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PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 6 JUNE, 2022

AT 2.00PM

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

THE COMMISSIONER: Mr Darams.

MR DARAMS: Could Mr Tsirekas please be shown volume 2, page 250? Mr Tsirekas, just before the luncheon adjournment I was asking you some questions about this document. You said this document was typed up by your solicitors, is that right?---Yes.

10

Is this the case, you read the council meeting agenda for 20 October, 2020? ---The council report?

Is that what you refer to as that document I took you to earlier today?---Yes.

You call that the council report, is that right?---Well, it was the report that you showed me if you want to show me again.

Yes. Page 232.

20

THE COMMISSIONER: Just the heading of that document – I’m sorry, when you come back to it.

MR DARAMS: You refer to this as the council report, do you?---Yes.

So the document which is headed Council Meeting Agenda 20 October, 2020, you say that’s the council report?

THE COMMISSIONER: This is a standard sort of report, isn’t it, that the staff prepare before the meeting, is that right?---It looks very much like a report that goes before council, yes.

30

MR DARAMS: If we go back to page 250, please. I just want to put something to you, Mr Tsirekas for you to comment on in terms of the chronology. So you receive and read the council report for this meeting? ---Yes.

You identify the reference in the council report to item 3, “Rhodes plan precinct place strategy”.---Yes.

40

You then think about your particular circumstances in relation to whether or not you should have an involvement in the meeting where that is going to be discussed or debated, is that right?---Yes.

You form the view, you satisfy yourself that you are required to disclose or declare a conflict of interest?---No.

You don't?---I think before the lunch adjournment I said that I got advice from my solicitors - - -

10

THE COMMISSIONER: Sorry, I couldn't hear that.---I think before lunch adjournment, Commissioner, that I received advice from my solicitors.

MR DARAMS: Let me just - - -

THE COMMISSIONER: You mean advice before lunch today?---No, I gave that advice to Mr Darams about the, this notice, that I received it - - -

20 I don't want to be talking about your communications with your lawyer, I just want to enquire, just to confirm. You now in that last answer were making some reference to a communication you had with - - -?---With my former solicitors, yes.

With former solicitors?---Yes.

They're not here though, are they?---No.

So how did you communicate with them?

30 MR DARAMS: Chief Commissioner, I think there might be a bit of - - -

THE COMMISSIONER: Sorry. There might be - - -

MR DARAMS: You might be parsing a little bit. Is this the case, Mr Tsirekas, before lunch I asked you about this document, I asked you whether you typed it up. You said no, your solicitors did.---Yes.

I was just exploring that with you to get the chronology.---Sure.

40 That's what I was just doing now.---Sure.

You then give me an answer where you actually say you told me before lunch you got advice from your solicitors. You remember giving that answer just now?---Yes.

You didn't give me that answer before lunch but you are now giving it to me that, as I'm putting the chronology to you, you say I got some advice from my solicitors and then they prepared this document for you to sign. Is that right?---Yes.

10 So the chronology, if I can get this right, you read the board report for the 20 October, 2020 meeting?---Yes.

You then see that item 3, "Rhodes plan precinct strategy" is going to be one of the matters discussed or debated at the meeting?---Yes, yes.

Do you then say you go to your solicitors for some advice about whether you should be declaring or disclosing an interest or do you come to that view, that is you could be declaring or disclosing an interest, to your own, you come to that on your own basis but then you go to your solicitor and
20 say, "Hey look, I've reflected on this. I think I should make a declaration or a disclosure. Can you help me draft something to give effect to that?"
---Well, there are a couple of questions in that.

Sure.

THE COMMISSIONER: No. We're trying to get to the bottom of, did you sit down, you looked at the report and said, "Right, I'm going to write this" and you wrote it? Or did you say, "I'd better go and get some advice" and then after you got advice, if you did, this was written and you signed it?
30 That's what we're trying to get to. It's nothing complicated.---No, the, the second part of the question, yes, I sought advice from my solicitors, former solicitors, this is what they drafted for me.

And who was your solicitor then?---Biggsley, I forget the full name. Paisley.

MR DARAMS: Colin Biggs & Paisley?--- Colin Biggs & Paisley.

THE COMMISSIONER: I see. And who within that firm, do you recall?
---Greg someone and, I've got their names in the phone. I can give them to
40 you a bit later on. I just can't recall their names.

Have you got your phone on you?---Yes. Do you want me to get, yeah.

Well, if your phone's working - - -?--- It's in my bag.

Okay. Well, let's not worry about it at the moment.---I can get it for you.

Yeah.

10 MR DARAMS: So you go to your solicitors after you read the report?
---Mmm.

You tell them that you believe you've got to disclose or declare a conflict of interest. Is that right?---I sought advice of what would be appropriate.

When you say "what would be appropriate" you must have identified there being some potential issue arising out of the board report that you sought that advice on, though, Mr Tsirekas?---Yes.

20 You gave instructions to your lawyers about the matters. Is that right?---No
instructions.

You told them about what concerned you. Is that right?---No, no. I asked for advice.

Yes, but you must have given them some instructions so that they could advise you on that?---No.

30 THE COMMISSIONER: I think the reference to "instructions" is legal talk that when a client goes to a solicitor, they usually give instructions in the sense that, "I'm here because I'm buying a block of land" or "I'm here because I've been charged with an offence" and so on, in other words, instructing solicitors about are they there, why am I being retained. Do you understand?---Yes, Commissioner.

It's only used in that sense.---Yes. Thank you.

40 MR DARAMS: So, yeah. I'll use another sort of more generic term. So you gave them some information and asked them to give you some advice as to what you should do. Is that right?---Yes.

So can we take it you went to your solicitors and said, "Look, I've read this council report." Is that part of the information you gave them?---I think it was done over a phone call. I didn't see them.

Well, in relation to the phone call, is part of the information that you give to them is that you've read the council report?---Well, I can't recall whether I said, "There's an item on the business paper. Can you give me an advice?" I don't think I went into too much detail.

10 THE COMMISSIONER: Just pause there for a moment. I think I just thought I should raise whether or not anybody wishes to suggest that there's an issue of privilege around this, so perhaps, I think probably not but is there anything you want to raise (not transcribable)

MR LEGGAT: Chief Commissioner, there's not at this stage. Thank you.

THE COMMISSIONER: Yes. Thank you. Yes. Very well. You carry on, Mr Darams.

20 MR DARAMS: Yes. So just going back to the exchange with your solicitors, you tell them that you've read the report?---No. I can't recall telling them I read the report.

Can you recall what you did say to them?---I, to my, best of my recollection, I said, "There's an item on the business paper referring to matters that are being investigated."

