

THE COMMISSIONER: Yes, very well. It can be noted that the private hearing is now complete. We'll move back into the public inquiry mode.

MR DARAMS: We may need a very short adjournment to set up all the IT issues, the IT-associated functions that - - -

THE COMMISSIONER: Is there another witness ready to go?

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MR DARAMS: The next witness available would be Mr Colacicco.

THE COMMISSIONER: We can proceed with him this afternoon?

MR DARAMS: We can start Mr Colacicco this afternoon, yes.

THE COMMISSIONER: Start, yeah. All right. I'll adjourn and let me know when you're ready.

20 MR DARAMS: Will do.

**SHORT ADJOURNMENT**

**[3.27pm]**

THE COMMISSIONER: Yes.

MR DARAMS: Yes, Chief Commissioner. I call Mr Francesco Colacicco.

30 THE COMMISSIONER: Yes. Mr Colacicco, just stand there for a moment. Do you take an oath or an affirmation?

MR COLACICCO: An oath.

THE COMMISSIONER: Thank you. There's a Bible there, and I'll have the oath administered to you.

THE COMMISSIONER: Thank you. Just take a seat.---Thank you.

Mr Alexander, do you seek leave to appear?

MR ALEXANDER: Yes, I do, Chief Commissioner.

10 THE COMMISSIONER: Yes. I grant leave to you to represent Mr Colacicco.

MR ALEXANDER: Yes, thank you.

THE COMMISSIONER: Is there any application you have, Mr Alexander? Any application that you have?

MR ALEXANDER: Yes. If the witness could be given a declaration under section 38 of the Act.

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THE COMMISSIONER: And you've explained to him what that means?

MR ALEXANDER: Yes, I have.

THE COMMISSIONER: All right, thank you. Mr Colacicco, you have been informed, I understand, about objecting to evidence and the reason for objecting to evidence.---Yes.

30 Yes, you have. And that means that evidence given under objection, the evidence you give can't be used in other proceedings in the future. Do you understand that's the purpose of it, it offers you that protection?---Yes, I do.

40 The exception, however, an there is an exception, is the evidence you give here in this public inquiry can be used in relation to evidence a witness gives here if there is evidence by the witness that's false or misleading, wilfully false or misleading, or if it constitutes any other offence under the Independent Commission Against Corruption Act, then the evidence you give here, even on objection, can be used in those circumstances, that is for a prosecution, for example, of giving false and misleading evidence. Do you understand?---Yes, I do.

There is a prescribed maximum sentence for somebody who does give false evidence and that is a term of imprisonment for five years. So that underlines the importance of answering all questions truthfully. You understand that, don't you?---Yes, I do, Commissioner.

Yes, very well. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Colacicco, and if there are be documents or any other items he is required to produce during the course of the evidence, the objection applies to such documents or items. Accordingly, there is no need for the witness to object to individual questions or requirement to produce documents or other items. This declaration will apply to all questions and all such requirements.

**DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MR COLACICCO, AND IF THERE ARE BE DOCUMENTS OR ANY OTHER ITEMS HE IS REQUIRED TO PRODUCE DURING THE COURSE OF THE EVIDENCE, THE OBJECTION APPLIES TO SUCH DOCUMENTS OR ITEMS. ACCORDINGLY, THERE IS NO NEED FOR THE WITNESS TO OBJECT TO INDIVIDUAL QUESTIONS OR REQUIREMENT TO PRODUCE DOCUMENTS OR OTHER ITEMS. THIS DECLARATION WILL APPLY TO ALL QUESTIONS AND ALL SUCH REQUIREMENTS.**

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Could you please tell us your full name?---Francesco Colacicco.

Mr Colacicco, you're a real estate agent?---That's correct.

What qualifications do you have to be a real estate agent?---I have my licence for real estate agent, I went to TAFE at the time.

Yes. Now, how long have you been a real estate agent?---Since 1993.

Now, can you outline briefly where you have worked or practiced as a real estate agent since 1993?---In the areas of Drummoyne.

THE COMMISSIONER: Sorry, I missed that. What did you say?  
---Drummoyne.

Sorry?---Drummoyne. The City of Canada Bay. Used to be the Drummoyne Council.

10 Yes, thank you.

MR DARAMS: So you've been located and worked in that area since 1993?---Yes, correct.

