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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 6 JUNE, 2022

AT 9.30AM

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

THE COMMISSIONER: Ready to proceed?

MR DARAMS: Ready to proceed, Chief Commissioner.

THE COMMISSIONER: Yes. I'll administer the oath again, I think.

THE COMMISSIONER: The declaration under section 38 I previously made will continue to operate today. Yes, Mr Darams.

MR DARAMS: Mr Tsirekas, I want to continue asking you some questions about your travel during the period 2015 to 2019 this morning. The next trip I want to ask you about is the trip to Shanghai in November 2017. Do  
10 you remember that trip?---2017, yes. That was a trip to Shanghai, yes.

But do you remember that trip?---I remember the trip, yes.

Mr Sawyer went on this trip with you?---Oh, I'm not 100 per cent sure. He, he was on one of the trips.

Was he only on one of the trips to Shanghai? Put aside the Dongtai visit.  
---Oh, there was the Dongtai trip, yeah.

20 Yeah. Put aside the Dongtai visit in 2015.---To, to my best of my recollection, yes.

Do you recall Mr Colacicco being present with you on this trip?---I think he was on that one.

Mr McSpadden?---I think he was on that one.

Do you remember on this trip that Mr Zhou picked you up from the airport in Shanghai?---Oh, no. I can't recall that.  
30

Mr Zhou did pick you up from the airport in Shanghai on occasions, didn't he?---Look, I really don't know who, who picked us up. I didn't have names and I wouldn't recall that name.

THE COMMISSIONER: No, sorry, that wasn't the question though. Just put it again.

MR DARAMS: You recall that Mr Zhou did pick you up from the airport in Shanghai on occasions?---No, I don't.  
40

Is your answer to that based on the fact that you don't know who Mr Zhou is, or you wouldn't be able to identify Mr Zhou, is that right?---Both of those.

You don't know who Mr Zhou is?---I don't know, no.

Mr Chun Zhou, do you know who he is?---Chun, I know Chun.

Yeah. Chun Zhou, that's his last name.---Yeah.

10

Mr Chun Zhou.---Yes. Look, I can't remember if it was Chun at the airport.

Chun did pick you up from time to time from the airport?---Oh, look, I can't recall. I honestly can't recall.

On this trip in November 2017, who paid for your flight?---I'm sure I paid for that flight.

20 When you say you're sure you paid for it, why do you say that?---Oh, well, I to my best of my recollection, I paid for that flight.

How did you pay for it?---Oh, it would have been through my bank account and I probably used frequent flyers.

THE COMMISSIONER: No, that's not -- wait a minute. Just a minute. When a witness is asked a question of fact, they don't say "I would have." It's a question of whether you did remember or did not. If you don't remember, just say so.---Yeah.

30 It's not "would". "I would have" is not good enough. It doesn't respond to the question which seeks answers on questions of fact. Do you understand my point?---Yeah, yes, yes.

Put it again.

MR DARAMS: So the question was how did you pay for your flight for this trip, if you paid for it?---Well, I don't remember.

40 You don't remember paying for it?---I, I don't remember whether it was frequent flyer points or through my bank account.

THE COMMISSIONER: No but come back to the question. Do you have a recollection as to whether you paid for this specific airfare to Shanghai and back to Australia in November 2017? Do you remember or not?---Look, I can't remember.

All right.

MR DARAMS: You said, in answer, you referred to payments from your bank account. Do you mean from one or more of your savings account, that  
10 is a direct transfer to some other account?---Look, I can't remember.

But I'm just trying to understand your explanation. You've referred to probably from your bank account. I'm wanting to understand whether that you mean is from one of your savings accounts, if I can use that description, or from a credit card account?---It could have been either one.

So there would be some record, one would expect, in any of your accounts if in fact that was the method by which you paid for it.?---That's right, that's  
20 right.

What if there was no record in any of your bank accounts, including your credit cards, of you paying for this flight?---Well, that's what if I – look, I said I can't remember.

You referred to using your frequent flyer points.---Mmm.

Do you understand the case, though, that even if you use frequent flyer points, there are always charges still associated with that?---Upfront there is,  
30 yeah.

There would be some sort of booking fee or something like that.---That's right.

Would those charges, if you had paid for them, would there be a record in either one of your bank accounts or your credit card account?---Yes.

Did any of the persons who accompanied you on that trip in November 2017, did they pay for your flights in November 2017?---No.

40 You deny Mr McSpadden paid for your flights?---Yes.

Mr McSpadden you understand to be associated with a company that built the building where the Ashfield unit was located, that's right?---Yes.

THE COMMISSIONER: Sorry, what was the name?

MR DARAMS: So Abacus is the building company, but Mr McSpadden - -  
-

THE COMMISSIONER: Spadden.

10

MR DARAMS: - - - McSpadden is the individual behind it. Mr McSpadden was on this trip in November 2017.---To my, best of my recollection, he was, yes.

What about your accommodation on this trip? Did you pay for your accommodation?---I would have paid, yes.

Well, did you pay? You said you would have.---I would have paid, yes.

20 Do you have a recollection of paying?---Well, no one else would have paid for it.

How did you pay for the trip, then? Sorry, the accommodation.---To my, best of my recollection, I paid cash for that one.

Where did you get this cash from?---I had cash on me.

Yeah, but where did that cash come from? Did it come out of this shoebox?---I had travelling money, yes.

30

Did this cash come out of the shoebox as well?---To my, best of my recollection, it did, yes.

So you took this cash from Australia to Shanghai from the shoebox in your house?---I think I had some Chinese money as well and I had that with me, yes.

THE COMMISSIONER: How can you remember, of all the trips you made, including trips to Shanghai, how can you specifically remember, on  
40 your oath, having paid for accommodation on this particular trip to Shanghai?---Because, Commissioner, I've been asked - - -

What enables you to remember that?---'Cause I've been asked before about that and I checked my records.

Which records?---Well, from my previous evidence that I'd given.

Sorry, we're talking about accommodation for Shanghai in this trip 2017, you understand?---Yes. Yeah.

10 You say to the best of your recollection.---Yep.

But what we need to know is what that recollection's built upon. Of all the trips you've done, including several trips to Shanghai, how can you now, in 2022, sit there and say or suggest that you paid for the accommodation in cash? How can you do that? Or do you admit - - -?---Commissioner - - -

- - - that there's some uncertainty about it?---Commissioner, to the best of my recollection and the evidence I did give in a compulsory hearing, that's what I did say back then.

20

Yeah, don't worry about what you said in the compulsory hearing. What I'm trying to ascertain is what, in 2022, enables you to be certain enough to be able to give sworn evidence that you paid or might have paid for that accommodation in cash? How can you do that?---Commissioner, again, the evidence I gave in compulsory - - -

Follow what I said. I said 2022, which would embrace the compulsory conferences.---It was, it was - - -

30 The examinations.---2020 it was, yes.

2020, all right. Well, what in 2020 would have enabled you to recall on this particular trip, amongst all the trips, that you paid cash for the accommodation?---The question was put to me, and back then I answered truthfully.

No, no. What did you have to go on that's enabled you, in 2020, to recall that this trip you paid cash?---I can't answer that.

40 Well, do you admit to some uncertainty that you may or you may not have? ---I answered to, back then in compulsory - - -

I know you did, you've told us three times, and I am aware of it, it's in the transcript. I'm asking you as to whether you concede that you could be mistaken, you think you did pay cash but that could be a mistaken recollection, given the number of trips you've had, especially to Shanghai? ---Again, Commissioner, I'm answering it truthfully now and I, and I'm giving that answer that - - -

10 I haven't asked whether you're telling the truth. I asked you whether you're prepared to concede that there could be room for error here as to whether you did pay cash on this particular trip for the accommodation?---Again, it, it, it - - -

No, not "again." My question, answer.---Yes, Commissioner. This is - - -

20 You concede there could be some uncertainty as to whether you did in fact pay in cash? That's my question. Do you concede that there could be error here in your recollection?---No, Commissioner. Because it, it was clear in my mind. When I answered it back then I was answering it truthfully. So, that's what I'm doing now.

That's my point. What enabled you in 2020 to be able to remember it? Do you concede that in 2020 there is some room for uncertainty as to whether you did in fact pay in cash or do you not make that concession?---No, I don't make that concession.

On your oath.---On my oath. It - - -

30 No, do you or do you not make that concession?---I don't make that concession.

Why?---The question was given to me back in 2020. I truthfully answered back then.

Yeah. Yes, next question.

40 MR DARAMS: Mr Tsirekas, just on that answer you were giving then about answering truthfully in 2020, you're talking about when you were interviewed by the Commission's officers, that's what you're talking about?---No, the compulsory, yes.

Well, was it an interview with the Commission's officers in 2020, it wasn't a compulsory examination?---Yes, yes.

I've asked you - - -

THE COMMISSIONER: Don't confuse in your mind a compulsory examination with the record of interview. You recall you had a record of interview with Mr Simon?---Yes, Commissioner.

10

MR DARAMS: Mr Berry and Mr Fox.---Yes. I asked you some questions about the evidence you gave on that occasion. Do you recall I asked you a number of questions about decorations you made about, well, sorry, failures to make declarations, one of them being your relationship with Mr Chidiac or the I-Prosperty Group. Do you remember that?---No.

No. Do you remember I asked you someone questions about the questions and answers you gave in 2020 to Mr Berry and Mr Fox about declaring interests?---Yes, yes. Yes.

20

You admitted, or conceded, on that occasion in 2020 that you should have declared a conflict of interest arising out of your relationship. Do you remember that?---Yes, yes.

You told us when you gave evidence here that you gave that evidence to the best of your recollection on that occasion.---Yes.

You, however, have in this proceeding, in this public hearing, given opposite evidence, you accept that?---Not opposite.

30

Different?---Not different.

It's not the same evidence though, is it?---It, it, it was taken in - - -

You haven't given the same evidence, have you?---It wasn't, it was given truthfully back then and truthfully now.

40

But you're just using the same - I'm going to suggest this to you. You're using the same rationalisation to support the answers to the Chief Commissioner's questions about paying your flight in, sorry, your accommodation in November 2017?---Accommodation. Yes.

The same answer you give, "I gave that evidence truthfully in 2020", that's right?---Yes.

But I'm just questioning or querying with you as to why you're so certain that the evidence you gave about the accommodation in 2020 is still correct, given you seem to have changed, and I'm putting this to you, you have changed a number of other things, or answers you gave in 2020. Why is this accommodation different?---It, it's not different. It, it is giving the, as I  
10 knew the evidence that I gave before, to what you're asking me now is, and it was brought to my attention back then about that, that particular trip, no others, the 2017 trip about accommodation and I answered it truthfully back then.

But you also answered truthfully back then in 2020 when you volunteered that you should have declared conflicts of interest arising out of your relationship with I-Prosperity, correct?---Yes, correct.

Right. But you, in these proceedings here, you give, I suggest to you it's  
20 different or opposite evidence, about whether you should have declared those conflicts of interest. Do you accept that?---No.

Back to the accommodation in November 2017, how much did you pay for your accommodation?---To my best of my recollection, it was around \$1,000.

All of that \$1,000 came from cash that you had in your home in Australia, is that right?---Yes.

30 You took that out of the country with you?---Yes. Yes.

What about your incidental expenses while you were there in Shanghai?  
---Oh, look, amongst the group of, if I can answer it, we, we shared the incidentals.

Well, when it's your turn to share those incidentals, how did you pay for them?---Would have paid cash.

Where did this cash come from?---I had it with me.  
40

So this is more cash that you took with you, is it?---Yes.

How much cash did you take with you?---I can't recall.

Well, it's at least \$1,000, isn't it, if your evidence is to be accepted about the accommodation expenses.---That's right.

So how much more?---I, look, I can't recall. I mean, there was a group of people. We shared the expenses.

10 Just focusing on your share of these expenses, Mr - - -?---Oh, look, I can't recall how much I had with me.

Well, did you make any record at home of how much cash you had in your shoebox and how much you were taking away?---No.

THE COMMISSIONER: Mr Tsirekas, you were asked a moment ago about the evidence you gave in the, previously, in which you acknowledged that you should have made a declaration of interest. You recall that?---Yes, Commissioner.

20

Why didn't you make a declaration, a declaration of interest?---Declarations were made between '15 and '16, and '16 and '17. I wasn't in a position to make those declarations 'cause I wasn't on council.

No, no, I'm talking about when you were on council. You've conceded that in evidence, compulsory examination, that you should have made declarations of interest. That's your evidence in the compulsory examination?---I understand, Commissioner.

30 My question to you is why did you not make the declarations of interest, which you now acknowledge you ought to have made?---I can't answer that except in giving - - -

Why can't you?---Well, if I can explain it. The evidence that I gave back then in 2020, I was a bit confused on what it was asking with the declarations of interest. There's declarations that are provided to councillors every financial year. I, as I said, wasn't in a position to declare those because I was not on council between '15 and '16, and '16 and '17 to fill out those declarations.