When you say that refers to the matters being investigated, what were you referring to when said "investigated"?---Well, they were acting for me and they were there with, with me when I went to the compulsory hearing. So
30 they were aware.

Just what you're referring to when you say "compulsory" you're referring to the interview - - -?---Non-compulsory, interview, yes.

- - - with Mr Berry and Mr Fox?---The non-compulsory hearing, yes.

Well, just picking up this paragraph, "I had a personal relationship with a number of proponents of some of the various proposals for this site," just
40 focusing on that there, as at 20 October, 2020, that's a correct statement, isn't it?---No, I want to correct that.

So this is another thing you want to correct, Mr Tsirekas?---Yes.

Right.

THE COMMISSIONER: Well, now, let's just go back a step. This document came into existence, the one on the screen addressed to the general manager entitled "Re item 3 Rhodes" it should read "planned precinct place strategy", who prepared that document? Was it you or your
10 solicitor or somebody else?---This document?

Mmm.---My solicitors.

Okay. And this was after you had spoken to them on the phone, you referred to a moment ago. Is that right?---Yes, Commissioner.

Okay. And they, what, they sent this to you or did you go into their office or - - -?---No, they sent it to me.

20 Okay. And then what happened? After you received it, you read it and you signed it on 20 October, 2020, is that right both those things?---Yes, Commissioner.

Okay.

MR DARAMS: Mr Tsirekas, I want to suggest to you that you read this document when it was provided to you by the solicitors.---Yes.

30 You agreed with what was set out in the document when you read it?---On their advice, yes, I agreed.

You agreed with it and that's the reason why you signed the document and dated it?

THE COMMISSIONER: I'm sorry, I'm not just sure of what you're saying there. On their advice you signed it? What do you mean by that?
---Commissioner, they were part of my team during the compulsory hearing. They were aware of the issues and this is the advice I received from them.

40 Well, this is not advice. This is a statement.---Well, yeah - - -

Which they drafted, you tell me - - -?---Yes.

- - - after you had communicated with them about the matter?---Yes, Commissioner. Yes.

They sent it to you, you read it, you signed it.---Yes, Commissioner.

That's the right sequence, is it?---Yes, Commissioner.

10 Okay. I just want to make sure that we're talking about the same thing.
---Yes.

MR DARAMS: The question I had for you, Mr Tsirekas, is that you signed it to acknowledge that you agreed and adopted the statements contained in this?---At that time, yes, I, I, I was truthfully signing something.

But you wish to say now, do you, that what's in this document - - -

20 THE COMMISSIONER: Well, wait a minute, let's just wait and see. You did read it, you've told us?---Yes, Commissioner.

Having read it, you understood it, is that right?---Yes, Commissioner.

And then you signed it and dated it?---Yes, Commissioner.

Right, okay.

30 MR DARAMS: The personal relationships referred to in there, they include Mr Kinsella and Billbergia.---Well, I want to correct that.

I'm just asking you, Mr - - -?---But at that time, yes, they were referring to those people.

They also referred to the Jacobs brothers and their company Prolet Constructions.---I don't know if they had anything before council. I think it was a Billbergia submission.

We're talking about the Rhodes Precinct Plan Strategy.---Yeah.

40 That the reference to "personal relationship with a number of proponents", see how you've identified in their "number of proponents"? You haven't

limited it to one. So the first one that I've asked you about, which you've agreed, is Mr Kinsella and Billbergia, that's right?---Yes.

Prolet Constructions and the Jacobs brothers is another.---Yes. Yes.

Who were the other proponents? Or it was only those two?---It was only those two.

10 You were at this stage cognisant of your obligations under the code of conduct to continually reflect on your circumstances, that's right?---Yes, that's right.

You were doing that – that is, reflecting on your circumstances – and in doing that you had identified in 2020 the personal relationship that you had with, on the one hand, Mr Kinsella, correct?---No.

20 Well, where you say, "I have a personal relationship", you just agreed with me that you were talking at least about Mr Kinsella and Billbergia, that's right?---That's right.

So what I'm suggesting to you is that in 2020 you reflected back, because you're obligated to do that under the code of conduct, as to your circumstances at that time, and you had identified that you had this personal relationship with Mr Kinsella, that's right?---That's right. But I'd like to correct it.

30 You also reflected, because you're obligated to do that under the code of conduct, in 2020 and identified your personal relationship with Mr – well, at least Mr Joseph Jacob of Prolet Constructions, that's right, isn't it?---Yes again, but they didn't have a planning proposal in.

You then form the view and made the decision that you thought it would be appropriate from that point on not to participate in consideration of or decision-making in relation to the matter from that point on, that's right? ---On the advice of my solicitors, yes.

You say you got advice and then you sign this document, that's right? ---That I got advice and at the time I signed it, yes.

40 You signed this document because you agreed with what was set out in the document?---At the time the, the information I had - - -

Mr Tsirekas - - -?---That's right.

Mr Tsirekas, you signed the document because you agreed about it.---I, I was given advice and I signed it.

You're not someone – are you suggesting that you're someone who signed something that you don't agree with?---No. All right I was signing something I thought was truthful.

10

THE COMMISSIONER: You said you were given advice and then you signed it, is that right?---Yes.

Advice by whom, given advice by whom?---Acting solicitors.

Are you suggesting that something said to you in the advice had any relevance to you understanding the document and/or signing it?---Yes, Commissioner.

20 You do?---Yes.

Well, okay. What do you say in that respect, Mr Leggat? This ordinarily would be the subject of legal professional privilege.

MR LEGGAT: Yes.

THE COMMISSIONER: There are two bases upon which I think, at least prima facie, legal professional privilege doesn't apply. One may be a provision of the Act itself, though I'm uncertain as to when the retainer with his previous solicitors came into existence and for what purpose, whether it was related to the present investigation in part or on whole, or not. But the latter basis is that the witness is now deploying the advice for whatever reason. It seems to be that in doing so he is now on effect waiving any privilege he had, impliedly of course.

30

MR LEGGAT: Yes.

THE COMMISSIONER: And I'm aware of an authority many years ago involving the Commission, a matter I was presiding over as an Acting Commissioner, which that very same issue was examined and decided upon.

40

MR LEGGAT: Yes.

THE COMMISSIONER: If you wish this matter to be further determined, I'm happy to do so but I just didn't want to allow it to go on without you indicating your position, what position you feel should be taken or should not be taken, that's all. It seems to me, by reason of the witness's last answer or two, I'm left in the position to need to deal with the matter in the sense that if there's no privilege attaching, then I want those documents to deal with any advice said to have been given.

10

MR LEGGAT: Yes. I wouldn't speak, I would not speak against that approach, Chief Commissioner.