Now, are you currently employed by a real estate agent or do you operate as a sole trader or - - ?---I have just a small property management business located in Hunters Hill.

20 How long have you been operating that business?---Since I left my other partnership. It's been, I think, just under two years now.

Right. So since about 2000? Since about 2000?---No, no. Just under two years that I left the CobdenHayson at Drummoyne.

I'm sorry, my apologies. Since 2020.---Yes.

So what's the name of your current - - ?---Eleven 18.

30 Eleven 18. Is it just you that works in Eleven 18?---Yes, it is.

When you say "property management", does that include buying and selling properties?---Yes, I've done some buying and selling.

Right. Otherwise managing rental properties, is it?---Managing rental properties.

Is that the vast majority of that business?---Yes, it is.

40 So before that, so before 2020, you were - - ?---I was at CobdenHayson. Since 2014 we changed the name to CobdenHayson from Laing+Simmons, and I was at Laing+Simmons Drummoyne for about 23 years.

Right. So just so I get it. So 2014 to 2020, Cobden & Hayson Drummoyne?---Yes.

Did you operate that in partnership with any other people?---Yes, I did.

How many other partners?---Originally there was two of us and then, towards the end, there was four of us.

10 So commencing in 2014 there were two?---Yes.

Is that Ms Fredrix the other person?---Yes, it is.

Then towards the end, so getting into, what, 2018-2019 there were two - - - ?---At, at some point, I can't, like, we, there was two of our salespeople, that one came in as an equity partner. Two of them came in as equity partners. Just to go back, in 2014, when we changed to CobdenHayson, there were two other partners that came in and took a percentage because it was the basis of us becoming CobdenHayson from our Balmain office, the directors there.

Right. So the two persons, two partners who have been at Laing+Simmons started Cobden & Hayson – well, became Cobden & Hayson Drummoyne? ---Yes, we did.

Two other persons came in at that stage.---Yes.

They were Cobden & Hayson - - -?---Balmain.

30 Balmain.---Yep. And we, and we, and two salespeople came in.

Then towards the end of that period, that is the Cobden & Hayson period, two further partners came in?---No, just after we became - - -

Just after?---Yes, yeah.

Okay, sorry. And now, and then you leave that in 2020.---Yes.

40 Dissolve the partnership.---I got bought out, yes.

You got bought out of the partnership.---And in, in, in some of the money that came in for that, I, I took some properties as part of, in lieu of money.

As a part of the dissolution of the property - - -?---Dissolution, that's right, yep, yep.

As part of the dissolution of the partnership assets - - -?---Yes.

- - - you took some of the properties.---Yes.

10

And you continued to manage those.---Yes, I did, yes.

Right. So just, but so your area focus for, since 1993 has been the Drummoyne area?---It's been the Drummoyne Council, the Municipality of Drummoyne.

Sorry. Sorry.---City of Canada Bay.

Not just the suburb but the - - -?---Yes, the whole. Yes.

20

I see that. Now, you have known Mr Tsirekas for, what, about 20 years, is it?---Over 20 years, yes.

Over 20 years now.---Yes.

Now, you would describe him as one of your close personal friends?---Yes, he is.

He's been a close personal friend of yours since at least 2015?---Yes.

30

Probably before that.---Yes, correct.

How long before 2015 would you have described him as a close personal friend?---Well, I got to meet Angelo from attending council meetings very early in the piece when I started in real estate.

Sorry, when you say that, what, back in 1993?---Probably just after. '95 or '96. I started to attend. I, I started to attend council meetings that were regularly on a, on a monthly basis in regards to building, and I obviously  
40 knew of him there as a councillor at the time. And then through some

mutual friends and being involved in some of the local community, I got to know him.

So my question, though, was how long before 2015 did you come to regard him as a close personal friend?---Well, it's, it's been, it's been 20 years. So it could be, it could be even just before 'cause, I mean, I saw his kids grow up, he's seen mine grow up, so it's been - - -

10 Okay, so part of that friendship is that you've socialised with his family, is that right?---Yes, correct.

When you say you've seen his kids grown up, do you mean that from time to time during the friendship you've, what, gone to - - -?---When, when we met - - -

Let me just finish.---Yep.

