of the money you gave to Mr Tsirekas? What would you say about that?---No.

Is it the case that the money you gave to Mr Tsirekas came from someone else, that is other than from you?---In what way?

Well, did Mr Rapisarda, for example, give you the money to give to Mr Tsirekas?---That's like taking blood out of a rock.

10

Did Mr Rapisarda give you the money to give to Mr Tsirekas?---No.

Did someone else give you the money to give to Mr Tsirekas?---No.

What if it was suggested that the moneys that you gave Mr Tsirekas, the \$7,000 and the \$5,000 you never intended that you would receive that money back from Mr Tsirekas?---No.

20 Could I just ask that you be shown volume 3.5, page 166? Mr Panuccio, that's you on the far right of, well, standing up on the far right of that photo?---Yeah.

This is taken at the Nield Park café, correct?---Yes.

Who's the gentleman you're shaking hands with?---Carlo.

Your cousin?---Yep.

30 And Mr Tsirekas is standing up shaking hands with some other individual? ---Yep.

Do you know that individual he's shaking hands with?---I've, I, I don't know him very well but I know who he is.

You don't know him very well?---No.

Who is it?---His name is Jun.

40 Jun?---He was - - -

Can you see in Mr Tsirekas' left hand there's a white item?---Yes.

I want to suggest to you that that's an envelope in Mr Tsirekas' hand, okay? Make that understanding. Did you see anyone at this gathering on this occasion give that envelope to Mr Tsirekas?---No.

Did you give to Mr Tsirekas?---No.

I'll just ask that you be shown page 164. You can see you're sitting down in this photo. Do you see that?---Oh, yeah, yeah.

10

You're sitting directly across from another fellow with a checked shirt? ---Yes.

Do you know that fellow?---Yes.

Who is that?---Frank.

Frank who?---Moio.

20 On Mr Moio's right is someone in a white t-shirt. Do you see that?---Yes.

Do you know Mr Sawyer, Gary Sawyer?---Yes.

Can you see in Mr Sawyer's left hand there's a white item?---Yeah.

Just below the sleeve there, see that?---Yeah, yes.

That's an envelope in Mr Sawyer's hand, I want you to take that from me, okay?---Yeah.

30

Did you see anyone give that to Mr Sawyer at that meeting on this occasion?---No.

Did you give to Mr Sawyer?---No.

Do you know who gave it to Mr Sawyer?---No.

Do I take it you wouldn't know what's in that envelope then?---No.

40 Likewise in the envelope that Mr Tsirekas had, do you know what was in the envelope?---No.

No further questions, Chief Commissioner.

THE COMMISSIONER: Mr Panuccio, I think you said the restaurant just shown in that photograph, the Nield Park café, was a common meeting place for you, Mr Tsirekas and others, is that right?---(NO AUDIBLE REPLY)

You've got to say yes or no otherwise it can't be recorded.---Yes.

10

Yeah. And the most recent occasion in which you had the meeting at the Nield Park café, was it last week I think you said?---Last Friday.

Last Friday. And who was at that meeting?---Carlo Ianni, my cousin. There was Sarkis, Tony and Andrew.

And Mr Tsirekas?---No.

Not there?---Who?

20

Mr Tsirekas.---He was not on my table, no.

But he was in the café but not on your table, is that what you're saying? ---That's correct, yes.

Did you have a discussion with him at some stage?---"Good morning."

Apart from "Good morning"?---No, other discussion.

30 Is that the truth?---Yes.

Well, you paused for quite a long time.---Because I wasn't sure if I said something else. Wasn't sure.

Did he say, did he say something to you in the course of conversation during the meeting last week?---On Friday morning?

40 It was last Friday, wasn't it?---Last Friday morning. Not that I could recall, Commissioner. I think it was more "Good morning, how you going," and that was it.

Well, there could have been more said, but you're saying you can't recall it?---Yeah, I just can't recall, no.

MR DARAMS: Had you met with, prior to last Friday morning, had you met with the members of the group, including Mr Tsirekas, at the Nield Park café earlier than that? So I'll put that another way. Before last Friday, what was the previous time that you met with the group, including Mr Tsirekas, at Nield Park café?---Could have been the day before.

10 So you met with them, you could have met with them on the Thursday as well?---Yeah, but not, not met with him. He was on another table with his partner.

So did you have a conversation with Mr Tsirekas on that occasion?---Yeah, but just "Good morning," and "How you going?" that's all.

So before those two occasions, what was the time before that that you met with Mr Tsirekas and others?---Probably Wednesday.

20 Wednesday.---Yeah.

THE COMMISSIONER: So you'd see Mr Tsirekas, what, every other day more or less? Is that the pattern?---Yeah, he'd come see, yeah, yeah.

Does he live near you?---He, he, he goes to the coffee shop, yes.

Mmm. But do you meet him from time to time in the coffee shop where Harris Farms has their shop?---I used to see him there a while back, yeah, but I haven't seen him there for a little while.

30

In the last few weeks, where have you met with him?---At the coffee shop at Nield Park.

That's the - - -

MR DARAMS: Nield Park café.

THE COMMISSIONER: The Nield Park café.---Yep.

40 Okay.

MR DARAMS: Did you have conversations with Mr Tsirekas on those occasions that you'd see him at the Nield Park café?---Not, not since this Commission, no.

When you say "not since this Commission", what do you mean by that?
---Well, haven't spoken to him about anything.