THE COMMISSIONER: Yes. That is to say you're not to speak against the issue of waiver?

MR LEGGAT: Correct.

THE COMMISSIONER: Yes. Mr Leggat, I think that is the correct
20 position, with respect.

MR LEGGAT: Yes.

THE COMMISSIONER: I don't want to put you in a position, though, that if you wanted to consider it you, you know, you're entitled to have the opportunity to do so. The decision I referred to in the Supreme Court was a decision of Justice Sully in the matter of – I'm just trying to this of the name if it again. It's an unreported decision but I can make available a copy, but the effect of the decision, on the facts at least in that case, was that the
30 witness who was deploying in some way advice said to have been given to him implied he waived his privilege, and Justice Sully, I recall, held that there had been a waiver. His order carefully crafted what the waiver related to.

MR LEGGAT: Yes.

THE COMMISSIONER: And, yes, that's the case I'm referring to. So happy to obtain that but it's a question of whether we need to go on into the question of what advice he received at this stage. It may not be – in fact, I
40 think the programming this week is that the Commission won't be sitting tomorrow or the next day and then resumes on Thursday, is it?

MR DARAMS: Friday.

THE COMMISSIONER: Friday.

MR DARAMS: We won't be sitting the next three days but resuming on Friday.

10 THE COMMISSIONER: I'm happy to have this matter quarantined, as it were, and left till Friday if – which it might have to be anyway. We'll probably need to have the file brought here from Colin Biggers & Paisley. So we can leave it in abeyance until then, I think, and deal with that as a discrete issue.

MR LEGGAT: Very well. Thank you, Chief Commissioner.

THE COMMISSIONER: Okay. Thank you. Mr Darams, are you able to proceed with any other issue around this issue, this subject matter?

20 MR DARAMS: I am able to proceed.

THE COMMISSIONER: All right. Well, I think if you are, you go ahead. I think that one issue might, that I've discussed a moment ago with Mr Leggat, could be left and if we need to deal with it, it can be dealt with on Friday, Friday morning.

MR DARAMS: Yes.

30 THE COMMISSIONER: All right.

MR DARAMS: Just going to the relationship with Mr Kinsella and Billbergia, it's the case, though, that by no later than 31 May, 2016 you had a relationship with him, a personal relationship, that meant that you should have declared or disclosed a conflict of interest arising out of that relationship, that's right, isn't it?---No, it's not.

You had known Mr Kinsella for a number of years before 2016?---Yes.

40 You had gone to functions and events organised or arranged for a charity that he was involved in?---His charity nights, yes.

He had been invited at your request to mayor Christmas parties?---Yes.

You'd had dinners with Mr Kinsella?---Yes. Not organised by Mr Kinsella, but - - -

But you'd attended them where Mr Kinsella was there and you'd had dinner with - - -?---With a number of other people, yes.

Well, Mr Chidiac?---On occasion.

10

The Jacobs brothers or one of the Jacobs?---On occasion.

Chief Commissioner, I need to ask that the section 112 declaration made on 7 April, 2022 be varied to allow me to refer to parts of the transcript of evidence given by Mr Tsirekas on that occasion, starting at page 1246 and 1247. It should be varied in the public interest so that I can question Mr Tsirekas about evidence he gave on that occasion.

20

THE COMMISSIONER: Yes. Very well. In relation to the compulsory examination conducted in this investigation on 7 April, 2022, I vary the section 112 direction to enable Counsel Assisting to utilise transcript pages 1246-1247 in relation to the evidence given by the witness, Mr Tsirekas.

**VARIATION OF SUPPRESSION ORDER: IN RELATION TO THE
COMPULSORY EXAMINATION CONDUCTED IN THIS
INVESTIGATION ON 7 APRIL, 2022, I VARY THE SECTION 112
DIRECTION TO ENABLE COUNSEL ASSISTING TO UTILISE
TRANSCRIPT PAGES 1246-1247 IN RELATION TO THE
EVIDENCE GIVEN BY THE WITNESS, MR TSIREKAS.**

30

MR DARAMS: So if we could just show you, Mr Tsirekas, page 1246. I'd like to draw your attention to line 28, where I put this question. Perhaps if the witness could be shown volume 1.2, page, firstly, page 23? Go back to page 21. Just see that, Mr Tsirekas. These are the minutes of 31 May, 2016, council meeting.---Yes. Correct.

40

You recall I took you to these a few days ago in relation to the motion that was proposed by Mr Kenzler?---Yes.

Can we go back to the transcript now, please? And about line 22, I say this, “Now, this is a meeting where the amended resolution of Mr Kenzler was proposed and voted on?” You agreed with that. Then you see that I asked you and showed you about the declaration part of the meeting and identified that you made no declarations. Do you see that question and answer?---Yes. Yes, I do.

10 Then if I could skip over a few questions down at line 32, I put this proposition to you. “We’re dealing with the planning proposal for the Station Precinct?” You agreed with that?---Yes.

Then I asked you some questions and showed you page 65 of the minutes and you identified provisions in those minutes. That’s right?---Yes.

20 Then I showed you page 67 and said, “you see you’re voting in favour of this?” and you said, “Yep.” Go to the next page. Then the question I put to you was, “Now, whether or not it should have been disclosed earlier in time, do you accept by no later than this time you should have disclosed what you call your non-pecuniary interest in relation to your relationship with Billbergia and Mr Kinsella?”---Sorry? What line was that?

The first line. See the question?---The first line. Okay. Yeah. Yes. Yeah.

30 I put this proposition to you. Do you see your answer, “Yes. This item was deferred, it wasn’t approved.” Then I said, “Right. But at this stage” and again you said, “This was deferred that night.” “Sure. But should you have at this stage?” “Yes, yes.” “So from this point this is in any event, on your evidence now, the time that you should have – from at least this time onwards?” “Yeah. A non-pecuniary interest, yes.” So, Mr Tsirekas, when I questioned you about the relationship between you and Mr Kinsella and Billbergia on 7 April, 2022, you accepted on that occasion that by no later than 31 May, 2016, you should have declared or disclosed your conflict of interest arising out of that relationship. You accept that, don’t you?---I’d like to correct that.

Well, just firstly, you accept that on that occasion, in April 2022, you accepted that you should have on 31 May and at all times thereafter declared or disclosed a conflict of interest. Correct?---At that interview, yes.

40 So this is, just so you understand the differences, this here is the compulsory examination. You understand that?---Yes.

The previous one that we're talking about in 2020 was an interview, not a compulsory examination?---Yes.

You recall on this occasion in April this year, you and I were having some questions and answers about how soon you should have identified and disclosed that conflict of interest. Do you remember those questions?
---Yes.