20 You've gone to, what, birthdays or celebrations and things like that?---Yes, we have, yeah.

Has he come to your family celebrations, is that right?---Yes, he has.

I take it, then, that during this period of friendship you dined with him regularly?---Yes.

You've dined with his, what his former wife and him?---Yes.

His current partner and him?---Yes.

30 Your wife has been involved in all of that?---Yes.

You've travelled overseas on numerous occasions with Mr - - -?---We've met overseas, yes, we have, and I've travelled, yes, I have, yeah.

So on multiple occasions throughout this friendship?---Yes, I have.

I take it that you must have exchanged thousands of text messages over that period of time?---Yes, we have.

40 You must have had hundreds and hundreds of phone calls?---Yes. Correct.

You must have had numerous lunches?---Yes, we have.

Numerous incidental catch ups, coffees, things like that?---Yes. Correct.

Would you describe Mr Tsirekas as being one of your closest friends?

---Yes, he is, one of my closest friends. I have many but he's one of them.

THE COMMISSIONER: You mentioned that you've been overseas with him. When would you have last gone on a trip? I suppose there's the  
10 COVID period where - - -?---I think just before COVID, we were in Sicily  
and Angelo had been there before, and there was a sistership with the, where  
we were at in Lipari, and he was there with a delegation of people. So we  
spent some time just where, where we were.

And before Sicily, can you remember when you would have travelled  
overseas - - -?---Yes, I've, there was a couple of other times possibly before  
in, in Italy with my family - - -

20 Sorry, where - - -?---In Italy.

Italy?---Yeah. Sicily - - -

What years are we talking about now?---Well, I've - - -

Or has it been an annual thing or - - -?---Would have been an annual thing  
only for the year that my daughter was in HSC but could have been '18, '17,  
'18. I know I was there in '16. I just, I'm not sure on the actual dates that he  
was there with me.

30 So approximately sort of an annual - - -?---It was an annual thing - - -

- - - overseas trip?--- - - - once I finished, the kids finished private school,  
my son, in particular.

Thank you.

MR DARAMS: So just I think I finished off, excuse me, finished up  
numerous incidental catch-ups, coffee, "hi" things like that?---Yes.

40 Yeah. Now, I want to ask you about Mr Sawyer. He's a friend of yours?

---Yes, he is.

A close friend of yours?---Yes, he is.

How long has he been a close friend of yours for?---I met Gary just after he started at the council, obviously, through some functions that we were very involved in, with the business and obviously, through Angelo, as well, I met him.

10 I was going to ask you that. Were you introduced to Mr Sawyer by Mr Tsirekas?---I may have been but it would have been at a, at a, at a, a council function that may be on. It could have been, I, I don't know. I don't recall the actual time, but, yes, it may have been.

Did you start socialising with Mr Sawyer about that time, that is about the time of your introduction?---We, we, we did, I don't recall exactly when straight after but we, we did 'cause we had a couple of Christmas get-togethers with Mr Tsirekas' family and a few other mutual friends. And, on one occasion, Mr Sawyer was there.

20 Well, can you remember now when that occurred?---I don't remember the  
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Before 2015?---Yes, it would have been before 2015, I, I believe.

So this is a Christmas, what, function with a small group of friends, is it?  
---Friends, that's correct, yes.

30 Do you recall where that was?---It could have been at a mutual friend's or it could have, the first one could have been at Mr Tsirekas' marital home.

Right. So this is a period of time that Mr Tsirekas was still married, then?  
---Yes. Correct.

Right. Now, just in terms of mutual friend, did you have a particular person that you were referring to?---Yes, I do.

Who was that?---Mr Frank Mercuri and his family.

40 Mr Mercuri. So Mr Mercuri was a friend of yours at the time?---That's correct.

Still a friend of yours?---Yes, he is.

You understood he was a friend of Mr Tsirekas?---Yes.

Did you understand whether he was a friend of Mr Sawyer's?---I think maybe he may have met Gary at the same function that I met as, as the new GM and - - -

Right, so - - -?---Yeah.

10

- - - your recollection now is that you met Mr Sawyer pretty early in his commencement of employment at the Canada Bay Council?---Yes, I believe so.

In relation to Mr Sawyer, have you ever, given you're a real estate agent, have you ever had any commercial dealings or a commercial relationship with Mr Sawyer?---Could you clarify?