40

MR DARAMS: But just on that, Mr Tsirekas, what about the opportunity you get at the beginning of a council meeting where a matter is being discussed and likely to be voted on? You had an opportunity there to make the declaration.---For trips or for what, what sort of declarations are you asking - - -

THE COMMISSIONER: Declarations of interest of any kind.---Um - - -

10 MR DARAMS: Either arising out of the trip or arising out of - - -?---No.

- - - coffee meetings, breakfast meetings, dinners. Any sort of declaration. You can make that at a council meeting, correct?---No.

20 You can. Why can't you make it at the beginning of a council meeting when an item's on the agenda to be discussed?---If the item's on the agenda to be discussed, yes, if there's a conflict. And I think I've explained that, that at that time, dealing with those particular issues, I had no knowledge of - and I can't answer the question because you're not being specific about what item you're referring to, so if you want to - - -

20 THE COMMISSIONER: Mr Tsirekas, I don't know if you're travelling in a parallel universe, and I don't mean to be offensive, but I make that reference to try and bring home to you, you have already given sworn evidence on oath to this Commission that there were occasions in meetings of council when you ought to have disclosed interests, made declarations of interest at the beginning of meetings, but that you did not. Do you recall having given such evidence?---Yes, Commissioner.

30 Right. My simple question was to you why did you not?---Can I answer that, Commissioner?

I'm asking and waiting for an answer.---Yeah. Commissioner, at that time, I was not aware of any of the relationships back in '16.

No, times plural, no, no, I'm going to correct you there. There wasn't one time. There were a number of times plural.---Mmm.

40 My question is why did you not declare your interests, whatever they be, financial or non-pecuniary, at the beginning of those meetings?---At that time, I didn't think I'd need to.

No, there's times plural. Are you saying at all times?---No, I did declare at times, yes.

MR DARAMS: Mr Tsirekas - - -

THE COMMISSIONER: When you didn't, and you should have, as you acknowledge you should have, why didn't you?---I think I tried to answer that, Commissioner, by - - -

10 No, no. Answer it now.---'Cause I didn't think I needed to at that time.

Why didn't you? You understood the code of conduct, didn't you?---Yes, Commissioner.

Yes. And is your explanation as to why you didn't because you didn't believe you had to? Is that what you're saying now?---At that time, yes, Commissioner.

20 But you've already told the Commission on sworn evidence that you ought to have declared interests, didn't you?---Yeah, and I'd like - - -

Didn't you, no, did you not?---Yes, Commissioner, and I - - -

Yes. And I'm asking once more. Why on those occasions you acknowledge you ought to have made a declaration you didn't? Can you answer that question?---No, I can't.

You can't. All right.

30 MR DARAMS: Mr Tsirekas, just so I understand - - -

THE COMMISSIONER: Well, just on that. If it were put that you deliberately refrain from declaring required interests, be they pecuniary or non-pecuniary, how would you respond to any suggestion if that were made, if such a suggestion or proposition were made?---I, I won't accept that proposition, I - - -

You what?---I won't accept the propositions.

40 You won't accept. All right.

MR DARAMS: The evidence you gave in this public inquiry last week, Mr Tsirekas, was that, your evidence now is that at no stage between October 2015 and 1 January, 2020, was there any occasion that you were required to declare or disclose a conflict of interest in relation to the I-Prosperity planning proposal. That's correct, isn't it?---Between - - -

October two thousand - - -?--- - - - '16 - - -

October 2015.---Right.

10

1 January, 2020. Your evidence last week - - -?---Yes.

- - - was that at no stage during that period of time was there an occasion that you were required or obligated to disclose or declare a conflict of interest in relation to the I-Prosperity matter. Is that right?---Yes.

You stick to that evidence, don't you?---Yes. Yes.

20 Could I just ask that the witness be shown volume 1.3, page 1? Mr Tsirekas, you'll see this is the first page of the minutes of the meeting of the council on 15 May, 2018?---Yes.

The minutes record you as having been present?---Yes.

If we go to page 4, please? You can just note to yourself there the two sections where there declarations that are made at this meeting. Do you see that?---Yes.

30 You haven't made any declarations, either pecuniary or non-pecuniary?  
---No.

If we go to page 5, you see from item 2 Station Precinct Planning Proposal. This Station Precinct is the land located in, for want of a better description, Rhodes West?---Yes.

Being that area where I-Prosperity owned land that was subject to planning proposals. Correct?---Yes.

40 If we show the next page? It's clear from – if it wasn't already – but from clause 3 or paragraph 3 that the I-Prosperity planning proposal was a matter that was being discussed by council at that stage?---Yes.

If we go to page 7. Those minutes record you as having voted in favour of the resolution.---Yes.

So if we accept your evidence that you've given in this public inquiry, on this occasion you weren't required to declare or disclose a conflict of interest arising out of your relationships with those associated with I-Prosperty, is that correct?---Yes.

10 I want to suggest to you that in fact you knew at this stage that you should have declared or disclosed a conflict of interest, and you deliberately decided not to do so. What do you say about that?---Disagree.

Could the witness be – I want to show you some text exchange, Mr Tsirekas. Mr Tsirekas, this is an exchange of text messages between yourself and Chun. The text in the blue balloons is Chun. The text in the green balloons is yourself. That's just to orientate yourself. Do you understand that?---Yes.

20 Just noting the date here, so this is 16 March, 2018. You recall, don't you, that at this time you were on another trip to Shanghai, March 2018? Mr Tsirekas?---Yeah, I don't have the dates, but if you're saying so, I agree.

So Mr Zhou, so Chun is Mr Zhou, that's what I'm putting to you.---Yes.

You accept that?---Yes.

He says, "Hi." If we can go to the next page. See the message at the top, "Chun, how are you feeling? Good night last night."---Mmm.

30

When you send that to Chun, that's because you, isn't it, you had been with him the night before? Mr Tsirekas?---Look, I can't recall. It appears so.

It's likely, isn't it, on that reading there? Because it's also likely because when you did go to Shanghai, Chun was responsible for arranging things like entertainment for you when you were in Shanghai, wasn't he?---Well, not, not for me.

For people including you.---Well, yes. I was there - - -

40

Mr Chidiac?---Yes, and Mr Chidiac and others.

You as well? You as well, Mr Tsirekas?---I was invited to go along, yes.

You knew that Chun was arranging that entertainment?---No, not really.  
No.

Well, who did you think was arranging the entertainment?---Oh, I don't know.

10 No, you do know, Mr Tsirekas.---No, I don't.

You knew and you understood that one of the roles or functions that Chun was performing was arranging things like entertainment and nights out – for example, the Linx – for at least you when you were on your trips to Shanghai.---No, I don't.

Are you denying that you knew that?---I didn't know his role.

20 Are you denying - - -?---Yep.

- - - that you knew that?---I, I am.

THE COMMISSIONER: Well, you didn't make the arrangements for these nights out.---No.

It was apparent that somebody had organised these nights out. They didn't just spontaneously happen. Is that right?---Yes, Commissioner.

30 MR DARAMS: Could I just draw your attention down to the text message at the bottom of the page. Just follow these text messages. You say, "Chun, if you're not doing anything, come over for a drink at The Langham." He responds "Sick like a dog. Too much drinks." And you say "Okay, brother. You rest and get better. We had a great time with you. Thank you, Chun." So why were you thanking Chun? It's obvious that he must have done something for you in order to thank him for it.---He was there on the night. We, we were there at the, whatever, we were out with him and I was just saying "thank you" as a - - -

40 Well, what I suggest to you is that this text exchange reveals or demonstrates that in fact that it was Chun or Mr Zhou arranging this entertainment the evening before and you were grateful for that because

that's why you were thanking him.---I don't know if he arranged it. He was there on the night and it looked like he, he was organising things. I don't know if he arranged it.

Well, you understood or – do I understand that to mean that you had some appreciation that he was organising things?---He had some role but I don't know what it was.

10 I want to suggest to you that you do know that he had some role in organising this evening out because, I want to suggest to you, that that's the type of thing that he did for you which you understood when you were in Shanghai.---No, no I, no I don't. I didn't know his role there.

When you say you didn't know his role there, you knew that he has some role with I-Prosperity, didn't you?---Not at that stage, no.

When did you come to realise you had some role with I-Prosperity?---From the past five weeks sitting here and listening to evidence being given.

20 Is your honest evidence, under oath, that the first time that you came to know that Chun, Mr Zhou, had some association with I-Prosperity was when you heard it here in this public hearing of this inquiry?---Yes.

I want to suggest to you, Mr Tsirekas, that that evidence is not truthful. What do you say about that?---It, it is truthful.

Could I ask that you be shown the next page, page 5? This is going forward a little bit in time. Mr Zhou sends you this text message where he says, "I need a reference letter for" the person he identifies there.---Yes.

30 You respond, "Okay. I will ring you to get some info. When do you need it by?" Then he responds to that, then you respond, "Okay. Please ring me on Monday", this being 1 June, 2018. Why were you prepared to agree to provide this reference that Mr Zhou was seeking?---No real reason except to assist.

But why? Why at this stage, in June 2018, were you agreeing to assist Mr Zhou? What is it he had done for you?---No real reason.

40 There is a reason why you did it, because you did do it, you accept that? ---No, I didn't do it.

You didn't do what?---The reference didn't go through. Oh, sorry, apologies.

You're getting confused with all the references you've handed out that have been incorrect, haven't you?---I'll, I'll be, I want to correct that. I was willing to help him with his reference and there's no real reason why. Anyone that would come up to me I would try to help.

- 10 We know that you've said things in that reference that you signed off on the mayor letterhead that you couldn't possibly have known, is that right?  
---Yes.

Because you had no observations of the individual referred in the reference, correct?---Correct.

Unless of course you're not being truthful to us when we asked you about that in this inquiry, correct?---I didn't know, to the first answer, correct.

- 20 Yeah.---Yeah. Those questions, sorry.

Go back to here, this text message and the reason why you agreed to assist Mr Zhou. What if it was suggested that the reason why you were prepared to help Mr Zhou was because you were in effect returning the favour to Mr Zhou for the times that he had arranged your entertainment in Shanghai? What would you say to that suggestion, Mr Tsirekas?---I don't agree to that.

- 30 Well, tell me, please, why it is you did agree to provide this reference to Mr Zhou?---The simple reason is that I get many requests for references and if a person wanted some help with a reference, I would assist.

But why did you want to assist this person, in particular?---There, there's no real reason. I'm not forced into - - -

THE COMMISSIONER: You had not met the son [REDACTED]?---No. No.

You've never met him?---No, Commissioner.

- 40 And when you said, "I'll ring you to get some information," you mean information about who he was, so that you could write the reference. Is that

right?---Yes, Commissioner, whether I rang him or I've got my PA to ring, I don't know.

But you know references are important, whether they be work references or recommendations to people that the person concerned is either a credible person or a person who should be favourably considered in summary?

---Yes, Commissioner.

Is that right?---Yes, Commissioner.

10

References do play that role – conveying information about someone who is either capable or is worthy or some other creditable characteristic. Is that right?---Yes, Commissioner.

But how could you possibly agree to provide a reference for somebody you didn't know? Wouldn't that be an act of dishonesty to do that?---No, Commissioner. To answer it, if I can, with references, you do, you know, ask for a bit of background information and from the, the persons involved to put together reference and to, and hopefully that's information that's, that is truthful, that is being delivered to provide the background to the reference.

20

But the whole point of a reference is conveying information that's known to you to be true about a person. Is that right?---Yes, Commissioner.

Right. But this particular reference to the son of the person asking you for the reference is one in which you couldn't attest to the person's worthiness, capability, in fact, you couldn't attest to anything about his son at all, could you?---No, Commissioner.

30

And that's the purpose of a reference as we've previously discussed - - -?  
---Yes, Commissioner.

- - - to be able to attest as to somebody's qualities?---Yes, Commissioner.

But that's why I put for you to agree to provide a reference in respect of someone you knew nothing about would be, to put not too fine a point on it, an act of dishonesty, wouldn't it?---No, Commissioner. The, I was - - -

No, please, just, before you go on, because what you're saying on your oath and is being recorded in the transcript now could have consequences for you.---Mmm.

Just giving you another opportunity to answer that question. Do you remember the question I put to you?---Yes, Commissioner.

And do you still adhere to the answer "no"?---Yes, Commissioner. Yeah.

10 MR DARAMS: Why is it not dishonest?---Pardon?

Why is it not dishonest to say things in a reference that you couldn't possibly attest to?---Again, you rely on a person giving you this information to writing the reference and I, I took it to be honest information that he provided about his child.

But if you're portraying that it's you who knows the things that you're attesting to in the reference and you do not know those things and can't possibly know those things because you haven't in this example met the  
20 child - - -?---Yes.

- - - how isn't that dishonest?---Look, in hindsight, it could have been done better but in real honesty - - -

Answer my question. How isn't that in the circumstances I've outlined to you, how is that not dishonest?---To me, it wasn't dishonest. I was taking the reliable information from the parent talking about his child and I was assisting him with a reference to get him into a school.

30 Why were you assisting with this reference, then?---Like all requests, I try to assist, whether it's this one or not.

But focus on this individual - - -?---Sure.

- - - who's reached out to you and asked for this request.---Sure.

Why did you decide to help this individual in this circumstance?---No real reason.