10 So that's the context for me putting the question to you at the top, that whether or not it should have been done at an earlier time from at least 31 May, 2016, you should have declared or disclosed that interest. You accept all of that?---No, I, no - - -

Just the context of the questions.---Yeah. I don't know if I answered "yes" to, prior to this date but you've shown me that my evidence on that date was that I said "yes" and - - -

20 From at least this time, that is 31 May, 2016. That's what we're talking about in these questions?---That's the evidence I gave then.

I suggest to you that, at least in respect of accepting the relationship should have been disclosed on 31 May, 2016, and at all times thereafter, that that evidence was the truth?---During that interview that was the truth and I would like to correct that evidence.

30 So you're going to say now, if I ask you, you're going to say as at 31 May, 2016 you weren't required or obligated to disclose a conflict of interest arising out of your relationship with Mr Kinsella or Billbergia?---No.

You're accepting my proposition that you're going to say you didn't have to disclose or declare the conflict of interest?---Yes, I accept that proposition. I would like to correct the evidence.

When you say you want to correct the evidence, you want give - - -

40 THE COMMISSIONER: What do you mean by – before we examine the correction you're talking about, what part of the transcript do you wish to correct? Just if you could identify - - -?---This, that the differences of - - -

No, no, no. Don't. Just tell me, you said you want to correct the evidence. Now I want you to identify the evidence to which you are referring, which we can see all of it on the screen.---Yes.

What part of it are you now referring to?---Well, that I should have disclosed a non-pecuniary interest.

10 No, no, no. No. Can you just listen to what I'm saying? You should know by now that the numbers down the left-hand margin gives you a line number.---Yes, yes.

That's a reference point.---Yes.

So when I ask you to identify the evidence that you're wanting to change, could you give me a reference point line so that we firstly can see what evidence you're talking about?---The, the top paragraph where the question was and it's in the bottom line of the top paragraph where I say "Yes."

20 I see. So it's the first question on the page and it's the answer that is the evidence you want to change, is that right?---I, I want to correct, Commissioner.

Correct it. Well, just pause there for a moment. Yes. And what change to you, sorry, correction are you talking about?---That I didn't have that personal relationship with Mr Kinsella.

Well, there's no, I can't see the phrase "personal relationship" there. ---Relationship.

30 Yeah, it just says "relationship".---Yeah.

So just exactly how the relationship is described is another question but what do you – sorry. So what is it that you want to correct.---That there was no relationship with Mr Kinsella.

No relationship at all?---Given the evidence that I've heard over the last five weeks, it's made it very clear that there was no relationship.

40 Mr Tsirekas, on multiple occasions now you have been taken to your sworn evidence, given the prior occasion, and you've said you want to correct it, haven't you?---Yes, Commissioner.

That is a very unusual position for a witness to take, I'm pointing out to you, because once a witness has attested to swear the truth and it's been recorded accurately in the transcript, then the evidence is the evidence. It's not for variation or change or engrossing in some other way. It is what it is. Do you understand?---Yes, Commissioner.

10 But you are departing from that rule, at least you're trying to, and I don't know you're able to do it, with respect. You're wanting to, as it were, rewrite the recorded answer. At the time you gave that answer, it was in your mind the absolute truth, is that right?--- I answered it, yes, truthfully then and I'm answering truthfully now.

Yeah. It was truthful then, is that right?---Yes.

Right. Now, if there's something to be introduced to change it, your Counsel has a right to take you through, in re-examination, any particular matter that he, in his decision, or they, in their decision, consider is legally permissible and appropriate to do.---Yes, Commissioner.

20

We don't want a witness – it's the first time I think in my professional life, to be quite honest, that I've heard a witness asking permission to change their evidence on a repeated occasion simply because something else has happened later. We don't change evidence here. Once it's there, it's evidence as you've given it. If the occasion arises where there's been some mistake made or something's got to be adduced in evidence to explain how that answer is to be taken, then your very competent legal counsel – who are here every day listening to the evidence in your interest, as well as to assist this Commission in the public interest – will deal with such matters. Do you understand?---Yes, Commissioner.

30

I know you've got a wish to change evidence for whatever reason, but it doesn't work that way just at will to say, "I now want to change my evidence." It doesn't work that way. You can understand in very serious criminal cases if someone admitted that they were at the scene of a crime and they committed an act and then they want to change evidence and say, "No, I wasn't there," then it would be in effect changing the evidence that was previously given. But that evidence may not be the end of the story because that witness may be able to give some explanation that puts a different slant on things.---Yes, Commissioner.

40

Do you follow what I'm saying?---Yes, Commissioner.

Yes, Mr Darams.

MR DARAMS: Mr Tsirekas, could I ask that you be shown volume 3.1, page 252. These are the minutes, Mr Tsirekas, of the council meeting on 10 December, 2013. Do you see that?---Yes, I do.

They record you as being present.---Yes.

10

I ask that you be shown the next page. I just refer you to item 4. Just read that.---Yes.

Do you see the resolution on this page here, that "Council endorses the master plan work undertaken by Conybeare Morrison as the basis for council submission to the NSW Planning Gateway for rezoning in relation to the Station Precinct, Rhodes"?---Yes.

20

If you can go to the next page, please. There are further resolutions adopted or made at this meeting. See that?---Yes.

The minutes record you as voting in favour of those four resolutions.---The master plan, yes.

So in the, can I suggest this, in the vernacular, this was the meeting at which council adopted the master plan, is that correct?---2013, if I can recall back then, was probably one of the first iterations, iterations of the master plan.

30

But is this a meeting at which the first iteration was adopted by council? That's the effect of these resolutions, is it not?---To the best of my recollection, yes. May not have been the first time it was at council, but - - -

And if we go back to the next, the previous page, 253. "Representatives of Billbergia spoke at council that evening." That's right?---Yes, I don't know who spoke, but I can't recall.

I'll ask you - - -?---Can, can you just tell me again what that, sorry, I've got the, the date of that meeting was? 10 December. Thank you.

40

2013.---Yep.

Could I ask that you be shown volume 3.4, page 3. Mr Tsirekas, just read this memo. Tell me when you need the next page, Mr Tsirekas.---Yep. Thank you. I'm up to the history. Do you want me to read the history as well?

I just want you to read that history because I want to ask you whether it accords with your recollection.---Yes.

10 Just a few questions about this, Mr Tsirekas. Firstly, if you see the entry in the history section to 10 December, 2013 we see the council-endorsed master plan?---Yes.

That's a reference to those minutes I took you to just a short while ago, isn't it, Mr Tsirekas?---Yes.