Anything - - -?---Just "Good morning," and "How you going?"

10 But when you said "since this Commission", what do you mean by that?
---Well, just - - -

Since the Commission started its public hearings?---Yes, public hearings, yeah.

Well, why haven't you spoken to Mr Tsirekas since then?---Just I think that nothing was said for the last seven weeks because of the Commission.

20 Did you speak to Mr Tsirekas before the commencement of the public hearings in this Commission about the Commission hearings?---Actually, I don't recall, but I think we just occasionally had a beer together at - - -

The Drummoyne Rowers?---At Drummoyne Rowers, yeah.

'Cause you catch up with - - -?---But we never used to talk about the Commission.

30 You catch up with Mr Tsirekas quite regularly at the Drummoyne Rowers, don't you?---On a Saturday, yeah.

Do you, you drink and he has a drink or conversation?---Yeah, it was something similar, yeah.

Is it just you and Mr Tsirekas or are there other persons?---No, there'd be about eight of us.

40 THE COMMISSIONER: Does that include the last few Saturdays?---No. The last Saturday I think could have been four weeks ago at Nield Park. No, at the Rowers.

In terms of telephone conversations, when was the last one that you had?
---Telephone conversation - - -

I just want you to think about that.---Maybe eight weeks ago?

I just ask you this. Have you spoken to him more recently than that on the phone?---No.

At all?---No.

10

Has he ever phoned you in recent weeks?---Unless it was a pocket call.

Mmm?---Unless I have a pocket call, like, sometimes it, the phone would ring and without me knowing that I pressed it, but otherwise I had no conversation with Angelo the last eight weeks, nuh.

MR DARAMS: Just, sorry, there's one other thing I just wanted to ask you about. Just going back to Mr Rapisarda - - -?---Yeah.

20 - - - do you know whether he's had any matters before council, that is, Canada Bay Council?---Yes, he has.

Which ones do you know about?---His, his, his, his own development.

Where was that development?---Drummoyne.

Whereabouts at Drummoyne?---[REDACTED].

30 Was that on his private residence or something else?---No, his private residence.

Do you know when that was being undertaken, that - - -?---I know it could have been when he put the DA in.

Yeah. Do you know when that happened?---Well, could have been about seven years ago.

Right. Was the development being undertaken during 2019, do you know?
---Yes. Yes, it was happening, yeah.

What about the development application? Would that have been in council before 2019, then, obviously?---Yes. Yes.

Nothing further.

THE COMMISSIONER: Yes. Yes. Very well. Any cross-examination?

10 MR LEGGAT: Yes, please, Chief Commissioner. I estimate about 15 minutes. Mr Panuccio, what year were you born?---1954.

The home in which you reside at the moment with your wife, daughters and grandchildren, approximately how many years have you owned that?
---Twenty, 22 years.

And without being modest, it's a large house with plenty of rooms. Is that right?---Yes.

20 And your daughters have their rooms and your grandchildren have rooms in that house, as well. Have I understood that correctly?---Yes.

Right. You paid off the mortgage to that house a little while ago. Is that right?---I don't understand your question.

There's no mortgage owing on the house, is there, no money owing on the house?---I don't own the house.

Right. The owner of the house is your wife, is it?---That's correct.

30 Right. Thank you. Yeah. And as far as you're aware, your wife doesn't owe anybody any money in relation to the house. Is that correct?---I don't know that.

All right. You said your grandkids all work and they give you money. That's money to you and your wife by way of board or sort of rent equivalent, is it? Is that what you're meaning to describe?---No. No. No.

Right.---They give, they probably give that to my wife, that kind of money but me, I'm separate.

All right. Thank you. Now, Chief Commissioner, I wonder if I might have displayed the Colin Biggers & Paisley letter of August 2019 to the Commission, please? I don't have a better description than that. Excellent, thank you. Mr Panuccio, this is a letter which is dated 2 September, 2019. I would like you to assume that the lawyers who were acting for Mr Tsirekas at that date wrote this letter to the Commission. If I could go to the next page, please. You'll see the context Mr Panuccio is that the lawyers for Mr Tsirekas are asking for money to be returned to Mr Tsirekas. Paragraph 11(a) says this, "We are instructed as follows. Item 5, Australian dollars 1,700 is a donation from Albert Concha."

THE COMMISSIONER: Mr Leggat, I'm sorry, this is an usual course of cross-examination. This is using Mr Tsirekas' lawyers letter with this witness, who is – I don't follow. How can you deploy somebody else's letter, namely a lawyer's letter, who acts for a client, Mr Tsirekas, in relation to this witness?

MR LEGGAT: Because it appears that the matters referred to in paragraphs 1(a), (b) and (d) are matters about which Mr Panuccio has given evidence. Mainly those were the sums of money that he handed over.

THE COMMISSIONER: Well, his evidence stands for itself. The letter, if it's got any evidentiary value, it also is in evidence. So how does this witness add to that evidence?

MR LEGGAT: In relation to 11(a) and (b), we don't have the link yet through the names or the precise amounts. So it's seeking to clarify whether, when Mr Panuccio said this morning there were two amounts of about \$2,000 whether he actually is referring to these amounts.

THE COMMISSIONER: No, I don't think you can do it that way.