40 There is a reason, there must be, otherwise you wouldn't have done it.---No real reason.

THE COMMISSIONER: What would you say to the proposition that you were endeavouring to ingratiate yourself with I-Prosperty people, staff or members associated with that company?---No, I don't accept that.

Well, if it was put to you – just putting this forward as a proposition so that you, in fairness, can respond to it – in agreeing to the request here, for example, to provide a reference to somebody you didn't know, it is demonstrable, so the proposition might be put, that you were trying to  
10 ingratiate yourself with I-Prosperty because of some benefit your way if you succeeded in that regard. What would you say?---I wouldn't accept that proposition, Commissioner.

MR DARAMS: Could I have the witness be shown page 6. There's not a lot of information in these text messages, Mr Tsirekas, but if you just follow them down, it looks like you and Mr Zhou are exchanging messages and likely attaching documents. Do you accept that, Mr Tsirekas, as a fair description?---Yes.

20 If I can then ask that you be shown the last text message. You respond to Mr Zhou's text, "Thanks. Any time, brother. You are a good person." Do you see that?---Yes.

When you were referring to Mr Zhou as a good person, isn't the reason that you were referring to that or describing him as a good person is because he was the person who was responsible for organising and arranging your entertainment when you travelled to Shanghai?---No.

Well, why are you referring to him as a good person?---That's a throwaway  
30 line that I used a lot as a gesture of, you know, goodwill. I say that to a lot of people.

Isn't it the case, Mr Tsirekas, that by this stage, in June 2018, you actually had come to regard Mr Zhou as a good person because of the times that you had met him and the things that he had done for you in Shanghai?---No. No. Again, it's a throwaway line that I use a lot.

THE COMMISSIONER: Well, in what situation? What circumstances do you use it a lot? Is it in circumstances where you want to develop a  
40 relationship with that person?---No, it's a generalisation that I use a lot, Commissioner.

But the reference here to “Brother, you are a good person,” that’s a very complimentary comment, isn’t it?---Yes.

Why are you passing compliments to him?---It’s one that I use - - -

Or passing this compliment to him.---It’s one that I use a lot, Commissioner.

10 You’ve said that twice now, but I’m asking you specifically in relation to this person and the context in which this text was sent and the relationship that you had with this person, Chun. What drew you to make the compliment to him, “You are a good person”?---No real reason, Commissioner.

MR DARAMS: Mr Tsirekas, isn’t it the case, though, that you associated Mr Zhou with arranging or organising entertainment at the Linx nightclub in Shanghai because you knew that he was the person who was doing that for you when you went to Shanghai?---I, I never arranged anything - - -

20 I know you didn’t.--- - - - with, with Mr Chun, and I didn’t arrange anything at the Linx nightclub.

You knew that Mr Zhou, or Chun, was the person who would and was organising, when you travelled to Shanghai, trips and entry to the Linx nightclub, didn’t you? You knew that Mr Zhou was the person who was doing all of that.---Yeah, but I never organised it with him.

But you knew and you accepted the benefit of that organisation by Mr Zhou, didn’t you?---Not at that stage, no.

30 What stage are you talking about?---I, I, didn’t know that Mr Chun was working for I-Prosperity, no, I think I answered it before, until these proceedings I found out more about his connection, his involvement with I-Prosperity.

See, you say that you didn’t know that Mr Zhou was associated – do you say you didn’t know until these proceedings that Mr Zhou was associated with I-Prosperity, is that what you say?---Yeah. At, at, at that level, yes.

40 Well, what level did you know he was associated with I-Prosperity?---I, I didn’t know back then.

THE COMMISSIONER: Mr Tsirekas, really as at the date of these emails in June 2020 – and once again I am now giving you an opportunity just to reconsider what you have been saying, to give you another opportunity. As at June 2018, you were aware that Zhou was related, connected, to I-Prosperty, weren't you, in some way?---He had involvement with whoever – I didn't know the involvement with I-Prosperty. He had some involvement, yes, Commissioner.

10 Involvement in what sense?---I, I didn't know, Commissioner.

Is that a truthful answer?---It is, Commissioner.

MR DARAMS: Mr Zhou was the person, though, who was, you accept all of this, he was the person you understood and knew was arranging the entertainment for you when you were in Shanghai on these trips, for example, arranging the times to go to the Linx nightclubs.---I, I wasn't aware. I didn't, I didn't get involved with arranging. Mr Chun would be there but I didn't know what his role was there.

20

Could I just ask that you be shown the next page? So if we scroll down it looks like Mr Zhou sends you a few emojis. You respond with one word "Linx." That's a reference to Linx nightclub, correct?---Yes.

Mr Zhou responds, "Any time."---Yes.

You response is "Excellent." Now, Mr Tsirekas, doesn't this demonstrate that you knew that Mr Zhou was the person who was responsible for organising your trips to the Linx nightclub when you went to Shanghai?

30 ---Yes. But what involvement, I don't know. He, he was always there.

Organising, which you understood, organising this entertainment for you and others, Mr Chidiac included?---I didn't know his involvement.

That's not my question, Mr Tsirekas. I'm focusing your understanding that Mr Zhou was the person who was responsible for organising your entertainment. When I say "your entertainment", that might have included Mr Chidiac, could have included other people, but it certainly was for your benefit, to things like the Linx nightclub when you went to Shanghai.---No, I didn't.

40

You did understand that. That's why you were sending these text messages to him. They make no sense otherwise, Mr Tsirekas.---He was there at the nightclub. He was there on occasions. I didn't know his involvement with organising the event but he was there.

I want to play you some – could I tender that extraction report, Chief Commissioner? So it should be Exhibit 58.

10 THE COMMISSIONER: Just to be clear about it, the text exchanges that you started with, 16 March, 2018 through to the last one, are all to become one exhibit, is that what - - -

MR DARAMS: Yes, Chief Commissioner.

THE COMMISSIONER: Yes, all right. And that's the text messages between Mr Tsirekas and Mr Zhou in Shanghai, is that right, in March 2018?

20 MR DARAMS: Well, they're in March 2018 and June 2018.

THE COMMISSIONER: Yes, all right.

MR DARAMS: Two time periods.

THE COMMISSIONER: I just wanted to clarify for the record - - -

MR DARAMS: Yes.

30 THE COMMISSIONER: - - - that the text messages so identified relating to text exchanges between Mr Tsirekas and Mr Zhou will be admitted and become Exhibit 58.

**#EXH-058 – MOBILE PHONE EXTRACTION REPORT OF TEXT MESSAGES BETWEEN ANGELO TSIREKAS AND CHUN ZHOU, PAGES 1-8**

40 MR DARAMS: I believe, Chief Commissioner, that this will already be caught by a previous suppression order but one of the text messages does refer to the son and that - - -

THE COMMISSIONER: The son? Yes. In respect of the reference to Mr Zhou's son, I make an order under section 112 suppressing the name of the son from publication or communication.

**SUPPRESSION ORDER: IN RESPECT OF THE REFERENCE TO MR ZHOU'S SON, I MAKE AN ORDER UNDER SECTION 112 SUPPRESSING THE NAME OF THE SON FROM PUBLICATION OR COMMUNICATION.**

MR DARAMS: Mr Tsirekas, could I ask that you be played session number 337?

**AUDIO RECORDING PLAYED**

**[10.26am]**

20 MR DARAMS: Mr Tsirekas, obviously, a conversation between yourself and Mr Chidiac?---Yes. Yes.

Do you recall this conversation now?---Not really, no.

Mr Chidiac refers to Chun in this call with you.---Mmm.

Do you see that reference?---Yes.

You understand that to be Mr Zhou?---Yes.

30

When you say to him, that is Mr Chidiac, "Yeah, make sure he's there," that's a reference to Chun. Correct?---Probably, most likely, yes.

Well, there's no doubt about it, Mr Tsirekas, is it? There's no doubt that you're referring to Chun - - -?---More, more than likely.

Well, what I want to suggest to you there is no doubt about it. Could you accept that?---Well, it, it follows, more than likely it's about Chun.

40 That wasn't my question but do you permit that there is doubt about the fact that you were referring to Chun?---No, no. It's, it's probably Chun, yes.

Yeah.---Chun.

Well, it is a reference to Chun?---Yeah.

Why were you wanting or asking Mr Chidiac to make sure that Mr Zhou was present in Shanghai if you were to go on this trip?---I can't answer that. I can't - - -

10 Is the reason being because you knew that if you went to Shanghai, then Mr Zhou would be able to organise entertainment for you and probably Mr Chidiac. Is that right?---I, I can't answer that. I can't recall why I would have said that there. It was Mr Chidiac that normally spoke to Chun, not me.

THE COMMISSIONER: It's clear though, isn't it, from the recorded conversation between Mr Chidiac and you on the question of Mr Chun that you both expressed an interest for Mr Chun to be there in Shanghai when you went, is that right?---On this occasion it appears to be so, yes.

20

Well, Chidiac's saying, "So I can make sure Chun's there." And your response later was, "Yeah, make sure he's there." So it's clear that both of you were of like mind. You both wanted Mr Chun to be there when you went to Shanghai, that's correct, isn't it?---Commissioner, yes.

No, no, that's all I wanted, yes or a no.---Yeah.

Mr Chidiac, at this time, 7 December, 2018, was doing work for I-Prosperty, wasn't he?---Yes, he, well, I think he still was. I don't, I'm not  
30 sure.

Well, he had been certainly doing work over a period of time, and I'm suggesting that was the case in December 2018. Does that sound right to you?---Yes, I think I answered that question, Commissioner, before.

Well, is it likely that as at December 2018 Chidiac was still doing work for I-Prosperty?---Oh, I can't answer that at that time.

December 2018 things had moved on quite substantially by then.---Yeah.  
40

As we all know, it's likely, isn't it, that Chidiac was still providing to undertake the work for I-Prosperity or providing services for them of one kind or another?---Yeah, Commissioner. I can't answer that, except for relating to that question before about what he was doing, and I explained that it was organising meetings or trying to see how things were going. Apart from that, I, I can't tell you what he else was doing for I-Prosperity.

So it was the case, was it not, that in 2018 Mr Chidiac was doing work for I-Prosperity?---I, I don't know, Commissioner.

10

Well, I'm not tying you down to December this time. I'm just putting the whole year.---Yep.

2018. He was doing work for I-Prosperity, wasn't he?---Yes.

And why did you say "make sure he's there"?---Look, I, I can't remember why I said that there.

Well, just reflecting on it. Just think about it.---I don't want to reflect.

20

Why was it that as at 7 December, 2018, your desire was that Mr Chun be there when you went to Shanghai with Mr Chidiac?---I, I can't answer that, Commissioner.

Well, is it because you thought he was a great friend by that time?---No, Commissioner.

Or that he was a person who could provide useful information?---No, Commissioner.

30

Was he a person by that time who, up till that time, had from time to time provided benefits to you?---No, Commissioner.

He'd never provided any benefits to you before December 2018, is that what you're saying?---Yes.

You are?---He didn't provide me benefits.

You say no benefits at all?---The only - - -

40

Did he, whether he expended money out of his own pocket or whether it came from I-Prosperty, or whether he was, in a sense, to use the expression, a rainmaker, he could make it happen for you and you could have benefits of one kind or another, whether be they material benefits, whether they were having a great time in Shanghai or all of the above.---Mmm.

Was that why you wanted to make sure he'd be there?---No, Commissioner.

10 Well, what in the past had led to you, in your relationship with I-Prosperty or Mr Zhou to make that statement, that strong statement, "make sure he's there"?---Commissioner, from previous visits to Shanghai, Joseph Chidiac would contact Chun and they would go along as well. And again, if Chun wasn't there, may be able to, you know, allow us to go into a nightclub by ringing someone just to, you know, even though Chun wasn't there, because they were sometimes very hard to get into. So we would, you know, turn up to those places sometimes even Chun, without Chun there.

20 Well, what was it about any benefits that came through Mr Zhou's intervention that you had received before this time, December 2018, which led you to make to the statement "Make sure he's there"?---Commissioner, I can't answer that.

What sort of benefits did you see could come from or through Mr Zhou to lead you to make the statement "Make sure he's there"? Why did you want him to be there and for Chidiac to make sure he was?---Well, again, Chidiac would make the contact. He - - -

30 No, no. I asked you why did you, you yourself, want him to be there and for Mr Chidiac to make sure he was? What was your reason for making that statement?---No real reason, Commissioner.

That seems to be a stock-standard answer you give. There would have to be a reason. You would agree, that is a strong statement, isn't it? "Make sure he's there." Would you agree it's a strong statement? It's really an instruction, isn't it, to Chidiac?---You could take it that way, Commissioner, yes.

40 Yeah. Well, I'm just looking at the plain English words that you use there, they would carry that meaning, wouldn't they, in the form of an instruction?---Yes.

Yeah. Is that right?---Yes, Commissioner.

You must have had a reason. It had something do obviously with Mr Zhou that made you want him there. What was that reason?---Commissioner, there was no real reason except the fact that he would make it easier for us to get into nightclubs.

10 Apart from nightclubs, what other benefits were you hoping could be achieved through your relationship with Mr Zhou?---The, the, none that I can recall.