So that's the master plan for that Station Precinct area?---Yes.

20 Again, in the vernacular, or my words, council had adopted the master plan for that area from or on 10 December, 2013, that is the first master plan, correct?---It, it endorsed it but it wasn't approved until later on by the government.

Well, when do you say it was approved or endorsed?---I think when we got Gateway Approval granted.

Is that the one at 23 December - - -?---I, I think so.

30 So in any event, by the end of 2013, the first iteration of the master plan had been endorsed or adopted by council?---I would say so, yes.

This also suggests, doesn't it, the history that at this stage in April 2016, what council was dealing with was an amended planning proposal on behalf of Billbergia, is that right?---Are you referring to 8 February, 2016?

So these, this memo was dated 12 April, 2016.---Right.

Take that from me, that's what the memo says.---Yes.

40 But what I'm suggesting to you, based upon this history and the information also contained on this page a least, that by this stage, in April 2016, the

council was dealing with an amended or different iteration of a planning proposal on behalf of Billbergia, that's right?---Yes.

So earlier planning proposals had come before council and had been voted on by council, that's right?---Under, under the – it was given Gateway approval in 2015 and then, following that, there was another exhibited planning proposal.

10 So if we just look at the entry from 3 June, 2014, “Council endorsed the amendments proposed by Billbergia which required preparation of amended PP.”---Yes.

Council endorsing it, that's a reference to a decision of the council, of which you were one of the members, correct?---Yes.

So what I'm suggesting to you is that an earlier iteration of Billbergia's planning proposal had come before council and been voted on or discussed at council, at least back in June 2014.---Um - - -

20 That's right, though, isn't it?---Yes, the process was that we endorse something so the government can consider it as part of the master plan for the Station Precinct. It wasn't endorsing any development applications. It was part of a precinct strategy plan.

But unless council endorsed it, well, a step in the process is council endorsing it, correct, before you refer it on?---Before it could be considered, yes.

30 Yes. If we – see, what I want to suggest to you is that you, I took you to some evidence of your compulsory examination, where you accepted by no later than 31 May, 2016 you should have declared or disclosed your interests. Do you remember that evidence I took you to a short while ago? ---Yes. Yes.

What I want to suggest to you is that in your mind you should have declared or disclosed an interest after the master plan for that precinct area had been endorsed or adopted by council. What do you say about that?---No.

40 Chief Commissioner, could I ask that the section 112 declaration on 7 April, 2022 be varied again to allow me to ask questions and show Mr Tsirekas the transcript commencing at page 1243.

THE COMMISSIONER: Do you want the whole of that, 1243 and to the end or - - -

MR DARAMS: Yeah, 1243, 1244, 1245, please.

THE COMMISSIONER: In respect of the compulsory examination held on 7 April, 2022 in this investigation, I vary the direction made under section 112 on that occasion to enable Counsel Assisting to utilise the pages 1243, 44, 45 of that transcript.

VARIATION OF SUPPRESSION ORDER: IN RESPECT OF THE COMPULSORY EXAMINATION HELD ON 7 APRIL, 2022 IN THIS INVESTIGATION, I VARY THE DIRECTION MADE UNDER SECTION 112 ON THAT OCCASION TO ENABLE COUNSEL ASSISTING TO UTILISE THE PAGES 1243, 44, 45 OF THAT TRANSCRIPT.

20

MR DARAMS: So if I could ask you be shown page 1243. Mr Tsirekas, I want to draw your attention to about line 7, where the question is “So your evidence still is, is it, that as at 15 October, 2013, you did not enjoy a friendship with Mr Kinsella or other relationship with him other than - - -” Your answer is “To my, best of my recollection, that’s right, Commissioner.” Then I ask that you be shown volume 3.2, page 32. “Note the dates, 2 December.” “Yes.” “Meeting 2 December, 2014.” This is about line 12. Then I said, “If the witness can be shown page 33.” I put this question to you, “Now, what about at this stage? Should you have disclosed what you describe as your non-pecuniary interest arising from your relationship with Mr Kinsella or Billbergia?” Your answer is “To the best of my recollection it’s still early on in the piece.” Line 20, “All right. I knew of him,” you say. “I didn’t know much about, I knew B1, I knew Hossa Group and they were the major developers in the area.” Then I move onto the next question, “All right. I see. Now if the witness can be show volume, 3.3, page 157. They’re the minutes 15 September, 2015. If the witness could be shown the next page. What about at this stage in September 2015?” “Yeah, it was more after the master plan adoption where, and I don’t think at this stage the master plan was completed.” “What about at that stage that you – I withdraw that.” “So this is where we resolved to do a, a further report and so forth.” And then the question is “So

you're still saying not at this stage, there was no sufficient relationship between Mr Kinsella and yourself and Billbergia?" "Yeah. No, no." Then I said, "I see. If the witness could be shown volume 3.4, page 14. Minutes in April 2016. Are we still too soon, Mr Tsirekas?" Then you say, "I just want to know if the master plan was adopted then." Then if we go over to the next page, the top of the page, "Perhaps if we can show the next page." "Where we - - -" And the Commissioner comes in and says he couldn't hear you, "You're talking too softly." Then at about line 7 I said "Well, perhaps it's easier this way." "Yeah." And then I say, "When in your mind
10 do you say you were required or the relationship was at a stage that you should have disclosed the non-pecuniary interest?" "At the planning proposal stages that were submitted." Do you see your answer there?---Yes.

See, what I want to suggest to you, Mr Tsirekas, that based upon that answer, and the chronology of events that I'm just taking you to from the council's records, is that you should have been disclosing this conflict of interest arising out your relationship with Mr Kinsella and Billbergia, back from 2014. What do you say about that? That's how we should read that evidence, shouldn't we?---No.

20 Why not?---Because there was no relationship - - -

No, no, just, no, stop - - -?---Well, you're asking me to answer - - -

No, I'm asking you about the evidence you gave.---Yes, and I'm trying to answer it.

30 And what you were concerned about to know, when you should have declared this relationship, was when the planning proposal had been submitted by Billbergia.---Yeah.

The evidence that I've taken you to just short while ago shows that those planning proposals were starting to be submitted in 2014. Do you accept that, that they were being submitted in 2014?---No because - - -

Just on that question, do you accept that – why not?---Because there has been a lot of planning proposals that have been submitted over the years.

40 THE COMMISSIONER: No, don't go over the years. We're dealing with the period from 2014.---Yes. And my answer is no.

But why?---Because, Commissioner, when I was asked this question I was trying to recall all the - - -

No, no, no, no, no. No, no. Just answer my question. My question was a one-word question, “Why?”---No, no, Commissioner, I didn’t have to back then. I was trying to explain myself.