MR LEGGAT: All right, very well. Let me move onto this one, 11(d), just ---

THE COMMISSIONER: The same applies here, Mr Leggat, with 11(d). He's given his evidence about the matter. Mr Tsirekas has given evidence about the matter. So how does it aid me in evidentiary terms to have the letter put in front of this witness when it's the letter of the solicitor acting for your clients? I mean, how can it advance anything beyond what the two

relevant parties can give evidence about, namely the parties to this claimed transaction of \$7,000? They've both given evidence now. So how does the letter come into it from an evidentiary point of view?

MR LEGGAT: The letter provides a level of detail which we don't yet have from the oral evidence of Mr Panuccio.

10 THE COMMISSIONER: Mr Leggat, I just – I'm sorry. I might be a bit dense. The only people who can give evidence about this are the parties to the transaction. It doesn't get any better than that by having the solicitor for one of the parties on the subject that their client has already given evidence about. I mean, the letter can't add anything more to the evidence of the parties. That's all I'm interested in, is the evidence of the parties, not the evidence of a solicitors who's putting forward his or her instructions. But this witness can't add anything to what his knowledge about the transaction is to what he's given on oath. That's why I raise it at the outset, it's an unusual course that you're embarking on.

20 MR LEGGAT: There's a level of particularity which Mr Panuccio may be able to accept or not accept.

THE COMMISSIONER: No. The level of particularity comes from your client. If you want to put something based on what your client's given evidence about that's different.

MR LEGGAT: All right. Well, let me do it this way then.

THE COMMISSIONER: Well, that's all I'm saying. I mean - - -

30 MR LEGGAT: I understand.

THE COMMISSIONER: You can't get anywhere with the solicitor's letter making an assertion based on instructions. It's not the instructions, it's what the facts are as per the parties to the transaction and I've already got that now, subject to completing the evidence, of course, of this witness.

40 MR LEGGAT: Very well. Let me move on. Mr Panuccio, the \$7,000 that you, \$7,040 that you provided to Mr Tsirekas for safekeeping, has that money been repaid to you by Mr Tsirekas?---No.

All right. The \$5,000 that you paid on Mr Tsirekas' behalf to your daughter at Flight Centre for the upgrade, has that \$5,000 been repaid to you by Mr Tsirekas?---Yes.

THE COMMISSIONER: How did he repay you? How did he repay you?
---I think once he gave me 2,500 and then he gave me another 1,000, and then I think 1,500. In three instalments.

10 Sorry? How many instalments? Two instalments, was it, or more?---Three, three.

Three instalments. So what were the instalments again?---Two five, one, and one five. So it, the one and one five could be, yeah, I don't know which one was first, the one five or the one. But I know it was three instalments. It was two five, one, and one five.

And one five?---Yep.

20 And how was the first instalment paid by Mr Tsirekas, the 2,500?---I don't know.

Hmm?---Apparently he got some - - -

Did he give you a - no, when I said "how" I mean did he give you a cheque for that amount or did he do an electronic transfer to your account or - - -?
---He put it in my Commonwealth Bank account.

Pardon?---In my Commonwealth Bank account.

30 How did it get into your bank account? Was it electronic transfer or what was it? How did it get there?---It must, it must have been electrical transfer.

Hmm?---Electrical.

Yeah, and did you make that transfer or did he make it straight into your account?---He made it straight into my account.

He did?---He, Angelo did.

40 You're sure about this, are you?---A hundred per cent.

Right. And when was that?---I have to, I have to look it up. It, it was paid, the first two five I think it was paid about two months later when he, when I gave him the five.

Two months later than, two months later than - - -?---Yeah, yeah, about two months later.

Than when?---And it was all paid between the eight months from then on.

10 So – anyway. Two months - - -?---The two five.

- - - after the 5,000 was paid - - -?---That’s right, yeah.

- - - is this what you’re saying?---Yeah, yeah.

He repaid - - -?---That was, that was sometime in August.

He, no, hang on. We’re talking - - -?---Sorry.

20 - - - both at the same time. It’s not very satisfactory. Just go back over it again. You said 2,500 was transferred by electronic transfer into your bank account.---That’s correct.

That was at the CBA or the - - -?---At Commonwealth Bank.

The Commonwealth Bank. And you said “two months later”. Two months after what?---No, two months after I, I paid his, his \$5,000.

Mmm. Now, the second instalment - - -?---That was the, yeah.

30

- - - that’s either 1,000 or 1,500, how - - -?---I don’t recall them two. They were done, they were done no more than six months all up.

How was that repaid, the 1,000 or 1,500?---The same way as the first two, the first one.

By electronic transfer?---That’s correct.

Into your Commonwealth Bank account?---That’s correct.

40

From Mr Tsirekas’ account?---That’s correct.

And the third instalment, 1,500.---Yep.

When was that repaid?---That was done, oh, that would have been maybe about six months later.

Six months. You say about six months. Do you really know?---No, I, I don't. I have to look, I have to ask the bank.

10 Okay. And was that transferred into your account at the CBA?---Yes, it was.

Electronic transfer?---That's correct.

From Mr Tsirekas' accounts, is that right?---Yes, yes.

Okay. Thank you.

MR LEGGAT: Thank you, Chief Commissioner. The \$7,040 that was
20 being held on your behalf by Mr Tsirekas, you've asked for that to be repaid to you, haven't you?---That's correct.

And in legal terms, you made a demand that the money be repaid, is that right?---Yes, I did.