MR DARAMS: What about cheap accommodation?---I don't know if he was involved in accommodation. I don't know.

You don't know that.---I accept the fact that there was reference to one of the witnesses giving that evidence that he was involved with accommodation.

20 What about picking you up or arranging to pick you up from the airports?  
---Look - - -

That's another benefit, wasn't it?---Look, I can't recall if it was him being there or not.

You knew that he was arranging it though.---No, I didn't.

30 You understood from conversations with Mr Chidiac that Chun was arranging it?---Well, no. Chidiac was arranging it but I didn't know whether it was Chun or whoever was coming to pick us up from the airport.

You knew that Chun was involved in arranging that transport because you had those conversations with Mr Chidiac, Mr Tsirekas.---No. No, I didn't. I really didn't want, and again, I, I didn't involve myself with all that. I was  
- - -

So were you going to say then you didn't really want to know who was arranging these things in Shanghai? Is that what you were going to say?  
---No.

40 Well, what didn't you really want?---I just didn't involve myself with that.

Are you suggesting you turned a blind eye wilfully because you didn't want to know where Mr Chidiac was getting all of these benefits from, is that right, Mr Tsirekas?---No. I was being invited to go to China and we went on trips with other, other, not guests, but people as well. But, no, I didn't, no.

Can I suggest this to you, you knew by no later than the end of December 2018 that Chun, Mr Zhou, Ms Li, Mr Huang, Mr Gu, were all part in parcel and associated with I-Prosperity. You knew that.---No, I didn't.

10

You must have known that, Mr Tsirekas.---No.

THE COMMISSIONER: Mr Tsirekas, please, just think of what you're saying now. Just think of – I'm warning you.---Mmm.

Take time, think about the answer to that question.

MR DARAMS: I want to suggest to you must have known by no later than the end of December 2018 that Mr Zhou, Ms Li, Mr Gu, Mr Huang were all associated with I-Prosperity. You knew that, didn't you?---No, you're putting a lot of people into that mix.

20

THE COMMISSIONER: Of course. And he's named them, each of them. ---Yeah, I know.

So that you could be sure as to who he was suggesting was associated with I-Prosperity. Put it again. Put the names again.

MR DARAMS: So you knew no later than December 2018 that Mr Zhou, Ms Li, Mr Huang and Mr Gu were all associated with I-Prosperity. You knew that.---Not Mr Zhou. Not Mr, not Chun.

30

Could I play you something. Can we play session 1302?

**AUDIO RECORDING PLAYED**

**[10.41am]**

MR DARAMS: Mr Tsirekas, again, this is obviously a call between yourself and Mr Chidiac?---Yes.

40

This is a few days later, that is after the call I just took you to before. That's right?---Yes.

So 12 December, 2018. That's right?---Yes.

So if I could ask that page 15 be brought up, yeah, page 2 of seven. I just want to put these propositions to you. Obviously, you and Mr Chidiac are talking about this trip to Shanghai that was the subject of the conversation in the preceding call. That's right?---Yes.

10

You again, you're inquiring of Mr Chidiac whether Chun had got back to him. That's right?---Yes.

Doesn't this suggest further to the questions from the Chief Commissioner about the previous call that as far as you or your position, you were interested to know the position of Chun. Right?---Yes.

You're now inquiring actively whether Chun had got back to Mr Chidiac? ---Yes.

20

This is the case, isn't it? You've said a number of times that you didn't organise anything with Chun. Is that right?---Yes.

You didn't do it because you knew that that's something Mr Chidiac would be doing with Mr Zhou. Correct?---And that's what Mr Chidiac told me, yes.

30

Well, I'll put it, come back another way. There was no reason for you to be organising this entertainment and the like in Shanghai because you knew that Mr Chidiac was organising that Mr Zhou. Is that right?---He was a person that Mr Chidiac went to but I, you know, I didn't know that - - -

Yes, you did understand that. That's why in these calls, you're inquiring of Mr Chidiac has he heard back from Chun. That's right?---Yes.

What I'm suggesting to you, Mr Tsirekas, is you've given an answer at least once where you have indicated that you didn't organise anything with Chun. That's right?---That's right.

40

As a matter of fact, that might be right that you didn't actually organise with Chun?---No, I didn't organise, no.

Let's make that assumption. No, you didn't do that?---No.

What I'm suggesting to you is the reason you didn't do that is because you knew that Mr Chidiac would be doing this organisation with Mr Zhou?

---He, yes. Mr Chidiac would be talking to Mr Chun.

10 But you understood when you were accepting – sorry. You understood when you were accepting the things that were organised by Mr Zhou through Mr Chidiac that it was, in fact, Mr Zhou who was doing the organisation, didn't you?---Yes.

So there's really no difference if I can suggest to you whether you're directly organising it with Mr Zhou or you go through the medium of Mr Chidiac to do the organisation. At the end of the day, you understood that what Mr Zhou was organising would be for your benefit in addition to being for the benefit of Mr Chidiac, as well, didn't you?---No. Can I explain?

20 Why wouldn't that simple proposition follow, though, Mr Tsirekas?  
---Mmm.

If you knew that Mr Chidiac was organising these things with Mr Zhou. You accept that. You did understand that?---Yes. Yes.

The things that were organised, you took the benefit of, that's right, for example, entry to the Linx or for someone paying for the drinks at the Linx - - -?---Yeah.

30 - - - you took the benefit of that, didn't you?---Yes.

Whether you organised that directly with Mr Zhou or whether it was organised by Mr Chidiac with Mr Zhou, you still obtained the benefit of whatever Mr Zhou organised?---Yes.

40 So I want to suggest to you it doesn't really matter whether you do it directly or whether it goes through Mr Chidiac, the result is the same and you understood the result to be the same, didn't you, Mr Tsirekas?---You say a, a benefit. Again, I thought Mr Chidiac was organising and arranging it all and paying for it all. I didn't know who was paying.

THE COMMISSIONER: But you had a keen interest in knowing whether Chun was doing the organising of things for you and Mr Chidiac, isn't that right?---On occasions, yes, Commissioner.

Well, on this occasion when you said, "Has Chun got back to you?" you're inquiring as to whether a projected trip to Shanghai was being set up and organised, is that right?---Yes, Commissioner.

All right.

10

MR DARAMS: Could I ask you to be shown - - -

THE COMMISSIONER: Can I just ask you, in relation to the attraction of Linx, was part of the attraction of Linx that you'd be able to enjoy food, beverages, and so on? And was this a location where escorts were provided or made available?---No, Commissioner.

You know what I mean by escorts?---Yeah. Yes, Commissioner.

20 Hmm?---No, Commissioner. No.

No?---No. There were, there were, of course it's a nightclub and there was ladies there.

Is that Linx?---Yes.

Yeah. That's what I'm talking about.---Yeah.

30 And was this part and parcel of, in effect, what had been made available through I-Prosperity people? That is, that you'd be booked into the Linx nightclub and enjoy whatever benefits you wanted to therein receive, whether it be drinks, accommodation or anything else that might be on offer at Linx?---No, Commissioner. At that stage, and I still stick to it, I didn't know Chun's relationship with I-Prosperity, and I was under the impression Mr Chidiac was organising it and he was doing most of the paying.

You knew at this time Chidiac was being paid a huge amount on a monthly basis by I-Prosperity, didn't you?---I do now.

40 Well, you did then appreciate that he was on a very good financial wicket, if I can put it in those terms, with I-Prosperity? That is, as at December 2019.

---No, I didn't. I only heard about, through the evidence given here, the relationship and the money that was - - -

Mr Chidiac, just listening to those tics, and I say this with due respect to Mr Chidiac, he tends to shoot his mouth off a lot, doesn't he?

---I'm not going to answer that. Mr Chidiac - - -

Well, you know what that expression means?---Yes.

10 He just talks a lot and talks about this, that and the other.---Yes, Commissioner.

Jumps from one topic to another.---Yes.

That's his nature, isn't it?---Oh, I think it is, yes.

All right. And do you mean to say he's never, ever once dropped a hint to you or said to you that he's being well remunerated for the work he's doing for I-Prosperity?---No, Commissioner.

20

You had no - he never, ever told you that?---No, Commissioner.

Even though you are very, very close friends as at December 2018?---Close friends, but no, he didn't. No, he didn't tell me anything about the arrangements, the payments or - - -

Well, one of the things you were interested in is, at this time along with Mr Chidiac, was travelling to Shanghai with a view to enjoying whatever benefits in effect I-Prosperity would make available to you in Shanghai, whether that be accommodation, entertainment or whatever.---No, Commissioner.

30

That was the arrangement, wasn't it? That was the true arrangement. That Chun and I-Prosperity people were going out of their way to provide you and Mr Chidiac with benefits in the nature of a good time in Shanghai. ---Yes, Commissioner.

Well, all I want is a yes or a no at the moment.---Yeah. No, Commissioner.

40 No? Well, why in these two telephone exchanges we've been through, in December 2018, were you obviously so interested in getting to Shanghai

through arrangements being made involving Mr Chun? What was the attraction for you?---No, no real reason except for getting away with friends. It, it was an area that we liked to, to go to. We enjoyed, you know, the area that we were staying with and there was a lot, well, friends that we went with to enjoy the sights and, and enjoy each other's company on those trips.

And are you asking me to accept that that's all?---Yeah, yes, Commissioner.

Nothing else in it for you?---No. No, Commissioner.

10

MR DARAMS: Mr Tsirekas, could I ask that you be shown page 3 of the transcript? You see here, Mr Chidiac says, "He should be." He said he should be there, you understood that to be a reference to Chun being in Shanghai, correct?---Correct.

Then Mr Chidiac says, "Belinda came back to him," and he says, "I said are the boys in Shanghai?" Now, when he said that to you, you understood a couple of things, one of them being Belinda was Belinda Li?---Yes.

20

When Mr Chidiac was referring to the boys being in Shanghai, you understood he was referring to Mr Huang and Mr Gu?---I can't recall but it does refer to their names down the bottom there, so - - -

So you understood at this - - -?---I - - -

Mr Tsirekas, just let me finish. You understood at this time in December 2018 that if Mr Chidiac was referring to "the boys", he was referring to Mr Huang and Mr Gu who you knew at this stage were associated with I-Prosperty, didn't you?---No.

30

Sorry, just let's break this down. Are you saying, in December 2018, you didn't know Mr Huang and Mr Gu were associated with I-Prosperty?---No, I, no, I - - -

THE COMMISSIONER: Just again, I'll just give you the opportunity to be careful in what you are saying in answer to that question. Just put it again.

MR DARAMS: Mr Tsirekas, are you saying in December 2018 you didn't know Mr Gu or Mr Huang were associated with I-Prosperty?---No, I did know.

40

You did know. That's right.---Yeah.

You also knew at that stage that Ms Li was associated with I-Prosperity.  
---Yes, I did know.

10 So when Mr Chidiac almost in the one breath is speaking about Ms Li, the boys, i.e. Mr Gu and Mr Huang and Chun, you understood, when he was referring to all of those persons, that they were all associated with I-Prosperity. Whether you knew the degree to which Mr Zhou was associated with I-Prosperity, you knew he was associated with I-Prosperity?---No, I didn't. Mr Chun, no, I didn't.

You're either, can I suggest this to you, it might be suggested you're either lying about that or you're completely naive about that. What would you say if that was suggested, Mr Tsirekas?---No to both. I, I didn't know Chun's relationship with I-Prosperity.

20 THE COMMISSIONER: But you knew he was connected, I think you earlier conceded, with I-Prosperity?---At, at some level but I, yeah, I didn't know whether he was an employee or worked for them in Shanghai or worked for – I didn't know his relationship at all.

Just going back over the reference. Mr Chidiac said, "I said are the boys in Shanghai?" She said "Let me check." That was a reference, "the boys" was the reference to Huang and Gu, wasn't it?---I think so, Commissioner.

30 Yeah. And why was it that Mr Chidiac was interested in ascertaining whether Mr Huang and Mr Gu would be in Shanghai when you went there? ---I can't answer for Mr Chidiac's question there.

What was your understanding as to the wish to have Mr Huang, Mr Gu present in Shanghai?---I think, Commissioner, you need to direct that to Mr Chidiac.

But it was clear that you and he were of like mind, that is to say a desire for Mr Huang and Mr Gu to be in Shanghai at the time you travelled there. Isn't that so?---No.

40 It's not so?---No. I wouldn't be going to Shanghai just to meet two gentlemen. I'd be going there to enjoy a couple of days' break.

Yeah. Apart from going up there to have a good time, was there not an interest in Belinda chasing up, it interested you, in Belinda chasing up to see if the boys would be there when you went there?---Not from me, Commissioner, no interest at all.

No interest?---No.

Are you serious?---Yes.

10 MR DARAMS: You did meet with both Harry Huang and Michael Gu in Shanghai, though, when you went there on trips?---I can't recall the times, but once or twice. I've not, I can't remember the times but very infrequent.

The answer is yes, you have met up with both of them in Shanghai?---Yes.

What if it was suggested, Mr Tsirekas, that one of your interests in knowing whether Mr Huang or Mr Gu were present in Shanghai would be that they would also provide and pay for benefits to you while you were in Shanghai. Isn't that the case?---No.