No, no, no, no. You said you did not consider you had to disclose a non-pecuniary interest. Is that right?---That’s correct.

10

And I asked “Why?”---Because I didn’t have a, a non-pecuniary interest to disclose back then.

Well, that’s not very informative but you just simply say, you deny you had a non-pecuniary interest but you can’t explain why.---Commissioner, I can. There was no close relationship that I had with John Kinsella at that stage and these - - -

20

Sorry, go on.---And the, the confusion with the east and west and the Station Precinct and the planning proposals gets very confusing, and at a later stage where East Rhodes was becoming more of an item, that’s where Kinsella and, and Prolet were more active in trying to sell their infrastructure plan to council because we didn’t agree with it. But that, early days, I, I really didn’t have much to do with John Kinsella ‘cause he was going off on his own with whatever he wanted to put in to council. And we had a master plan and he had to look at that before putting in any plan ‘cause it had to comply with the master plan or they had to put a VPA plan in for it for that to be considered independently.

30

MR DARAMS: Mr Tsirekas, what I’m just asking you about is I asked you at line 8, and in the context, you’ll accept I was taking you back to the minutes in 2012 and 2013 when we were talking and the minutes were referring to the Station Precinct. Do you remember that, Mr Tsirekas?
---Yes, I do.

So I want to suggest to you you weren’t under any confusion or misunderstanding when I was asking you these questions on 7 April, 2022?
---Yes, I was.

40

I’m suggesting to you that’s not the case?---No, and I’d like to correct that.

So I then ask you this question. It's quite open for you to identify when your admitted and conceded conflict of interest arose. Your answer was, "At the planning proposal stages that were submitted." Do you see that?---Yes, I do.

10 What I'm suggesting to you is that based upon that history, which I just took you to in volume 3.4, page 4, which we don't need to go back to, that identifies that Billbergia's planning proposal was submitted back in at least April 2014, Mr Tsirekas, so - - -?---Yes, and I didn't have a relationship with him at all.

So based upon the answers you gave on 7 April, 2022, you should have been disclosing or declaring your conflict of interest arising out of your relationship with Billbergia and Mr Kinsella by no later than April 2014. That's right, isn't it?---No.

20 That was the effect of the evidence that you've given this Commission under oath?---Yes. But, again, planning proposals, you're not referring to any particular planning proposal. You've put out there a planning proposal and again there's been so many different versions.

But what does it matter if you identify that your conflict had arisen at a point in time of the planning proposal being submitted, which on this evidence you gave under oath on 7 April, 2022 - - -?---Yes.

- - - was after the master plan had been adopted. That's what you've said. Correct?---Yes.

30 We've identified the master plan was adopted or endorsed no later than the end of the 2013. That's right?---Well - - -

That's right, isn't it?---There was another master plan in 2015.

So but the first one in time was 2013?---Yes, and it got changed.

40 Yeah, but after that, there was a planning proposal from Billbergia and you identified in answer to that open question that that's the stage that you should have been declaring or disclosing your conflict of interest. Nothing confusing about all of that, is there, Mr Tsirekas?---No, well, there is and I, I'd like to correct that. At that stage, I did answer it truthfully - - -

When you say you want to correct the evidence, it's not that you really want to correct the evidence. You really want to change and give different evidence now, don't you?---No, I'd like to correct it.

But there's nothing incorrect about the explanations you gave. They recorded what you said. That's right?---Understand.

They're not spelt incorrectly. That's right?---Understand.

10 The questions that were put to you were clear. That's right?---As I understood them then, yes.

So what I'm suggesting to you is that you don't want to correct the evidence. You want to now give different evidence. What do you say about that?---No.

You do want to give different evidence, though, don't you?---No. No, I don't.

20 You do because you want to say that at no stage, can I put this to you?
---Mmm.

You want to say at no stage between 2012 and October 2022, at no stage during that period were you required to disclose or declare a conflict of interest arising out of your relationship with Mr Kinsella and Billbergia, don't you?---Yes.

So that's what I want to suggest to you is different evidence. Correct?
---Yes.

30 This is another example, isn't it, Mr Tsirekas, where you now want to give different evidence under oath compared to previous evidence that you've given under oath, isn't that right?---I answered the evidence given previously truthfully.

Mr Tsirekas, my, no, my - - -?---And I'm answering truthfully now.

- - - my question is slightly different. In fact, it's fundamentally different. This is another example of you wishing to give different evidence now
40 under oath compared to the evidence you previously gave under oath.---I'd like to correct that evidence.

I'll ask you the question again. This is another example where you wish to give different evidence under oath compared to previous evidence you've given under oath.---Yes, I would like to correct that evidence.

To give different evidence?---No, to clarify the evidence that I've given and heard over the last five weeks. It's, it's brought into clarity that there was no relationship with John Kinsella or Prolet. My definition of relationship is probably a bit different to, to others. I call people on my soccer team
10 friends, but I don't go to their house or their weddings. And I, I call people I see on the street friends. But there is no relationship with Mr Kinsella or Prolet, and it was made very clear from the evidence that we've heard from other witnesses.

When you say it's been made clear from evidence of other witnesses, what evidence are you talking about?---I think over the last five weeks we've heard evidence regarding certain people that have been mentioned, who clearly indicated that there was no relationship.

20 I asked you about what evidence you say was given that would – I'm interpolating here – mean that the evidence you gave on 7 April, 2022 has to be changed. Just broadly stating, I'm just asking you, what evidence in particular are you referring to?---Evidence from other witnesses that have been questioned.

I've asked you who. Which witness? What did they say?---Well, there's – pardon?

30 Which witness?---Well, there's Mr John Kinsella, Joseph Jacobs.

THE COMMISSIONER: But, look, see, Mr Tsirekas, there's some difficulty when you want to use as a basis to change your evidence from, for example, admission to non-admission is that you respect, you just referred to the evidence, the witnesses. There's been lots of evidence and lots of witnesses. What specific evidence are you now referring to?

---Commissioner, I've been sitting here for five weeks. There's been a lot of witnesses.

40 That's right.---But in particular reference to certain people here, John Kinsella and Joseph Jacobs. Clearly there was no relationship between them and myself.

That's a mere assertion by you. I've asked you, for example, when you say, "I want to change my evidence," you don't refer to the evidence, all you say is "Oh, I've heard evidence." Well, it's easy to say that but you never identify what evidence. What evidence are you now talking about in relation to this issue about the admission you made in evidence concerning the obligation that you did in fact have, according to the evidence, to make a declaration or, that is, a declaration of pecuniary interest and/or conflict of interests? What evidence are you talking about?---Commissioner, it's
10 brought into focus quite clearly from witnesses that I've mentioned.