THE COMMISSIONER: Have you demanded it of him or requested it of him?---Requested it of him.

And when did you make that request?---Around about September sometime.
30

September of what year?---The same year.

So, talking about - - -?---2019.

2019.---Yeah.

And was that a verbal request by you to him to repay in September 2019?
---Yes, it was.

40 All right. And was that at a meeting or over the phone or how did you make the request?---I, I, I spoke to him at the coffee shop.

All right. And what did he say?---He's speaking to his lawyers and his lawyers are, will deal with it. He, he spoke to his lawyers.

And have you made any other request of him other than that request in September of 2019 to repay the - - -?---No, I haven't.

Or to pay the \$7,000-odd?---No, I haven't.

10 You have not?---No.

And do I take it that he hasn't repaid to you the \$7,000?---No, Commissioner.

The \$7,040, to whatever it may be.---No, Commissioner.

He has not?---No.

Sorry, I can't hear you.---No.

20

Thank you.

MR LEGGAT: Mr Panuccio, as you understand it, the \$7,040 is held by the Commission, is that as you understand the position?---That is correct.

THE COMMISSIONER: I think we all know that.

MR LEGGAT: Mr Panuccio, you spoke about occasions when you would visit the Nield Park café in recent times. For example, you spoke about last Friday, last Thursday, last Wednesday. Is it the case that you would regularly go to the Nield Park café over the period of, say, the last 12 months?---Yeah.

30

Yes?---Ah hmm.

40

My understanding, and correct me if I'm wrong, is that on no occasion did you or Mr Tsirekas ever arrange to meet at the Nield Park café in the last 12 months, but rather any occasions when you were there happening to be coincidental occasions. Have I understood that correctly?---Look, say that again?

Is it the case that on the occasions when you attended the Nield Park café and Mr Tsirekas also happened to be there that those could be described as chance events rather than pre-arranged events?---Yes.

In relation to the times that you go to the Drummoyne Rowers Club, do you tend to go there regularly every week or not?---No.

How frequently would you attend the Drummoyne Rowers Club?
---Sometimes go three times in a row and sometimes don't go there for
10 about a month or two.

When you do go to the Drummoyne Rowers Club, is that for the purpose of drinking and gambling?---Yeah.

Amongst other matters?---Yeah.

All right. Chief Commissioner, those are the questions.

THE COMMISSIONER: Yes.

20

MR LEGGAT: Thank you. Thank you, Mr Panuccio.

THE COMMISSIONER: Thank you, Mr Leggat. Is there anything else?

MR DARAMS: Nothing further for Mr Panuccio.

THE COMMISSIONER: Thank you, Mr Panuccio. You may step down.
You're excused.---Thank you, Mr Commissioner.

30

THE WITNESS EXCUSED

[12.24pm]

MR DARAMS: The next witness is the completion of Mr Chun Zhou. Mr Zhou's available. Again, he's unrepresented and I call him to give evidence.

THE COMMISSIONER: Mr Zhou, you take an oath or an affirmation?

40 MR ZHOU: An affirmation, please.

THE COMMISSIONER: Affirmation?

MR ZHOU: Yeah.

THE COMMISSIONER: My associate will administer the affirmation.

THE COMMISSIONER: Thank you, Mr Zhou.---Thank you.

Just take a seat there. Mr Zhou, I think it's previously been explained that a witness is entitled to object to answering questions. The effect of taking the objection is that the evidence can't be used against you in any future legal proceedings.---Yes.

10

The only exception to that is if a witness commits an offence under the Independent Commission Against Corruption Act, then the evidence could be used in a prosecution of the witness for such an offence which would include the offence of perjury, that is giving wilfully false evidence.---Yes.

Then the transcript could be used, transcript of these proceedings could be used in such a case. You understand what I'm saying?---Yes, I do.

20 Right. A witness is entitled to object so that that result flows, that the evidence can't be used otherwise in other proceedings except for an offence under the Act. You understand what I'm saying?---Yes, I do.

Do I understand you wish to object to give evidence in order to attract those provisions which gives you that protection?---Yes, I do.

30 Yes. All right. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Zhou, any documents that he may be required to produce are to be regarded as having been given or produced on objection and, accordingly, there is no need for the witness to object to any individual answer or document produced.

DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MR ZHOU, ANY DOCUMENTS THAT HE MAY BE REQUIRED TO PRODUCE ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND, ACCORDINGLY, THERE IS NO NEED FOR THE WITNESS TO OBJECT TO ANY
40 **INDIVIDUAL ANSWER OR DOCUMENT PRODUCED.**

MR DARAMS: Mr Zhou, Mr Tsirekas gave you a reference so you could use for the purpose of having your son attend a school. Correct?---My son? Yes. Yes, I, yes, he, he did, yeah.

He did?---Yeah.

10 Can you tell us how that reference came about and what I mean by that is, do you remember how the conversation between you and Mr Tsirekas occurred where you asked him to provide the reference?---I, I couldn't remember. It was just - - -

THE COMMISSIONER: You'll have to keep your voice up otherwise it's not recorded.---Sorry. I, I couldn't remember. It was just for the school reference, I think. It's just, it's just like - - -

Well, did somebody ask you to ask Mr Tsirekas for the reference?---It's just like similar to you get a JP or - - -

20 No. Please, just answer the questions. Did somebody ask you to ask for a reference?---It was, it was a long time ago. I couldn't remember.