20

That's another reason why you wanted to know whether they would be present in Shanghai. Correct?---No.

Mr Chidiac says at the bottom "Harry and Michael" well, he says that he'll find out if Harry and Michael are there. He says, "That would be a bonus." Do you see that at the bottom of the page?---Yes.

30

Your response if we go over the page, "Oh, yeah, but, okay, but when we'll, when will we, he, know he's there?" You don't say anything to Mr Chidiac, do you, rejecting to Mr Chidiac that it wouldn't be a bonus if Mr Huang or Gu were present in Shanghai, do you? You, you - - -?---I don't say that to, no, I don't say that.

You don't say anything along the lines in this conversation, "Joseph, what are you talking about? What's the relevance on whether or not Harry and Michael are there? We don't want to have anything to do with them." You don't say anything like that, do you?---No, I don't.

40

Well, why don't you do that?---And I don't say that it'd be a bonus to see them there.

But why don't you say to him something along these lines, "Hey, Joseph, why are you referring to Harry and Michael? What's the relevance of those individuals?" Why don't you say something like that?---No real reason. I can't answer that question that you're putting to me.

Is a reason because at this time in December 2018, you understood or believed that if, in fact, both of them or one of them were present in Shanghai, that that would be an opportunity for you and Mr Chidiac to catch up with them?---No.

10

Do you have any understanding why Mr Chidiac thought it would be a bonus if Mr Huang and Mr Gu were present in Shanghai on this trip that you were discussing?---No. I think best if you ask Mr Chidiac.

I was just asking whether you had any understanding?---No. No.

None at all?---No.

20 THE COMMISSIONER: But you understood that Mr Huang and Mr Gu were senior in the I-Prosperty organisation, didn't you?---No, Commissioner.

You understood that they played important roles in, that is Mr Huang and Mr Gu, I-Prosperty, didn't you?---They had roles, yes.

Important roles?---I, I didn't know the structure of the company. I didn't know their position.

30 But you knew enough that they occupied - - -?---Mmm.

- - - and fulfilled important roles in the organisation, did you not?---No, I didn't at that, no, I didn't.

Well, had you understood that they had involvement in the sense that they participated in management of I-Prosperty?---Yes, in - - -

Well - - -?---At a level of management, yes.

40 Well, then the interest in having them present when you were there was, was it not, so that you'd have the opportunity of being able to discuss matters

with somebody in management with I-Prosperity in relation to development work in Sydney, Australia?---No, Commissioner.

Just going back, you said you never once, in effect, I think you've said, did Mr Chidiac advise you that he was being well remunerated? You said he never did, is that right?---No.

Never had never any hint that he was receiving significant financial benefits from I-Prosperity?---No, not until I heard it here at this Commission.

10

And if it were put that you were aware and that Mr Chidiac's involvement was important because he was, in effect, the one who could cement relationships between you and him and I-Prosperity, what would you say to that proposition?---Oh, I wouldn't accept that proposition.

And I take it you reject that apart from any other benefits you received from or through I-Prosperity people – by that I mean Belinda Li or Mr Huang, Mr Gu, Mr Zhou – there were no financial benefits flowing through to you directly or indirectly from I-Prosperity?---That's right.

20

If that proposition were put, what would you say?---I wouldn't accept that proposition, no.

MR DARAMS: If it was suggested or put, Mr Tsirekas, that the reason you did not disclose or declare any interest at any stage between 2015 and 2020 arising out of relationships that you had with Mr Chidiac, Ms Li, Mr Huang or Mr Gu or Mr Zhou was because you understood that that would then affect the relationship between Mr Chidiac and I-Prosperity, what would you say to that proposition?---I wouldn't accept that proposition.

30

What if it was put that you knew that Mr Chidiac was being paid or remunerated by I-Prosperity and you understood that part of the reason he was being paid by I-Prosperity was his relationship with you on council, what would you say about that?---I didn't know he was getting remunerated, and I didn't know the detail of his remuneration until I heard here at evidence over the last couple of weeks.

THE COMMISSIONER: I don't think you've answered the other - - -?  
---There's a second part?

40

MR DARAMS: That's what I was going to ask you about, what about the relationship between you and Mr Chidiac?---Mmm.

What if it was suggested you understood, put aside you say you don't understand about the money, but you understood that Mr Chidiac, with his engagement with I-Prosperity, was in effect using his relationship with you in some way with his dealings with I-Prosperity?---He could have been using me, yes.

10 You understood that, though, didn't you?---No.

I would suggest that the reason you didn't declare any, or disclose any interest arising out of your relationship with Mr Chidiac and Ms Li or Mr Huang or Mr Gu or Mr Zhou was because that would then affect Mr Chidiac's ability to refer to or use his relationship with you and his dealings with I-Prosperity.---No, don't accept that, no.

20 THE COMMISSIONER: Mr Darams, I might take the morning tea adjournment. We started a bit earlier. So I'll resume at about 11.30. I'll adjourn.

#### **SHORT ADJOURNMENT**

**[11.10am]**

THE COMMISSIONER: Yes, Mr Darams.

30 MR DARAMS: Mr Tsirekas, I just want to ask you a couple more questions about the transcript of this call on 12 December, 2018. So if page 4 could be brought up again, please. Mr Tsirekas, I just want to draw your attention to about the middle of the page where you say, "What did Belinda say?" Do you see that?---Yes.

40 Then we have Mr Chidiac responding, "She said to me 'Let me know if the boys are in Shanghai?' She said to me 'I will come back. Let me come back to you.' She just - - -" You said "Yeah." "- - - sent me a message today saying, 'I haven't been able to get hold of them.'" You then say this, "All right. Okay. I'll send her the times anyway for, because Frank's got his, um, he's holding some good prices for the hotel." "He's sort of locked into - - -" And you say "Hotel prices." So when you say "I'll send her the times anyway," you're referring to Ms Li, correct?---Yeah - - -

Mr Tsirekas?---Yeah. I'm just trying to read it in context. I, I presume I was. I, I really can't remember.

Well, the only person who, or the only female being referred to in this call between you and Mr Chidiac is Mr Li, correct?---(NO AUDIBLE REPLY)

Mr Tsirekas?---I'm trying to read it in context. I, I presume so. I can't recall.

10

Well, if you read it in context, the context is there's a reference to Belinda, there's a reference to Ms Li. Ms Li you understand to be a female and so when you say, "I'll send her the times anyway," you're talking about Ms Li?---Well, I presume so. I, I can't really remember.

Why would you be sending Ms Li the times which, I want to suggest to you, is the times for the travel to Shanghai?---I don't know if that's the case. I, I really can't recall.

20 You then say. "Because Frank's got, he's holding on to some good prices for the hotel, that's all. He's sort of locked into the hotel prices." Isn't this the case, Mr Tsirekas, you were going to let Ms Li know when it was proposed that at least you would be travelling to Shanghai, isn't that the case?---Oh, look, I can't really recall.

No, Mr Tsirekas. That's what you're saying, they're your words.---Yes, yeah. Yes, but I can't - - -

30 Do you agree with what I'm suggesting to you is that you're indicating to Mr Chidiac, you've going to tell Ms Li when you're going to be in Shanghai?---It, it could be referring to something else completely different.

THE COMMISSIONER: Well, I was going to say, taking the context, as you say, into account, it could hardly be referring to anything else but what Counsel Assisting has just put to you.---Yes.

Isn't that right?---Well, I really can't recall, Commissioner.

40 No. No, no, no. We're not talking about recollection here. You keep saying "recall", we're not trying to make this a memory test. I'm asking you to put your eyes on the page and look at the context, see the words

you've uttered, and then see whether it bears the meaning that's being put, the obvious meaning. It couldn't mean anything else than what Counsel Assisting put, I'm suggesting.---Commissioner, I really can't answer that. I don't recall.

What do you think you would have been sending her, that is an initiative by you, you, her, you sending her something, what do you think it related to when you look at those words and the context?---I really can't remember, Commissioner.

10

See Counsel's put to you that it suggests that you'll send her the times of the prospective trip anyway, that is in advance of her coming back, with advising whether the boys will be there. That's what I'm suggesting the message is here.---I can't remember, Commissioner.

Well, what else could it mean?---I don't know.

Well, sure. That's the point.---I don't know.

20 There's no competing possible interpretation. As you say, you couldn't see any, I certainly can't see any. So that leaves one proposition on the table, that is the words mean what they say, that you'll send times and "times" must refer to the times around the proposed trip. Having thought about it, would you agree that tends to be the meaning?---Look, I can't accept that proposition 'cause I can't recall - - -

Why can't you? Explain that to me. Why can't you accept it?---'Cause I can't, I can't recall what I meant by I'll send her the times, anyway.

30 I'm trying to emphasise it's got nothing to do with recollection.---Yeah.

It has everything to do with your words.---Yeah, I can't - - -

All right. Let me put it at a lower level. Is it a possibility that that's what you were intending to say?---Could be a possibility.

MR DARAMS: Mr Tsirekas, could I ask you to, I'll come back to this in a moment, but can I just ask you to look at the rest of that page. Read that exchange. See that?---Yeah.

40

So you have Mr Chidiac suggesting to you, which you agree with, that whether or not Mr Huang or Mr Gu and Ms Li are going to be present in China, that you should all go, anyway. That's correct, isn't it?---Yes.

Go over the page. Then he says to you, "Yeah, fuck. Do something. Let's do our own thing." You respond "Yeah. All right. Well" – which should probably be "we'll" – "just go." Then Mr Chidiac says, "Just get Colacicco to fucking sell a few properties between now and then, so," you say, "Yeah, I know. You've got a bigger budget." "Yeah, bigger budget. We'll be  
10 okay." Then Mr Chidiac goes on to talk about something about his kids eating or not eating. Now, I want to put this proposition to you, Mr Tsirekas, that it appears from that part of the conversation that whether or not Mr Huang or Mr Gu or Ms Li or Mr Zhou are present in Shanghai has a direct relationship with the costs that might be incurred if you go to Shanghai. Would you agree with that suggestion?---No.

See, I want to put that to you that is a suggestion that arises from this part of the conversation between you and Mr Chidiac because where Mr Chidiac says "whether they're there or not, we should go" and he also then says  
20 "you'll just do your own thing" which, can I suggest, you understand to be something to this effect, that you would arrange your own entertainment, accommodation and things like that. Is that how you understood that, Mr Tsirekas?---There was two parts to that question. Which one did you want me to answer? You - - -

Well, did you understand that when Mr Chidiac says to you, "we'll just do our own thing" that you would organise things in Shanghai without the involvement or assistance of Ms Li or Mr Huang or Mr Gu or Mr Zhou. That's how you understood that?---It appears to be that, yes. Yes.  
30

So clearly there's a relationship, isn't there, about your travel in Shanghai and things being arranged by Mr Zhou or Ms Li or Mr Huang or Mr Gu, correct? You would accept that proposition, wouldn't you?---No. I wouldn't accept that proposition.

That's the obvious proposition that arises from what Mr Chidiac's saying to you, isn't he, Mr Tsirekas?---No. I wouldn't accept that proposition.

Then when he refers to Mr Colacicco selling more properties between now and then, he says, "You've got a bigger budget," is this because Mr  
40 Colacicco was funding your travel, was it, or part of your travel?---No, no.

You don't say to Mr Chidiac "Well, what do you mean Colacicco selling more properties and be having a bigger budget?" Why don't you say to him he's got nothing to do with that?---Oh, I, I can't answer that. This is a - - -

No, why don't you say that?---Well, I don't know why.

Well, aren't you, in effect, agreeing with what Mr Chidiac is saying to you?  
---About what?

10

That there's some relationship between Mr Colacicco selling properties and your budget to spend on this trip in Shanghai?---No.

Just back to this extract of this part of the conversation. When Mr Chidiac says to you "Let's do our own thing", what did you understand by that reference?---I don't, I don't know what he means.

20 THE COMMISSIONER: Well, your answer throws light on it, doesn't it? Your reply, I should say.---I can't answer that. I can't, look, I can't recall in what context he was saying. I mean, on occasions me and Chidiac would, would do our own thing and, and let other, other group members do their own thing.

MR DARAMS: Can I just suggest this to you, Mr Tsirekas, this is obvious from this part of the transcript, Mr Chidiac is suggesting to you "Look, if the I-Prosperty people aren't available, let's not worry about it, let's just go ourselves and do our own thing." That's what he suggesting, correct?---You would have to ask Mr Chidiac what he - - -

30 That's what you understood he was suggesting to you?---No, no, I don't.

Well, when you say, "Yeah, all right. We'll just go," that's clearly what you were indicating with that response?---No.

THE COMMISSIONER: You were agreeing with his proposal, weren't you?---Yes, Commissioner.

Right. So you understood what he was referring to.---Well, could have - - -

40 Yeah.---Yes, Commissioner.

On the previous segment of the conversation it's all about envisaging timing of this trip to fit in with the boys, as it's referred to. Do you recall that? You can have a look at it if you like.---The previous page, yes, Commissioner.