20 Well, have you ever sold property on behalf of Mr Sawyer?---No, but I've, then I got to meet his family and I've sold some property for his son.

Right. So after you were introduced to Mr Sawyer, Mr Sawyer's family engage you to sell property, sorry, Mr Sawyer's son engages yourself to - - - ?---After quite some time as a friendship and I also developed a friendship with his son 'cause we had a lot of common interests – horseracing, football.

Right. You were obviously introduced to Mr Sawyer's son through Mr Sawyer?---That's correct.

30 You became friends with Mr Sawyer's son?---Yes.

You mentioned similar interests with Mr Sawyer's son. Just help me out with the horseracing. What sort of interest did you have in horseracing with Mr Sawyer's son?---We, we, through, we had an opportunity to purchase a share in a horse of which we did and - - -

40 Right. So just, can you remember when that was, what - - -?---I, I can't remember the timing. I think it was a horse called Pure Hustle, we were in with some other friends in a syndication and I had a small share and I think Mr Sawyer might have shared a small share with his son. And then I think

we had a second one and since then I built up a relationship with his son, a friendship, and I've got some other horses with his son at the moment.

Right. So let's just go back to the horses. So Pure Hustle was the first horse?---I believe so.

Right. What about a horse called Northern Glory?---That's, yes, correct.

10 So was that subsequent to Pure Hustle?---I think it was after Pure Hustle, or could have been before. Could have been just after.

Do you currently still own part of Northern Glory or - - -?---No.

No. All right. Now, do you know the names of the current horses?---Not all of them but I know that I'm part of a syndication that his son, he's looking after. I've only got a small, one owner share. There's a group of us that remained friends.

20 Do you recall when – so just to understand, in terms of the horse, Northern Glory, you were a part of a syndicate that owned that horse?---That's correct.

Mr Sawyer was a part of that syndicate that owned that horse?---I believe so, if he had it with his son, yes.

I was going to say, Mr Sawyer's son was a part of the syndicate?---Yes.

Is Mr Sawyer's son named Rohan?---Yes, he is.

30 All right. Do you know whether you sold out of the ownership at about the same time?---Of which horse?

Sorry, yes, fair question. Northern Glory.---Yes. We all did.

You all sold out at the same time?---Yes.

Do you recollect it was around February 2013?---It may be.

40 Could I just have the witness be shown volume 4H, page 237? This is a - - - ?---That's correct.

So just, is that your signature in the signature box at the bottom left-hand corner?---Yes, it is.

The date is 7 February, 2013?---That's correct, yep.

Is that your handwriting in the - - -?---No, it's not.

No. Do you have any idea whose handwriting that is?---No. That could have come from the trainer or someone and then we just had to sign it.

10

All right.---I don't recall. It's not my handwriting, it's not as perfect as that.

Could the witness be shown page 233? Now, just help me out. That's your signature at the bottom right-hand corner of the box?---That's correct.

The date appears to be 10 August, 2012.---Yes.

Do you know whether this is for the horse Northern Glory?---I believe it is, because I think that was the - I, I believe it is, yeah.

20

Is it your recollection that at the time that you bought into the syndicate or, well, maybe it's not the correct way to say it, but bought shares in this horse or a part of this horse, that Mr Sawyer did at the same time?---He may have, or his son, yes. Yeah may have.

I guess what I was asking, whether it's your recollection that you all bought in at the same time and all sold out at the same time?---Yeah, yes, that's correct.

30

Yeah. So at least from 2012 you've owned Northern Glory in a syndicate with Mr Sawyer?---Yes.

If I understood your evidence before, Pure Hustle was even before that period of time?---Yeah. It may have been, it may have been. I don't recall exactly the dates.

Right. I note the time, Chief Commissioner.

40

THE COMMISSIONER: Yes. I see the time. Mr Colacicco, we'll have to ask you to return tomorrow.---Okay.

We'll start at 10 o'clock, if you can be here at 10 o'clock.---Thank you,  
Chief Commissioner.

Is there anything else, Mr Darams?

MR DARAMS: Nothing further.

THE COMMISSIONER: Thank you. Then I'll adjourn.

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**THE WITNESS STOOD DOWN** [4.00pm]

**AT 4.00PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
[4.00pm]