Was it your idea?---Maybe my wife's idea, I don't know.

Well, was it your wife's idea?---I couldn't remember. It was a long time ago. But I do remember I did ask Angelo to be the reference for my son.

MR DARAMS: Well, why did you ask Mr Tsirekas?---I couldn't remember. That was a long - - -

30

Well, there must be a reason why you asked Mr Tsirekas to give a reference for you. You were going to use it to try and get your son into a particular school. That's right?---I couldn't remember.

No. You must have some understanding as to why you were seeking a reference. It was to have your son be admitted to a particular school. Correct?---Well, what school is that, that was - - -

40 THE COMMISSIONER: Mr Zhou, you took an affirmation to tell the truth, didn't you, a moment ago?---Well - - -

Did you hear what I said?---Yeah, I heard what you said, but - - -

And do you recall taking an oath, taking an affirmation to tell the truth?
---Well, I couldn't remember, like - - -

No, please.---Yeah.

Listen to what I'm saying.---Mmm.

10 You do remember taking an affirmation to tell the truth a few minutes ago, did you not?---I did ask - - -

No, listen. When you were in that witness box about five minutes ago, my associate came and administered an affirmation at your request. You wanted an affirmation, not an oath.---Ah hmm.

Remember that?---Yeah, I remember that.

20 You remember the purpose of that, giving an affirmation, is given to this Commission that you will affirm, that is you will tell the truth. You understood that, didn't you?---Yes.

Right. And if you don't tell the truth, you'd know that you can be prosecuted for perjury. You know that too, don't you?---Yes, I do.

Because I explained that to you. You understand?---Yep.

30 This question that's now being asked of you is to how you came to request a reference. Do you understand that?---Yes, I do.

You listen to the question. You answer it truthfully.---Yep.

Or you could be in big trouble.---I understand.

For giving wilfully false evidence. Do you understand that?---Yeah, I understand that.

40 Giving false evidence can attract a penalty, if proved, of a term of imprisonment for up to five years.---Ah hmm.

I want you to understand that.---Yeah, I understand that.

To give an untruthful answer is serious and it's a serious offence under the criminal law. Do you understand that?---Yeah, I understand that.

You listen to the question. You answer the question directly. Not make statements, just answers. Do you understand your duty?---Yes.

MR DARAMS: Now, perhaps I come at it this way, Mr Zhou. Could the witness be shown Exhibit 56, page 1. I'll show you the next page. Just read
10 this, Mr Zhou.---Yep.

Just noting the date, 6 June, 2018. Had you introduced your son to Mr Tsirekas as at this date?---I believe they never met before.

All right. So you would remember introducing Mr Tsirekas to your son, though, wouldn't you?---I don't think Angelo met my son before.

I know. What I'm suggesting to you is if you had introduced Mr Tsirekas or Angelo to your son, you would remember that occasion, wouldn't you?
20 ---Yeah, I would.

Yeah. So just focusing on the content of this reference. Is this information you gave to Mr Tsirekas to include in this reference, or is this information that Mr Tsirekas typed up, do you know, or included in it?---I think I give Angelo the information.

So you told Mr Tsirekas what to include in the reference, did you?---Yes, I did.

30 Did you have a conversation with him where you told him that, like on the phone? Did you ring him up and say, "This is what the reference needs to say"?---I definitely told him, like, I don't remember how I told him, over the phone or face-to-face, I couldn't remember.

So you could have, you could have met Mr Tsirekas face-to-face in a café or a restaurant and said, "This is what I need in the reference," correct? That's one possibility?---Yeah, probably.

40 Another possibility is that you get on the phone, you ring him up and say, "This is what I need in the reference"?---I couldn't remember. I think it's probably face-to-face.

Face-to-face. Is another possibility, and tell me whether you did do this, could you have drafted something, sent it to Mr Tsirekas and then he's just put that on the letterhead? Is that another possibility?---Yeah, that, that's a possibility.

Did you do that, though?---I, I don't think I did that.

10 So it's most likely that you sat down face-to-face with Mr Tsirekas and told him what you wanted included in the reference, correct?---I believe probably, probably my wife did that.

Well - - -?---And then she just email to me or - - -

THE COMMISSIONER: We're asking about your involvement, sir.
---Yeah, yeah.

Just bear in mind what I said about giving truthful, accurate evidence.

20 MR DARAMS: Had your wife met Mr Tsirekas, had she?---Never.

Well, then why would your wife be the person sitting down with Mr Tsirekas and giving him this information? It wouldn't be your wife, would it?---No. I just, I just told my wife what needs to be done so she emailed me, I just forward the email to Angelo.

THE COMMISSIONER: Mr Zhou, is the truth that it's more likely you provide the information direct to Mr Tsirekas so that he could then give this reference?---Yeah, I provided all this information.

30 All right.

MR DARAMS: Yes. Why did you provide the information to Mr Tsirekas?---So he knows what, what needs to be done.

But why did you ask Mr Tsirekas to give you a reference on behalf of your son?---I couldn't remember. Because I believe, maybe he, he knows the school well or - - -

40 Well, how do you know that?---I couldn't remember.

Is it the case that you asked Mr Tsirekas to give a reference because it would, in your mind, look good if the mayor of the council wrote a reference for your son?---Probably.