And having talked about their availability and whether they've been contacted and whether they're going to be able to be there when you're there, then the conversation changes from it being a conjoint exercise, that is, when I say conjoint I mean you, Chidiac, the boys, all trying to  
10 synchronise and get together. The conversation moves away from that, doesn't it, when Chidiac says, "Yeah, fuck Do something. Let's do our own thing." And you reply, "Yeah. All right. We'll just go." So you're looking there at a different proposition, that is that you and him will go independently of whether the boys are going to be there and synchronised with you going up there. That's right, that's the way it appears, do you agree?---It, it appears that way, Commissioner.

Right. And that makes perfect sense, doesn't it, when you look at the context on the previous page?---Look, I can't recall, Commissioner.

20

No, no. I'm not – please. You keep talking about your recollection and I have said we're not putting you through a memory test here. Just looking at the words on the page, your words as well as his words, when you contrast the conjoint exercise that was being mooted, as I explained a moment ago on a previous page, you're now moving to a, what I might call a solo operation, solo in the sense that you and Chidiac will do your own thing and go up there. That's right, isn't it?---I'm agreeing to Mr Chidiac's comments.

30 You understood him to be saying that and you went ahead, you agreed with what he's putting. "Well, if we can't get them all lined up, as it were, then we'll do our own thing." That's what he was saying. And you said, "Yeah, all right, well, just go." The second proposition that is there being discussed is, well, we'll go ourselves, whether they're there or not. Is that right? ---That's right, yes.

That right?---That's right, yes.

Okay.

40

MR DARAMS: And if the second proposition was to come to pass, that is you would just organise it between yourselves, it would cost you more money, wouldn't it?---No.

That's because, that's how we understand the reference, the immediate reference to Mr Chidiac referring to Mr Colacicco to sell more property, so you've got a bigger budget.---No.

10 Because you understood that if I-Prosperity or someone on behalf of I-Prosperity wasn't there in Shanghai on this trip, then you wouldn't get the benefit of them arranging entertainment, nights out to the Linx nightclub and the like, for which you understood they would be picking up the tab. That's right, isn't it, Mr Tsirekas?---No, it's not.

That's how one would understand this conversation between you and Mr Chidiac in December 2018. I'm right about that, aren't I, Mr Tsirekas? ---Right about what?

20 About the conversation between you and Mr Chidiac that if you had to organise the trip between yourselves, then you wouldn't – and if the I-Prosperity people weren't available in Shanghai, then you wouldn't be able to use them and the benefits that they would be arranging for you when you were in Shanghai, for which they would be paying, that's right?---No, I disagree with that.

30 The reason you and Mr Chidiac are having that conversation because you knew in December 2018 that if you did travel to Shanghai, then I-Prosperity – either through Mr Zhou or Ms Li or Mr Huang or Mr Gu – would arrange entertainment for you and they would pick up the tab to do it, and you were receiving the benefit of that, wasn't that the case, Mr Tsirekas?---No, I disagree with that.

THE COMMISSIONER: What other interpretation could you possibly put on what you see on page 5 of 7 of the transcript?---I agreed with Mr Chidiac's comments. At the time we were organising a trip. Reference to Mr Colacicco, he, he's a real estate agent, yes, he buys and sells property. Other, other comments there are just normal comments. I can't see too much in that.

40 You can see in the context he's talking about bigger budgets, et cetera. He said he'll get his kids to starve in order to put more money – he obviously

put this forward in a humorous fashion – as a way of directing money towards the trip. So it's all about, isn't it, that if we are on our own, we're going to have to pay for the whole show?---Commissioner. I don't read it that way. Where - - -

How do you read it?---Where, you know - - -

How do you read it?---That we've organised a trip. We're going, whether other people have been mentioned. He's having a few throwaway lines.  
10 You'd have to ask Mr Chidiac what he meant by those. And, you know, I can't, I, I can't talk for Mr Chidiac, but I, I agreed. I, you know, we were already organising our trip, we were going. Like, like - - -

I can read too. I can read it there. But I asked you what other, what other meaning can you give to what's being discussed there on page 5 than the one that's been suggested to you?---Look, I can't answer that. I can't recall.

MR DARAMS: Mr Tsirekas, I'll just ask this last question about all of this. I accept that Mr Chidiac is saying these things which are clearly financially  
20 related to the travel, you accept that, don't you? He's talking about Mr Colacicco and budgets and he and his family not eating. It's clearly financially related. You must accept that proposition, don't you?---Well, again, it might be said in jest. I'm, you know, you'd have to ask Mr Chidiac what he really is referring to there.

But do you accept the proposition that he's referring to financial matters?---I don't accept that proposition. You'd have to ask Mr, Mr Chidiac what he was - - -

30 THE COMMISSIONER: Well, what does the word "budget" connote?---It could be referring to council. I don't, I don't know.

It refers to financial matters, doesn't it, budget, the word "budget"?---Yeah. Well, it's the throwaway line, Commissioner. I don't know what he means by that.

No, but budget connotes financial, doesn't it?---Yeah, yes.

40 And reducing the food for kids, in a jesting fashion, he's talking about releasing more funds so that you can spend that towards a holiday. And I appreciate and I emphasise I understand that to be put in a humorous vein,

but nonetheless it's referring to another financial aspect, isn't it?---Yeah, yes, it is in jest, I would say. You'd have to ask Mr Chidiac what he's really meaning by those comments.

MR DARAMS: But, Mr Tsirekas, what about this proposition. Even if he was referring to it in jest, the context in which he refers to this in this conversation suggests, doesn't it, that if you're going to Shanghai and doing it on your own without I-Prosperity being involved in the travel, then it's going to cost you more because, at least between you and Mr Chidiac, you  
10 understood that if you did travel to Shanghai and I-Prosperity were there or involved, then they would be paying some of the entertainment expenses incurred on those trips. That's why he has this conversation with you, even if it's in jest, Mr Chidiac – Mr Tsirekas?---Look, sorry, Mr Darams. I can't answer for Mr Chidiac and I don't agree because we had already accepted that we were going to, anyway, so it didn't stop us from going.

My question was you did understand that if you were travelling to Shanghai and I-Prosperity persons were there and they arranged for benefits such as accommodation or travel out of Shanghai or evenings out, then they would  
20 be meeting the costs of those. That's what you understood at this time in December 2018?---No, I didn't.

You understood that based on your previous experience on travelling to China?---No. No. No, I didn't.

I just want to ask you a few more questions about other travel, Mr Tsirekas. The travel in 2019, June 2019 to Rome, you went with Ms Crichton. Is that right?---Yeah, yes, I think.

30 2019?---Yes.

Is this the trip that Mr Panuccio gave you \$5,000 to upgrade your flights?  
---Yes, it was.

You say you paid that \$5,000 back?---Yes.

Did anyone else help you with your expenses on this trip?---No.

40 The trip to Honolulu in January 2018, this is the trip that you say Ms Crichton gave you \$5,000 cash towards the travel expenses?---Hawaii, yes. Yes.

This is the trip that you used cash that had been provided to you, you say by your father in late 2016, early 2017?---Yes, a proportion of that fare was money that my father had given me.

The other cash, you say, came from your, is it the shoebox? That's what I've been referring to in your house. Is that right?---Well, had it in a travel bag and, and some in a shoebox.

10 Well, why did you keep cash in two separate locations in your house?---No real reason.

This cash, where did that come from?---What cash?

The cash you kept in your travel bag and in your shoebox?---I think I explained that yesterday. It was, part of it was my father's, part was money that I had had over a number of years. And - - -

20 Is some of that - - -?---Travel money that I had from other denominations that were brought back to Australia.

Was some of that money money Mr Chidiac gave to you?---No.

None of it came from Mr Chidiac?---No.

30 Did any, other than your father, did anyone else give you the cash that went into that travel bag or the shoebox?---Yes, Frank Colacicco in 2018, I did borrow two lots of \$3,000 and an amount that he also deposited into my account.

What did you use those \$3,000 amounts, cash amounts for?---Oh, just to add to my expenses and, and travel.

Why did you ask Mr Colacicco to give you cash?---Again, I was going through settlement. I just thought it was a way of hiding that money from my ex. And I used it to, to spend and used it on travel.

40 THE COMMISSIONER: Why would you want to hide it from your wife, ex-wife?---Again, Commissioner, I was going through financial settlement and, wrong or right, I was not willing to - - -

Well, it was wrong, wasn't it, to hide it from her?---Yep.

Do you agree?---Yes, Commissioner.

Well, why would you cheat in that way?---I don't say I cheated. I, I was, I didn't think I was doing anything really wrong. But I, looking back, I probably was. But at that time I, I didn't think I was really doing anything wrong, Commissioner.

10 MR DARAMS: Could I ask you this - - -

THE COMMISSIONER: You did a lot of travel, didn't you, over the years?---Yes, Commissioner.

Recent years. Something like 27 trips, overseas trips have been identified. ---I don't know if it was that many, but - - -

Well, I think you can assume that that's the correct number, that you were travelling overseas to various destinations overseas on no less than 27  
20 occasions. Where did you get all the money to be able to afford that sort of lifestyle?---I think I tried to explain it, Commissioner. I was getting support from dad. I used a lot of that funds that I had from my payouts, superannuation or whatever funds I had in the bank. And then cash that I had myself.

Where did that come from?---From withdrawals from my bank account.

What, you were withdrawing money from your bank account - - -?---Yes, Commissioner.

30

- - - and then storing it in a travel bag at home, is that what you're asking me to - - -?---Well, over many years I was keeping cash at home. And since my separation, over many years. That's what I was doing.

Just explain this methodology to me, if you would. You've got a bank account in your name, which you use.---Mmm.

And yet you've got all this cash being stored at home in a box or a travel bag. What's the rationale for that sort of behaviour over a period of time?  
40 ---No, no real reason, Commissioner, except that, as I said, I probably was doing the wrong thing back then, trying to hide money from the bank

account when I was going through these financial settlement with, with my former wife.

MR DARAMS: But if you were, as you say, withdrawing cash out of your bank account and storing it in the travel bag or the shoebox in your house, there would be some record of these withdrawals, wouldn't there?---There, there's - - -

10 No, no. Just, there would be a record of the withdrawal?---Well, there, there should be, yes.

So if there's going to be a record of this withdrawal of the money, how is that going to assist you in hiding this from your wife? There's a record of it.---Back, back then I thought I wasn't doing anything wrong and, and again - - -

20 No, no. Don't worry whether you were going anything wrong. I'm just focusing on your explanation that you were trying to hide money from your wife because you were going through the settlement. But there would actually be a record of you withdrawing, on your evidence, cash from your accounts which you would have to explain. Do you accept all of that? ---Well, not if it's not in the balance sheet.

But there would be a provision of your bank statements and they'll see this cash coming out, to see whether or not what you're recording or reflecting in your bank accounts or your balance sheet, as you describe it, is a true reflection of your financial position.---Yeah. And, and this is over a number of years.

30 Just focus on my question, please, Mr Tsirekas.---But I, again, I, look, sorry, Mr Darams but back then I didn't think I was doing anything wrong.

I'm not suggesting, I'm not talking about that.

THE COMMISSIONER: This is not part of the – the current line of questioning has nothing to do with whether you did or did not do the wrong thing.

40 MR DARAMS: I'm just asking you to explain the rationale behind what you say you did, that is you withdrew amounts from your bank account and stored it in the travel bag or the shoebox. You understand that?---Yes.

The explanation you've given for doing that is because you were trying to hide it from your wife, correct?---That was part of it, yes.

What I'm suggesting to you is that there would be a record, a transaction record of you withdrawing this amount of money.---Yes.

Your bank statements would become available to your wife in the settlement proceedings, correct?---I, I provided all of that to the solicitors and they  
10 worked that out. I, I don't know how they did it.

So you would have understood that there would be this record of you withdrawing money from your bank accounts that you would have to give some explanation about and therefore you couldn't really be hiding anything from your wife in those circumstances.---No, I, look, I disagree. I, I - - -

That's just common sense though, isn't it, Mr Tsirekas?---No, it's not.

Someone who gets your bank statements, the first thing they will do is say,  
20 "Well, where are all these cash withdrawals going? Are you storing this cash to try and hide it?" Wouldn't that be an obvious question?---Look, I'm not a solicitor that deals with divorces and settlements. So I can't answer that because I'm not an expert at that.

I'm not asking you to be an expert about it, it's just common sense at the end of the day, isn't it?---Oh, no.

If someone has a bank account, \$15,000. Let's use this example. \$15,000 is withdrawn out of the bank account over the space of a year. The obvious  
30 question would come, "Where is that money. What have you done with it?" And if you were being honest you would have to say, "Oh, I've withdrawn that money and I'm storing it at home in cash." You'd have to give an explanation for all of that, wouldn't you?---This is not over a year, this is over many years from, since the time I was living at - - -

Just focus on my question though. If someone sees your bank statements with all these withdrawals coming out, cash withdrawals, someone's going to ask you to explain it and if you're being honest you're going to have to  
40 say, "Yes, I've been withdrawing this cash and it's stored at home in a travel bag or a shoebox."---I don't know if they would.

But it's common sense you would have had to explain all of that and therefore it doesn't suggest that the reason why you were withdrawing this money, as you say, and storing it at home is to hide it from your wife because you would have to explain it anyway.---That's part of the reason.