See, you're just going back over the same mistake. You're saying "the witnesses". What witnesses? What evidence in what witnesses?---Well - - -

Now, just assist me, please. You say, "I need to change my evidence," that's the evidence that you've been taken to just a short while ago, "because of the evidence I've heard. That makes me now want to change my evidence." Okay, please focus. What evidence are you referring to that makes it necessary for you now to withdraw your admission and change it?
20 ---Yes, Commissioner - - -

That is to say that you should have made a declaration.---I want to correct my evidence because I did answer those as best I could when I was asked in the interview, given the last five weeks sitting here and listening to witnesses such as Mr Kinsella, such as Mr Jacobs. Clearly there was no relationship.

Just bring up the evidence again, Mr Darams. It's the evidence when it was put to him that he had an obligation to make the declaration.
30

MR DARAMS: So line 8.

THE COMMISSIONER: Line 8, just look at that. "When in your mind do you say you were required or the relationship was at a stage that you should have disclosed the non-pecuniary interest?" You said, answer, "At the planning proposal stages that were submitted." Now, you say you want to change that, is that right?---Yes, Commissioner.

And you say it's because of some evidence you heard. What evidence are you referring to? I'm giving you another opportunity to assist the Commission by identifying evidence you're now referring to which causes
40

you to want to change that answer.---Commissioner, I want to correct the answer because I don't want to – I answered as best I could back then and I'm trying to answer it now and clarify that between the parties that have been mentioned, and given me the opportunity to also understand the relationship a lot more, given what I've heard, that there was no pecuniary interest, non-pecuniary interest between Billbergia, and Joseph Jacobs didn't have a planning proposal anyway. But, so, but I've understood his, our relationship as well.

10 You know what I'm doing in asking you this last question and the questions before that?---Mmm.

I'm providing you with what's called an opportunity.---Yes, Commissioner.

It's an opportunity to point to the evidence which you say warrants you changing your answer that has just been read between lines 11 and 14 or 15, the one I just read out. Can you – and I'm giving you this opportunity – identify the evidence that you say warrants you seeking to change your evidence?---I, I can't answer further than what I've given as an answer,
20 Commissioner.

So you can't point to any evidence?---I don't have the transcripts here.

No, no, but you're the one who's wanting to make the change.---Yes, Commissioner.

Right. And I'm asking you why and you say, "Because of evidence I've heard," and I've given you now three or four opportunities, and Counsel Assisting has also provided you with an opportunity to explain, by reference
30 to some evidence you say you've heard in this room in these proceedings, that warrants you changing your answer at that page and that, between those lines.---I, I don't have the transcripts here and I can't point to that evidence.

And you say you have nothing in mind that will identify the evidence to which you keep referring?---Only to what I've heard in the last five weeks from the witnesses, Commissioner.

Yeah, yeah, we know, we've all heard the evidence. We've all heard the evidence.---Yeah. I don't have it with me. I don't have - - -
40

You don't have in mind any specific evidence when you say you want to change that answer?---I don't have the transcripts with me.

No, I'll put it again. You don't have any evidence in mind, is this correct, when you say you want to change that answer that I've just read to you between lines 11 and 15?---No, Commissioner, I don't have.

MR DARAMS: Just following on from that question from the Chief Commissioner, Mr Tsirekas, the fact is when you gave evidence on 7 April, 10 2022, you were giving evidence based upon your understanding of the factual circumstances and your obligations under the code of conduct, correct?---Yes.

You came to that view of your obligation to disclose a conflict of interest, as you should have, based upon what you understood was your obligation under the code and the relationships that had developed to a particular point in time, that's correct, isn't it, Mr Tsirekas?---You had about three questions there.

20 Okay.---Can you break it down?

THE COMMISSIONER: No, it was one question, actually.---I think it was a couple of questions.

MR DARAMS: You came to the view on 7 April, 2022, when you gave your evidence about when you should have disclosed your conflict of interest based upon your understanding of your obligations under the code of conduct. Correct?---Yes.

30 Based upon what you understood to be the circumstances as you knew them to be. Correct?---Not that I knew them to be at that stage.

You understood them to be?---What my best understanding was at that stage, yes.

Of the relationship between you and Mr Kinsella and Billbergia?---I didn't have a relationship with - - -

40 Of the relationship between you and Mr Kinsella and Billbergia because you've identified a non-pecuniary interest arising out of the relationship.

That's what you were giving the answer in relation to, Mr Tsirekas.---Yeah, yeah, I, I understand that and I wanted to correct that but I didn't have a - - -

I'm asking you this question that - - -?---Yes.

- - - this was all based on your appreciation of the circumstances that existed up to April 2022?---Yes. Yes.

10 Well, I want to suggest to you that those circumstances, your understanding and your understanding of your obligations on the code of conduct have nothing to do with any view that Mr Kinsella might have about your relationship with him. It's all about your understanding of your relationship. Do you agree with that?---That's what, and, yes, my view has changed and I just want to correct that.

If I understand what you're saying, you say your view or the basis of your view has changed - - -?---Yes.

20 - - - based upon something Mr Kinsella said?---No.

That's what it comes down to, doesn't it, Mr Tsirekas?---No. It's my understanding of it, of the relationship from listening to other witnesses that there was no, there was close relationship. I knew him, yes. But there was no close relationship. And I think we've heard that, and I wanted to correct that.

But what you're really saying is that Mr Kinsella's view is there was no close relationship. That's what you're saying, isn't it?---No.

30 Well, that's exactly what you've just said to me.---No, it's not.

See, I want to suggest to you that it's absurd to suggest that when you give your evidence on 7 April, 2022, based upon your understanding of your obligation under the code of conduct, you accept that?---Yes.

Based on your understanding of the relationship that you had with Mr Kinsella or Billbergia. Correct?---At - - -

40 Correct?---I answered it at the best I could back then.

Do you have trouble understanding my question?---No.

Okay. Can you just answer it then, please? So you gave it based upon your understanding of the relationship you had with Mr Kinsella which is what you had to do under the code of conduct, that is assess your circumstances. Correct?---Yes.

'Cause it's all about issues of probity in decision-making, isn't it, Mr Tsirekas?---Yes.

10 So with all of those in your mind, you made the assessment when you gave your evidence in April this year that you should have disclosed these conflicts of interest arising out of your relationship with Mr Kinsella. That's right? Correct?---I answered that as best I could at that stage - - -

We've got your answer.---Yes.

20 What I'm suggesting to you is there's nothing that Mr Kinsella could have said in his evidence in these proceedings that could have any relevance whatsoever to you and your assessment of your relationship and your obligations under the code of conduct. That's what I'm putting to you for comment.---No, I, I disagree with that.