Yeah. Well, what you were getting the reference for was to try and assist you and your family in your application for your son being admitted to the school, is that right?---Yeah, that's right.

10 So, to have someone of Mr Tsirekas' position, a mayor, would look good giving a reference on behalf of your son, correct?---Yeah, that's correct.

And giving a reference on behalf of your family, correct?---Yeah, correct.

Is it the case that you asked Mr Tsirekas to do this, that is give you the reference for the benefit of your family and the benefit of your son, because you were doing things for him in China when he was there, is that right?
---I didn't do much, no, what do you mean by in China?

20 Well, when Mr Tsirekas would go to China, you would arrange for him to get entry into the Linx nightclub, correct?---Yes, that's - - -

You would attend the Linx nightclub with him and other people as well, that is other people who were travelling with Mr Tsirekas?---Yes, I did.

So you thought, well, I've done you some favours in China so could you do this favour for me, is that the reason why you asked Mr Tsirekas?---No.

30 Well, why did you ask Mr Tsirekas then?---I don't remember. It's just, as a friend, I just asked him to do a favour for me, yeah.

THE COMMISSIONER: So by this time you had met Mr Tsirekas on a number of occasions, by the time this reference was given, is that right?
---Yeah. I met him a few times before that.

And when you say this is like a friend making a request, I think you said that, did you not?---Yeah. As a friend. I - - -

40 And did you regard that by the time of this letter that bears the date of 6 June, 2018, you regarded that you has established some sort of a rapport or relationship with Mr Tsirekas which you regarded as a friendship? Is that the position?---Yes.

All right. And when you asked him for the reference, did he immediately indicate, yes, he would do it for you?---I think he did.

MR DARAMS: So just following on from the Chief Commissioner's questions, he didn't, that is Mr Tsirekas didn't say, "No, I don't feel I can do that. No, I don't think I can do it. I don't know your son." He didn't say anything like that, did he?---I don't think he said anything like that.

10 Is it your recollection that Mr Tsirekas agreed to provide the reference pretty much straight away or immediately without questioning or asking you anything more about it, is that right?---Yeah, that's right.

Yeah. Do you remember, is it the case you might have asked him about providing a reference for you and your family on one of his trips to China in 2018? Do you recollect having a conversation with him to that effect then? ---I couldn't remember.

20 Is it possible that you might have had a conversation about giving a reference?---I think this all happening in Australia, not in China.

Yes, but what I'm asking you about is meeting Mr Tsirekas in China in March 2018, you met him there, correct?---Probably.

Well, when you say "probably", you know you went out with him to the Linx nightclub, remember that?---I, I don't remember the exact dates but probably, I, I went to Linx club twice with him.

30 Which was the first occasion?---That was, I remember that was the, the night before they leaving China was - - -

THE COMMISSIONER: Sorry, the night before the - - -?---The night before they going back to Australia.

Before going back to Australia?---Yep.

40 What trip are we talking about?---Once was Harry Huang's wedding. The other time was I do believe they have a, they got a meeting with I think some mayors in China for like a, a sister city with Rhodes or something like that.

MR DARAMS: Would that have been in November 2015, before Harry Huang's wedding?---Yeah, definitely before Harry Huang's wedding.

So the first time is Harry Huang's wedding. So November 2015 where the mayors' meeting in China. That's the first occasion?---Yep.

Then the second occasion is in Harry Huang's wedding in January 2016? ---Harry's, yeah, yeah, yeah.

- 10 Could I ask that the witness be shown Exhibit 58, page 3. Mr Zhou, this is an exchange, text exchange between yourself and Mr Tsirekas over WeChat. So your messages are in the blue balloons, so Mr Tsirekas' are in the green balloons. See that?---Yep.

So you're, so this is a message on 16 March, 2018. You say, "Hi." If we can go to the next page. Mr Tsirekas at the top responds, "Chun, how are you feeling? Good night last night." Your response, I think you included an emoji in there. Do you see that?---Yep.

- 20 Do you remember this occasion in March 2018 where you might have gone out with Mr Tsirekas?---Yes, I do.

Right. What occasion was this? Where did you go?---I think maybe Linx club.

So this is another occasion where you've gone to the Linx nightclub with Mr Tsirekas, correct? 'Cause this is March 2018. It's not November 2015. It's not January 2016. It's March 2018. See that?---Ah hmm. Yes.

- 30 So you accept now that there are more than two occasions where you went with Mr Tsirekas to the Linx nightclub or went with Mr Tsirekas at Linx nightclub, correct?---I couldn't remember just two or three times maximum. Maximum three times (not transcribable)

So now it's maximum three times, is that right?---I, it's like long time ago so I couldn't remember exactly how many times I went.

Well, is it the case that you went to - - -

THE COMMISSIONER: I can't – just a moment. I can't hear you. You have to keep your voice up.---I couldn't remember exactly how many times I went, but two or three times maximum.

MR DARAMS: Well, is it the case you don't remember the occasions because you went on a number of times to the Linx nightclub when Mr Tsirekas was in Shanghai, correct?---I think we did went to the - - -

THE COMMISSIONER: Sorry?---I think we did went to the Linx club.

10

MR DARAMS: Yeah, what I'm suggesting to you is that you can't remember the number of times that you went to the Linx nightclub with Mr Tsirekas or were there with Mr Tsirekas because it happened on numerous times. There's too many to remember now. What do you say about that? ---Well, as I said, it's two times or three times in the – you can't just remember like how many times. But you can tell, like, how, they did the trip to China probably three times. So the, the maximum they can go is only like three times.