What I'm suggesting to you is that it doesn't make sense, that explanation – that is you were withdrawing money from your bank account and hiding it from your wife by storing it at home – because you'd have to explain it anyway. So that can't explain - - -?---No, I disagree with that.

10

THE COMMISSIONER: When was your family law settlement when you finalised the matrimonial proceedings?---2019, 2020.

And you say that up to – I withdraw that. Over what period do you say your father gave you cash?---Up to what period?

Mmm.---End of 2016, 2017 beginning.

20 I see. And how long do you say he'd been giving you cash?---Oh, 2014, 2015. More 2015 'cause I was living there, I think, to get it right, 2013 to 2014, and I think it was after that period of time.

If you were conscious in that period that this, these cash moneys might be detected by your wife, do I understand you to say that it was your intention when you did get back on your feet to repay your dad the cash, which you said he gave you to get you on your feet?---Mmm.

Yep?---I don't know if I said that, the proceedings, I - - -

30 No, no, I'm asking you, well, now. Was it your intention just to take it and spend it and have trips and so on? Or did you – was the arrangement you had with your father was that he was helping you get back on your feet, as you said, but that you intended to repay him when you could?---I, I can't recall if I said that.

No, I'm asking you. Was that the arrangement, that you, although you received this generosity from your father, given his age and so on, you thought you should repay it to him?---That was never the condition of his assistance, no.

40

No?---No.

You're just going to take it, have your trips overseas and so on, and "Thanks, Dad, see you later"?---There was never any condition?

None at all?---No.

10 Not even a moral thought in your head that "Maybe I should repay some of it"?---There was never a condition. It was between father and son. I was helping in other ways. He knew that. He, he was getting iller and iller and I was looking after him. There was never any condition of me repaying him that money, no.

How were you looking after him to repay the generosity?---I was taking him to specialists, I was taking him to the hospital. I was looking after him.

This is in the last year or so of his life?---Oh, when he got ill.

20 Ah hmm. Wasn't there, didn't you feel some moral obligation to at least repay some of the money your dad had paid you?---I considered it a European thing, Commissioner, that fathers do help their sons. And it's not conditional to, to repay them. If they're - - -

Mmm, just take it?--- - - - wanting to assist, they assist.

30 Yep, and if they're old and no longer working and so on, you don't even sort of inquire, "Well, Dad, you know, you've been very generous to me and I feel I should repay you"?---Commissioner, there was no condition, and I will repay my family, and still looking after mum. She's not well. A bit of dementia and she's living at home. We, I visit there before these hearings, nearly every second day, to make sure she's okay. So families look after each other.

Did you ever think of explaining to your ex-wife, "Well, look, I've got this bundle of cash. It's all come from dad. You can verify that with him. You know, if you really understand the situation, it's money he's given me to help me on my feet."---Mmm.

40 To try and explain to your wife that this is not a stash of money that's yours but it's really your dad's. Why wouldn't you just simply explain to your wife, ex-wife, "Look, I've got this very large box or bag full of cash, it's come from dad who in his old age, an act of generosity, he's given it to me.

Now, that's the explanation why I've got this money," and then you would at least make her aware of the fact that this is not some hidden treasure of yours, it was all dad's money?---Commissioner, I can't answer that except that the circumstances personally, it, it was probably wrong doing it back then but that's, that's the reason and it was one of the reasons.

And truth be known, you didn't need to borrow large amounts of cash from your dad, did you?---Yes, I did back 'cause - - -

10 Well, you were in a position to go flying off overseas frequently, sometimes more than once or twice a year. That's not a person in need. That's a person who's having a rather fortunate lifestyle, isn't it?---Commissioner - - -

You wouldn't have needed dad's cash is what I'm putting to you.---Well, Commissioner, I, I did. I was looking to stop renting and he was going to assist. Yes, I did take trips. I, I, at that stage, I was willing to go away to get away from the issues that I was facing with my separation.

20 What I'm putting to you is if a person can afford to travel as much as you did overseas, that person is not a person in need. Do you agree?  
---Commissioner, you're saying it that way but my father was willing to help me and he, and he was willing to assist - - -

What would you put if it might be seen or said to be the case that you're using your dad as an excuse as a sort of form of cover, if you like, for cash received from other sources? What would say if that was put?---No, Commissioner.

30 MR DARAMS: Mr Tsirekas, just focusing on the explanation you gave in relation to Mr Colacicco giving you money in 2018. Do you remember that?---Yes.

You said he transferred some amounts into your bank account?---Yes. Yes.

He also gave you two cash amounts of \$3,000?---Yes, that year.

That year in 2018?---Mmm.

40 But that's the same year that you were back working at Canada Bay Council. Correct?---Yes.

Your mayor stipend was about 76,000?---It's, yeah, around that. I don't know exactly.

That was the year you received back the deposit on the Ashfield unit?---Yes.

At 80,000?---Yes.

You also got the stamp duty back of about 40,000?---Yes.

10 You also redeemed the units in that Perpetual investment. You remember that?---Which I gifted to my daughters.

So that year of the refunds of the money and the salary on the Canada Bay Council, it's almost \$200,000 on those three sources alone. Why did you need cash from Mr Colacicco?---I don't know my bank balance back then but I, I needed to pay some money back to, for one of the trips.

Sorry? You needed to pay some money back for one of the trips?---I think I was owing some money for a trip or I was paying for a trip, yes.

20

Well, who were you paying this money back to in 2018?---Could have, I can't recall. Might have been for one of the USA trips to, with the Wests Tigers.

THE COMMISSIONER: So you're saying, are you, that it's not only your dad, it's Mr Colacicco who was funding, helping to fund your lifestyle and overseas trips?---Yes, Commissioner. I asked him for the, for a loan and, for a loan and he gave it to me.

30 MR DARAMS: Well, Chief Commissioner asked you questions before about how you could afford all of this travel. You did refer to the funds you had received from your superannuation and the like.---Mmm.

But that suggests that you were still needing more money (not transcribable) more money for travel, doesn't it?---Yeah, yes. Yes. I was repaying back, I think, for a trip that I took the previous year.

40 The amounts that went into the Machonic bank account, you've said they come from your father but isn't it the case that they came from other sources, including Mr Chidiac?---No.

They came from persons other than Mr Chidiac?---No.

And they didn't come from your father.---They came from my father.

THE COMMISSIONER: Have you ever borrowed money from Chidiac?  
---Borrowed money from Chidiac, no.

10 You borrowed money from other people though, your dad, Colacicco. Why  
wouldn't your very close friend Chidiac, why wouldn't you have asked him  
would he mind giving you a loan, given the closeness of your friendship?  
---No real reason, Commissioner.

Well, you say you decided to ask Colacicco for the \$3,000, is that right?  
---Yes, Commissioner.

20 Surely if you needed money, Mr Chidiac, who travels with you many  
occasions, rings you often, associates with you frequently, he would be the  
logical one, if you needed money, to ask, wouldn't he?---I had known  
Colacicco for a lot longer and I, I think I'd call him a, a, a closer friend than  
Mr Chidiac.

MR DARAMS: Mr Tsirekas, you've maintained that you didn't understand  
the relationship between Mr Chidiac and I-Prosperty but it's also the case  
that you went to the I-Prosperty Christmas party in 2016, didn't you?---I  
can't recall. I, I'd be invited to a lot of Christmas parties.

30 Do you recall going – well, perhaps if I show you this photo. Volume 6.2,  
page 336. Does this assist you with your recollection?---Look, I can't  
recall.

Do you recall going to an I-Prosperty Christmas party?---Not really, no.

THE COMMISSIONER: You don't deny that you did though?---Well, I  
can't recall.

Well, does this photograph help you?---Not really, Commissioner.

40 This was an occasion, wasn't it, when I-Prosperty were entertaining?  
---Well, it if was I was invited by Mr Chidiac. I can't recall the occasion.

Yeah, but whether or not it's an invitation from Chidiac, this occasion

onboard this vessel was an I-Prosperity sponsored Christmas party, wasn't it?---If, if you say so, Commissioner. I can't remember.

Well, if it wasn't a Christmas party, it was obviously a friendly gathering on a social basis, would you agree?---I agree it's on a social basis, yes.

And do you agree this was an occasion which was sponsored or undertaken by I-Prosperity and Chidiac and you were both amongst the guests there, is that right?---Well, I don't remember if it's an I-Prosperity function,  
10 Commissioner. I don't remember.

What do you remember about this trip?---I, I can't remember anything.

No. Did you have a lot to drink or - - -?---This is 2016.

I mean, is that the reason you can't remember or is there some other reason you can't remember this particular occasion which seems to have been on water, in a vessel with Mr Chidiac in the photograph?---Yeah, I agree with that, Commissioner, but I can't remember what the occasion was, whether it  
20 was a Christmas, I can't recall. This is six, four or six years ago.

MR DARAMS: How many times have you been with Mr Chidiac in a vessel on the, I suggest to you, Sydney Harbour?---Oh, I don't, I don't know. A couple of occasions.

What were those occasions?---I can't recall.

You don't have any recollection?---No.

30 So this is you, I want to suggest to you – oh well, you say were invited by Mr Chidiac, correct?---Correct.

You must have had a conversation with Mr Chidiac about where you were going that day, whose Christmas party it was. You must have, that's just, it's just improbable in the extreme that you wouldn't have had that conversation with Mr Chidiac.---He may have well told me, Mr Darams, but I can't remember this occasion.

40 THE COMMISSIONER: So it accords with - - -?---It appears we're on a boat, yes.

You go ahead. It accords with your recollection, however, that you were invited by Mr Chidiac to the occasion depicted here, is that right?---Sorry, Commissioner, there's - - -

You do recall that the person who invited you to this function, which is suggested to have been a Christmas party on the water, was Mr Chidiac? ---Yeah.

Yes?---Yes, Commissioner.

10

But what you don't recall is who, in effect, was the person staging the party.---Yeah, that's right, Commissioner, I can't.

But you don't deny it was a function being held by I-Prosperity by way of a Christmas function?---Look, I really can't remember. I, I do get invited to a lot of Christmas parties.

20

MR DARAMS: Is it under oath truthful evidence you just don't recall now that this was the I-Prosperity Christmas party that Mr Chidiac invited you to?---I do.

See, what if it was suggested that you do recall that you attended the I-Prosperity Christmas party in December 2016 and this is another reason why you should have been declaring or disclosing your, or a conflict of interest when I-Prosperity's planning proposal came before council when you returned in 2017?---No, look, I don't accept that.

30

Right. Just in relation to this, do you say that there was no reason for you to make any disclosure once you returned in 2017 arising out of attending Harry Huang's wedding, attending a Christmas party with Mr Chidiac? If you make the assumption that you did understand and know that you went to I-Prosperity's Christmas party in December 2016 and you met up with I-Prosperity in Shanghai in, or people on behalf of I-Prosperity in August 2016, just make the assumption that you did know all of those things. Can you do that for me?---Well, I don't want to assume anything.

No, I'm asking you to make the assumption.---Well, I don't want to do that.

40

I'm asking you to. Assume that you did know, you've gone to Harry Huang's wedding, you've attended Shanghai in 2016, August 2016, and had accommodation and travel and other benefits provided to you. You've gone

to I-Prosperty's Christmas party in December 2016 and you returned to council in 2017, and the first time that the matter, the I-Prosperty planning proposal comes before council, make the assumption, you knew that you've gone to all these things. Do you say that you should have declared or disclosed an interest in those circumstances?---Again, I don't want to assume.

I'm asking you to assume, though, please.---No, well, I don't want to guess and I don't want to assume.

10

THE COMMISSIONER: No, listen - - -

MR DARAMS: I want you to assume - - -

THE COMMISSIONER: Listen, Mr – just wait a minute.---Right.

MR DARAMS: I'm asking you to make the assumption.

20 THE COMMISSIONER: No, just wait just a moment. Mr Tsirekas, it is entirely appropriate for Counsel to ask a witness to make certain assumptions. Whether those assumptions are proved later or not would have to be examined. To make certain assumptions upon the basis that these matters happened, they're all assumptions. In the light of those assumptions, would you take a particular course of action or not? That's the nature of the exercise. It's a perfectly legitimate exercise, has in fact been done in this hearing, you may have heard, by other counsel. So I'm going to permit Mr Darams to do it. I do require you to answer the question by listening to the question and the assumptions it's asking you to make. Do you understand?---Yes, Commissioner.

30

MR DARAMS: So you understand those assumptions I've asked you to make?---Yes, yes.

So then you return to council in 2017 and on the next occasion that the I-Prosperty planning proposal comes to council - - -?---Yes.

- - - should you in all of those circumstances have disclosed or declared conflict of interest?---Yes.

40 THE COMMISSIONER: Can I just ask you, just going back to this photograph for a moment, it appears in the background, you'll see a couple

of Chinese young people, appear to be young people. The person behind Mr Chidiac, it's hard to see. Does that, whether, firstly, do you recognise the two Asian guests now shown on the screen?---No, I don't, Commissioner.

Well, they do appear to be of Asian extraction, do they not?---Yes, Commissioner.