Chief Commissioner, I note the time, and we have to raise at 3.30 today. There's a couple of tenders I want to deal with.

THE COMMISSIONER: Yes.

30 MR DARAMS: We won't finish Mr Tsirekas today but I anticipate we'll get to cross-examination on Friday when we return.

THE COMMISSIONER: Very well. So are you suggesting that Mr Tsirekas stands down for today?

MR DARAMS: Yeah, stands down today.

THE COMMISSIONER: And then do you want me to adjourn or do you want to go straight into the tendering of these documents?

40 MR DARAMS: I just want to tender the documents and then we'll adjourn for the day. If we can do that, please?

THE COMMISSIONER: Right. Mr Tsirekas, you've heard that. If you would return on Friday, then, at 10 o'clock?---Okay. Yes, Commissioner.

Thank you.---Thank you.

You're free to go today.---Thank you.

THE WITNESS STOOD DOWN

[3.24pm]

10

MR DARAMS: So could I tender the audio and transcript of session 337 which will become Exhibit 59?

THE COMMISSIONER: Yes. The audio transcript so described will be admitted, Exhibit 59.

20 **#EXH-059 – AUDIO TRANSCRIPT OF TELECOMMUNICATION
INTERCEPT SESSION NUMBER 337 BETWEEN ANGELO
TSIREKAS AND JOSEPH CHIDIAC ON 07/12/2018 AT 10:40:09**

MR DARAMS: The next tender is the audio and transcript of session 1302.

THE COMMISSIONER: Yes. The audio and transcript of session 1302 will become Exhibit 60.

30 **#EXH-060 – AUDIO TRANSCRIPT OF TELECOMMUNICATION
INTERCEPT SESSION NUMBER 1302 BETWEEN ANGELO
TSIREKAS AND JOSEPH CHIDIAC ON 12/12/2018 AT 15:39:41**

MR DARAMS: Next could I tender the photograph at volume 6.2, page 336. Photograph of Mr Chidiac and Mr Tsirekas at the IPG Christmas party in December 2016.

40 THE COMMISSIONER: Yes. The photograph, Exhibit 61. Sorry, the photograph contained in volume 2.2, page 336 will become Exhibit 61.

**#EXH-061 – PHOTOGRAPH OF JOSEPH CHIDIAC AND ANGELO
TSIREKAS**

MR DARAMS: Sorry, it's volume 6.2.

THE COMMISSIONER: Volume 6.2.

10 MR DARAMS: Page 336.

THE COMMISSIONER: Page 336.

MR LEGGAT: Chief Commissioner, I was wondering whether or not the description of the photograph that my learned friend Mr Darams gave might be amended slightly so that it's more objective. There's no evidence, as I understand it, as to the date when the photograph was taken or that it actually was at a Christmas party.

20 THE COMMISSIONER: That's why I gave it, that's why I gave it the – I didn't use - - -

MR LEGGAT: I noted that, yes.

THE COMMISSIONER: I think Counsel Assisting did but I didn't.

MR LEGGAT: Yes. I - - -

THE COMMISSIONER: So it's identified in the limited fashion.

30

MR LEGGAT: Thank you very much.

THE COMMISSIONER: Yes.

MR DARAMS: Could I then tender volume 5, Mr Tsirekas living expenses.

THE COMMISSIONER: Sorry, what was it, volume 5?

MR DARAMS: Volume 5.

40

THE COMMISSIONER: Yep.

MR DARAMS: Described as Mr Tsirekas' living expenses.

MR LEGGAT: Chief Commissioner, just on that. I notice that there are a number of entries which refer to items like the amount that was paid by Mr Tsirekas' former wife under a family law settlement, just as an example of something which really shouldn't go in. There's also amounts paid for, to lawyers for legal expenses. Some of them perhaps ought to be redacted insofar as they involve third parties, but particularly the wife. There's also
10 reference to the payments received from the ex-wife that presumably relate to - - -

THE COMMISSIONER: Well, I think what we'll do is we'll come back to it on Friday, tender it with a list of matters that should be suppressed. I, at the moment, accept that amounts of money that were paid under the matrimonial assessment, sorry, the assessment may need to be suppressed from publication. I'm not so sure about the solicitor's expenses but perhaps, can I suggest, if you could speak to Counsel Assisting and get some perhaps
20 consensus as to the best way to handle that exhibit.

MR LEGGAT: Yes, thank you.

THE COMMISSIONER: We'll leave it until Friday. Yes. All right. Well let's defer that. That was to be Exhibit 62. I think we'll just reserve the Exhibit Number 62 for some other document at the moment. Is there anything else?

MR DARAMS: Yes. Could I tender volume 5A, the travel brief, could we mark that Exhibit 63?
30

THE COMMISSIONER: That will become Exhibit 62, the volume 5A, the travel brief.

#EXH-062 – PUBLIC INQUIRY BRIEF VOLUME 5A - TRAVEL BRIEF

MR DARAMS: Volume 5A.1, which is Mr Tsirekas' parents' financial
40 documents.

THE COMMISSIONER: Is there any need for a suppression order in that?

MR DARAMS: It's bank accounts and, other than the address and the bank account numbers, no. So the address and the - - -

THE COMMISSIONER: All right. Well, the bank account number and the addresses set out in the documents in volume 5A.1, in relation to the finances of Mr Tsirekas' parents will be admitted as Exhibit 63.

10

#EXH-063 – PUBLIC INQUIRY BRIEF VOLUME 5A.1 - ANGELO TSIREKAS' PARENTS' FINANCIAL DOCUMENTS

MR DARAMS: Then can we also tender the corruption prevention briefs, volumes 1 to 3. So there are three separate volumes but they can go in as Exhibit 64.

20 THE COMMISSIONER: All right. Corruption brief volumes 1 to 3 will become Exhibit 64, A, B and C.

#EXH-064 – CORRUPTION PREVENTION BRIEFS – VOLUMES 1-3

MR DARAMS: They are the tenders for today, Chief Commissioner,

30 THE COMMISSIONER: All right. Well, perhaps if you could remind me on Friday about the living expenses document.

MR DARAMS: Yes, we will. Yes, Chief Commissioner.

THE COMMISSIONER: Very well. Very well. Mr Leggat, is there anything else outstanding?

MR LEGGAT: No, thank you, Chief Commissioner.

40 THE COMMISSIONER: Thank you. Very well. I'll adjourn until Friday, 10 o'clock.

AT 3.30PM THE MATTER WAS ADJOURNED ACCORDINGLY

[3.30pm]