20 Well, is it your understanding that each time that Mr Tsirekas was in China, if you were there you caught up with him and went to the Linx nightclub? Is that your understanding?---Yes.

Yeah. So if we could work out – all right. Just if I – so your evidence now is in this time in March 2018 you remember going to the Linx nightclub with Mr Tsirekas, okay?---Yes.

So what I want to suggest to you, is it possible you had a conversation with him on this occasion where you talked about him giving you a reference?

30 ---No, I think the reference was I did in Australia, not in China.

But what about having a conversation about the reference. Do you say that - -?---No.

No conversation in China. You had that in Australia?---No conversation. Yeah.

40 Could I ask you to be shown page 5. Just scroll to the top of the page, sorry. So this is a message you send on 1 June, 2018. Just read these exchanges to yourself, Mr Zhou.---Yeah. Yes.

Just scroll down.---Yes.

Does that assist you now with your recollection on how this reference came about? Is it likely that you rang Mr Tsirekas and had this conversation with him?---Yeah, looks like I, I did call him regarding the reference.

What I'm asking you is does it assist with your recollection now having seen this text exchange? You said before you might have sat down with him in a face-to-face meeting but this suggests some kind of telephone
10 conversation.---Yes - - -

And what I'm asking you is does that now help your recollection?---Yes, it does help.

It does?---Yeah.

So it was a conversation between you and Mr Tsirekas where you told Mr Tsirekas what to include in the reference. Is that right?---Yes, that's right.

20 That information you told Mr Tsirekas might have come from your wife but it was you who gave it on to Mr Tsirekas. Correct?---Yes, that's correct.

And if we go over to the next page, it looks like, doesn't it, that Mr Tsirekas provides you a copy of the reference in that text message on 7 June, 2018. Does that accord now with your recollection as to how you got this from Mr Tsirekas?---Yes.

Yeah. So then you get the signed reference from Mr Tsirekas and, what, you give it to the school, do you?---Yes, I did.
30

Yeah. Then if we scroll down the page, Mr Tsirekas says this here, "Any time, brother. You're a good person." Just focusing on this time, this is 8 June, 2018, did you understand that, at least from your perspective, you were friends with Mr Tsirekas at this stage?---Yeah.

Yeah. Because that's the reason you asked him for the reference. Correct? ---That's right.

40 You'd been doing things for him in China, that's right? Helping him get into the Linx nightclub?---Yeah, I did help him to get in to the Linx club.

So that's one of the reasons why you thought, well, I've helped Mr Tsirekas out, he can help me out on this occasion. Correct?---No, I don't have to be, it's just like friend, not asking him to do, do me a favour.

Sure.---Yeah.

10 But I'm just asking why would you ask him to do a favour? Is it just because you'd become good enough friends at this stage that you felt you could ask him to do you a favour or did you think, well, I've helped him out when he comes to China, you know, I've done him some favours, he should do me a favour. What is it?---It's not helping. It's just like we'd been going out, drinks together and then we'd been just clubbing together, so - - -

You'd been out clubbing together with Mr Tsirekas on his trips to China? ---Yeah, but don't mean, like, I have to ask him for a favour to, to pay me back or something like that.

20 You didn't feel like he had to give you this reference because you had helped him out? You asked him because you had become friends, in your mind, at this stage, and you thought that he would help you out because you had become friends. Is that right?---Yeah, that's right.

Right. Those occasions that you, had you caught up with Tsirekas in Australia? Had you gone drinking or partying with him in Australia or having dinner with him in Australia?---I had a dinner once.

Once?---Yeah.

30 Before this time in 2018?---I couldn't remember. I think it was after.

After this in 2018?---Yeah.

Just if we go to the last page. Then this exchange continues. Mr Tsirekas says, "Linx". You say, "Any time." He says, "Excellent." Again, that's a reference to, you understood it, that if Mr Tsirekas wanted to go to Linx anytime, then you would arrange it for him. Is that right?---Yeah, that's right.

40 Yeah. Do you know whether – I'll withdraw that. Nothing further for this witness. There is some cross-examination, though.

THE COMMISSIONER: Mr Leggat.

MR LEGGAT: Yes. Thank you, Chief Commissioner. Chief Commissioner, could volume 1.1, page 205, be displayed, please?

THE COMMISSIONER: Sorry? 1.1?

MR LEGGAT: Page 205, 1.1, page 205. Could we go to the next page,
10 please? Look, that can be taken off the screen. Thank you. Mr Zhou, in
relation to the relationship with Mr Tsirekas, it's the case, isn't it, that he
had never been to your home, is that correct?---Yeah, he never been to my
home.

And is it the case that you have never been to his home?---Never.

Is it the case that you have never met his daughters?---Never.

Thank you. Commissioner, if we might have displayed, please, transcript
20 page 1569?

THE COMMISSIONER: Sorry, 1-5 - - -

MR LEGGAT: 1569 of the transcript, thank you.

THE COMMISSIONER: Okay.

MR LEGGAT: Thank you. Mr Zhou, you'll see at about line 24, it's about
30 halfway between the numbers 20 and 30 on the left-hand side, you're
describing an event at Linx and you say, "At that time I do remember they
paid their own costs because at that time there were too many people. So
there was 10 of them." The reference to them paying their own costs, that
was a reference to Mr Tsirekas and to Mr Chidiac amongst others, is that
correct?---Yeah, that's correct.