And then if you look over to the left side of the photographs, the gentleman there with the glasses is holding a glass of champagne. Who's that person?  
10 ---I don't know, Commissioner.

You don't know?---No.

He also appears to be of Asian extraction?---Yes, Commissioner.

Right. The photograph is clearly a function of some kind. You can see with all the glasses there and the bottle of champagne and the bucket and so on, it undoubtedly looks like a social occasion, doesn't it?---Yes, Commissioner.

20 You're there in blue shirt and it seems just behind you is a glass of red wine which, presumably, looks like what was your glass. It may not necessarily be the case, but that's the appearance of it. If you look over to the right of the photograph, you can see it's close inland on the water. Taking all those factors into consideration and the people in the background and Mr Chidiac in his white shirt and sunglasses, does that not now start to come back to you as the occasion you attended?---No, it doesn't, Commissioner. And, again, I get invited to a lot of Christmas parties as the mayor, but this one, I can't, I can't remember.

30 MR DARAMS: You've given evidence on a number of occasions in this public hearing about not recalling particular events and the like. That's right?---Yes.

I just want to suggest to you that you would have recalled this event, though, in the year or the year and a half after you attended that event. It's not something you would have forgotten easily, is it, Mr Tsirekas? You might not recall it now if we accept your evidence - - -?---Mmm.

40 - - - but when you returned to council in 2017 and the matter comes back before council, the I-Prosperity matter comes before council in 2018, you would have recalled attending this Christmas party at that stage, though,

wouldn't you, surely?---No, not really, Mr Darams. I get invited to a lot of Christmas parties. And some are on the water, some are on land. I can't recall this one.

I know you can't recall and you've said on a number of occasions.---Mmm.

But I'm talking, you know, in the year and a half after it happened. Why wouldn't you recall attending the Christmas party in that short space of time?---I can't answer that 'cause I - - -

10

Well, see this is what I'll suggest to you is that you did, and you would have recalled it all and you've deliberately determined not to disclose or declare the interest in those circumstances because you understood what that would mean for Mr Chidiac's relationship and engagement with I-Prosperty?  
---No, Mr Darams.

20

You understood what the consequences would mean in relation to your relationship with I-Prosperty in terms of the provision of benefits to you and your travel in Shanghai and that's why you didn't disclose?---No, Mr Darams.

30

Could I just ask that you be shown volume 6.9, page 12? This is an extract of a text conversation exchanged between you, Mr Furlong and Ms Li in November 2017. Could I be asked you be shown the next page. Mr Furlong sends this text message to you in November 2017, "Hi, Angelo and Belinda, Marion came back to me this morning she said she was happy to catch up on Thursday but could we start at 5.00pm in Burwood so she could get home and look after her kids. I said I would check with you but seemed fine. David." Clearly when you respond, "Okay with me David." Ms Li responds, "Me too, okay." Sorry, if we go back to the previous page. This is another, so you accept this is a private message or exchange between you and Mr Furlong and Ms Li?---Yes.

You clearly understood at this time that it was about the iProsperty planning proposal, didn't you?---I would presume so.

40

Well, there was no other matter that you were aware of at this stage that Mr Furlong was involved in with Ms Li?---Oh, look, I don't know, I know she had - - -

No, you, you. You understood - - - ?---I don't know.

No, no, I'm asking about your understanding?---Well, I, I – you'd have to ask David Furlong.

No, no, I'm asking about your understanding of Mr Furlong and Ms Li. The only project that you understood that Mr Furlong was associated with Ms Li over was the iProsperity planning proposal?---Yes, correct.

10 Would you accept that this exchange and the nature of this exchange was another one of those matters that meant that you were required to disclose or declare a conflict of interest when the matter next came before the council?  
---No.

No.---No.

Could I just ask the witness be shown page 17. I just want to draw your attention to the message at the bottom of the page. This is an exchange between Mr Furlong and Ms Li, do you see that date of 16 March, 2016?  
---Yes.

20 In this message Ms Li says to Mr Furlong that she got his contact from you, do you see that?---Yes.

Do you recall you were taken to some evidence in this public inquiry where Ms Li is also, around this period of time, that is March 2016, referring to a breakfast meeting with you, do you remember that evidence?---Yes, I do you showed it to me the other day.

That's right.---Yes, I do.

30 I think you said the other day when I showed you that first email exchange that you couldn't recall meeting Ms Li for breakfast, that's right isn't it?  
---Yes, I do.

I know that you didn't send this text message, we can accept all of that, but Ms Li is referring to Mr Furlong and the fact that she got his details from you, could you think of any reason why Ms Li might have been saying this to Mr Furlong if, in fact, she didn't get his details from you?---No, I can't.

40 It seems to be relatively contemporaneous with the other email that she sent to Mr Wong and others where she referred to meeting you for breakfast, and

I want to suggest to you that it appears likely that you were the person who in fact gave Ms Li Mr Furlong's contact details?---Look, I can't recall and if I can explain as I did the other day, I wouldn't have just given her just one planner.

Who were the other's you gave then? Who were the other persons?---It could have been one of the big ones, GHD, Urbis, you know, David's local, I may have given his name forward but - - -

10 You don't remember who you've - - -?---I, I can't remember and, again, it was not me who was to choose who they were going to have working for them.

THE COMMISSIONER: Why does a mayor get involved in making recommendations as to contractors so people who've got business before council might engage? What does it - - -?---It, it doesn't, it doesn't normally happen, Commissioner.

20 No. That's what I was wondering.---If fact, sometimes people say, "Who do you recommend that we could use that knows the lay of the land or knows the area?" and I'd put forward a couple of names, not just the one name.

But it's not usually a mayor's function, is it, to suggest to a developer who they might engage for the project that comes before council in due course. That's not the mayor's function, is it?---Well, I wouldn't know if it was coming before council, Commissioner, but again - - -

30 But even if it be the case that Ms Li somehow had gotten put in touch with you and says, "Can you recommend somebody work on a project that I'm working on?" it's not a mayor's function, is it, to get involved with getting recommendations or even contacts with who that person might engage?---It, it does happen, Commissioner.

But you'd keep a healthy distance, wouldn't you, from - - -?---Yeah. And that's why you put forward a couple of names. You wouldn't - - -

40 But you wouldn't even put any names forward, I'm suggesting, because it might be suggested for example, wrongly perhaps, the perception might be there, well, that firm does work in a regular basis before the council and why are we having references made by a mayor to engage certain people

who are associated with the council in some way? Perhaps a former council employee or somebody who's been regularly doing work before council. It's not a good look, is it, for a mayor to be handing out recommendations to people who might fit into any of those categories?---I agree the perception not good, Commissioner, and again I wouldn't choose and, chose the contractor for them. It would be up to them to decide who they would choose.

10 Well, of course. But we're coming back to the perception and you know the code of conduct talks about the perception of independence.---Yes, Commissioner.

And that is so that people can have and must have trust and confidence in public institutions such a councils. That's the reason why the appearance is so important, isn't it?---Yes, Commissioner.

20 Well, come back to the point. I think you do agree with me, as I understand you, to say, yes, it's not a good look for a mayor to get involved in handing out names of contractors to developers or would-be developers? I think we're at one on that issue.---Yes, Commissioner.

Well, why would you assist Belinda Li in that respect?---Whether it was Belinda Li or anyone else that asked me for some advice of who, who may be able to assist with their problem, development application, complaints or whatever. Similar to tender panels that we have at council. There are lawyers, firms that are on a, on a panel and if anyone would ring up or officers would get called on occasion, I know, and they would put forward a couple of names of architects.

30 I understand the point you're making but we're to dealing with here complaints or problems. You've got Belinda Li coming along as a new developer saying, in effect, "We're proposing to do a development in the East Rhodes area." She's not talking about problems or complaints being made against council. Why would a developer walk in the door, or a would-be developer walk in the door and go and see the mayor to get a recommendation on who to engage? I don't, it is - - -?---Yeah, I don't think that happened, sir.

40 Hmm?---I don't think that happened, that she walked through my door and asked me who - - -

Oh, well, however she got into contact with you, whether it be by phone or physically walking, I don't think is an important issue here. The important issue, and I think you will agree, given that perceptions are important, why in this case would, on Belinda Li's say-so here, presuming it's accurate, you provided information to her as to who they might engage?---Again, Commissioner - - -

Why would you do that, though?---But I didn't.

- 10 Well, she's suggesting that "I got your contact," she's saying to Mr Furlong, "from Angelo." Now, I said assuming for the moment – it's an assumption, one of those assumptions – that she's right and she's not lying or she's just kidding or playing around with the truth, let's assume for this question, that's all, that she was generally recording the fact when she said, "I got your contact from Angelo," when she's talking to Mr Furlong or communicating with Mr Furlong, why would you get yourself involved in giving her Mr Furlong's name or his firm's name?---Commissioner, if asked, I would provide three names. It would then be up to the person to decide. I can't recall telling Belinda, "Go and ring David Furlong." It was  
20 their choice and their responsibility to follow it up.

- But why even get involved? If it's not a complaint or a problem of some kind that's happening in which you might be concerned for the council's good name that this problem's got to be fixed, so you say, well, you better engage somebody to check out what you say is a problem to make sure it's a problem. I can understand that scenario. But what I'm trying to understand is, given the need, as I think you accept, that there should be a certain arms-length distance maintained by a mayor in the interests of the integrity of the council, perception at least, why you would even bother with somebody like  
30 Belinda Li, who you didn't know, presumably, if this is accurate?  
Communicated with you and you give her information about contacting Mr Furlong, whether there's another name or not. How can you justify that?  
---The mayor's role is broad. The mayor would be involved in everything in the community, and if I was asked a question, I would try to assist where I could. There's no real reason why I did it. It's in fact the mayor's role to try to help where he could.

- All right. Again, assuming this is an active record, do I take your response to be Belinda Li comes in or she rings me or somehow makes contact with  
40 me, wants a recommendation to who she could, on behalf of her company engage. You gave her the name of Mr Furlong, David Furlong, is that right?

Because you wanted to help.---Again, I can't recall having a conversation with Belinda about that.

No, but assuming, assuming that she did - - -?---Yeah. And I, I don't think there was anything wrong with it.

Okay, that's what I'm saying.---Yeah.

10 So you act on the basis. She's made contact with you, let's assume that's true, she's made contact with you 'cause she wanted a recommendation. You respond and gave her the recommendation, David Furlong.---No, didn't say David Furlong. I would have given her three names.

Yeah, okay. But his name was on it.---And that was their choice then to pick - - -

You say three?---Yes.

20 Do you know the names of the other two that you say you would have given her?---Oh, look, I normally would put forward big, big companies and - - -

No, I said do you remember?---Could be like a GHD and Urbis that were doing work in that area, I think.

Mr Tsirekas, please attend to my question.---Yes.

30 Do you recall whether you gave her two other names when you gave her the name of Mr Furlong? Or don't you have that recollection now?---No, I, I would have given her three names, but - - -

Please, I'm not talking about "would haves". We went through this little exercise earlier on.---Yes.

The difference between "I remember", "I would have", it's very different for the purposes of these proceedings. So come back. Do you know – withdraw that. Do you recollect if you gave her two other names, and if so, what other names?---No, I can't recollect the names.

40 All right. That's right.---And I can't even recollect giving her David Furlong's name.

Okay.

MR DARAMS: Now - - -

THE COMMISSIONER: Mr Darams, well, keep going if you like, but I'd like to adjourn just slightly earlier before 1 o'clock and - - -

MR DARAMS: May it please.

10 THE COMMISSIONER: - - - so 5 to 1.00 or so.

MR DARAMS: Could I just ask you, Mr Tsirekas, could I ask that you be shown volume 2, page 232? I'll just ask you to look at this document, Mr Tsirekas.---Yes.

Have you had a chance to look at that first page, Mr Tsirekas?---Yeah, just, just one more minute. I just wanted to read the last bit, sorry. Yes.

20 I just want you to note a couple of things that I'm going to ask you about that document. You note from the top of the page that these are the council meeting agenda for 20 October, 2020?---Yes.

Do you see the reference to item 3 "Rhodes Planning Precinct Place Strategy"?---Yes.

This is referring to Rhodes East. Is that right?---I, I, I'd say it was Rhodes East, yes.

30 Just in case there's any doubt, could I show you the next page - - -?---I'm pretty sure it is.

- - - page 233?---Yes.

Just see the reference there, "Draft Rhodes East". See that?---"Draft Rhodes East", yes.

Can I then ask that you be shown page 250? That's your signature there, Mr Tsirekas?---Yes.

40 You've dated that 20 October, 2020. Is that the date that you signed this document?---I would say it was, yes.

Did you draft up this or type up this note?---My solicitors did.

Your solicitors did. You read it before you signed it?---Yes.

This is a reference back, is it not, to that item 3 meeting agenda?---This particular notice of a conflict, yes.

THE COMMISSIONER: Mr Darams, I might - - -

10

MR DARAMS: Yes. May it please.

THE COMMISSIONER: - - - leave it until after lunch or continue with it.  
So I'll adjourn till 2 o'clock.

**LUNCHEON ADJOURNMENT**

**[12.54pm]**