When you say "So there was 10 of them", can you remember who some of
the other eight people might be? We've identified Chidiac and Tsirekas,
you've referred to 10. Can you assist us as to who those other eight might
be?---I think they are Joseph and Angelo's friends.
40

All right. So you say there, “So basically there wasn’t enough room so they were hanging around the bar area getting the beer themselves for that, as I can remember.” You’re describing, are you, that the booths or the dancefloor area were too crowded so Mr Tsirekas and Mr Chidiac were at the bar area, is that what you’re describing or have I misunderstood that?
---Yes, yes. I did.

10 All right. And what you’re describing there, is that what happened on each of the occasions that you went to Linx with Mr Tsirekas or not?---On, I do believe, most of the time they, they just hang around bar area and Joseph is always have the shisha, which is near the table.

I’m sorry, I didn’t understand that.---Shisha, you know the - - -

Oh, I see. It’s a smoking device, is it?---Yeah, yeah, yeah.

20 Right. In terms of Mr Tsirekas and Mr Chidiac paying for the beer themselves, is that something that would occur on the occasions when Mr Tsirekas and Mr Chidiac would go to Linx with you?---Most of the time they just paid. Sometimes they have a few shots on the table. But most of the time they just go to the bar area. Because there were so many people there after, after the wedding party.

And when they were at the bar area, were they or were they not paying for their own drinks?---The bar you have to pay yourself.

All right. Thank you. Thank you, Chief Commissioner. Thank you, Mr Zhou.

30 THE COMMISSIONER: Thank you. Nothing else?

MR DARAMS: Nothing further.

THE COMMISSIONER: Mr Zhou, thank you for your attendance. You may step down. You’re excused.

THE WITNESS EXCUSED

[12.56pm]

MR DARAMS: Just some final tenders I need to attend to. Could I do that now just before we - - -

THE COMMISSIONER: Yes.

MR DARAMS: Could I tender volume 5B, Mr Chidiac's Finances. That will be Exhibit 95.

10 THE COMMISSIONER: Yes, volume 5B. What's the title of the volume?

MR DARAMS: Mr Chidiac's Finances.

THE COMMISSIONER: Finances. That's Exhibit 95.

#EXH-095 – PUBLIC INQUIRY VOLUME 5B – JOSEPH CHIDIAC'S FINANCES

20

MR DARAMS: Then from volume 6.1, page 70, and from volume 6.2, pages 61 and 340.

THE COMMISSIONER: Sorry, 51?

MR DARAMS: 61.

THE COMMISSIONER: 61.

30 MR DARAMS: And 340.

THE COMMISSIONER: 340.

MR DARAMS: From volume 6.2.

THE COMMISSIONER: 61 to, t-o, is it? Or - - -

MR DARAMS: Yep.

40 THE COMMISSIONER: Yes.

MR DARAMS: So - - -

THE COMMISSIONER: Okay, got that. So that will become respectively Exhibits 96 and 97.

#EXH-096 – PUBLIC INQUIRY VOLUME 6.1 PAGE 60

#EXH-097 – PUBLIC INQUIRY VOLUME 6.2 PAGES 61 AND 340

10

MR DARAMS: Then from volume 6.5, pages 121 to 123. So 121, 122, 123.

THE COMMISSIONER: Yes, volume 6.5, 121 to 123, becomes Exhibit 98.

#EXH-098 – PUBLIC INQUIRY VOLUME 6.5 PAGE 121 TO 123

20

MR DARAMS: Then I wish to tender the transcript of Mr Chidiac's compulsory examination on 25 March, 2022 and 5 April, 2022.

THE COMMISSIONER: And what?

MR DARAMS: 5 April, 2022.

THE COMMISSIONER: Yes, the transcripts of compulsory conferences of Mr Chidiac, 25 March and 5 April, 2022, will be together marked as one exhibit, become Exhibit 99A and 99B for the second. That's 5 April, 2022.

30

#EXH-099 – COMPULSORY EXAMINATION TRANSCRIPTS OF JOSEPH CHIDIAC DATED 25 MARCH 2022 AND 5 APRIL 2022

THE COMMISSIONER: Yes?

MR DARAMS: Then volume 6.11.

40

THE COMMISSIONER: Exhibit 100.

#EXH-100 – PUBLIC INQUIRY VOLUME 6.11

MR DARAMS: Lastly, the interview with of Mr John Panuccio. I'll just get the date. I think it's 22 March, 2022.

10 THE COMMISSIONER: Yes. That transcript of Mr Panuccio will become Exhibit 101.

#EXH-101 – TRANSCRIPT OF INTERVIEW WITH JOHN PANUCCIO DATED 22 MARCH 2020

MR DARAMS: They are the tenders, Chief Commissioner.

20 THE COMMISSIONER: Yes, very well. So that completes the evidence in the public inquiry?

MR DARAMS: It does, Chief Commissioner.

THE COMMISSIONER: Yes, thank you. Mr Leggat, anything you want to raise?

MR LEGGAT: No, thank you, Chief Commissioner.

30 THE COMMISSIONER: Thank you. Very well. I'll adjourn.

AT 12.59 PM THE MATTER WAS ADJOURNED ACCORDINGLY
[12.59pm]