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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 10 JUNE, 2022

AT 2.00PM

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

MR DARAMS: Mr Tsirekas, on the trip to Rome in 2019, well, specific in June 2019, do you remember that trip?---Correct.

This is the trip that Mr Panuccio, you say, loaned you \$5,000 - - -?  
---Correct.

10 - - - to upgrade your flights, and when I say “upgrade” I mean, go from economy, I guess, to business class. Is that right?---Correct.

You say that you repaid those moneys to Mr Panuccio within the month or so afterwards, other than the additional amount you paid after your settlement in 2020?---Correct.

Did Mr Panuccio go to Italy or was he in Italy at that time on that trip?---He, he was already in Italy.

20 When you arrived?---Yes.

Right. But did you holiday with him in Italy?---Not holiday with him. I did, that, that was the sister city trip which we, a group travelled to destinations in Europe. At the end of the sister city part of the trip, I did spend some time with Mr Panuccio.

Where did you spend this time with Mr Panuccio?---In, in his village.

30 Now, I want to go back if I can to show you the letter from your then solicitor, so volume 11, page 20. I draw you again, your attention again, sorry, to the paragraph 11 where your then solicitor set out what they are instructed, in particular subparagraph (d).---Yes.

This letter – sorry. I withdraw that. You understand that when ICAC executed its search warrant in early June 2019, they seized a number of sums of cash?---Correct.

40 You gave some instructions to your solicitors that an amount of \$7,040 cash was cash that had been given to you by Mr Panuccio?---Correct.

You understand that that cash was located in a pocket of a jacket hanging in your cupboard on the day ICAC's executing the search warrant?---I, look, I can't recall. I, I, I presume it was in a jacket when they found it, yes.

Well, why do you presume it was in a jacket?---'Cause that, that's where they found it, so that's, that's where it was.

10 Can you tell us why or how it is Mr Panuccio gave you this \$7,040?---Look, to the best of my recollection, it was prior to him leaving and myself leaving, a bit, time after. All I do recall him saying is, "Can you, I'm leaving soon but can you hold, hold this amount of money for me?"

So where does this conversation between you and Panuccio happen?  
---Look, best of my recollection, it was, it was either outside or downstairs of the unit block that I live in.

So help us out with this. So Mr Panuccio's going overseas?---Yes.

20 He's going overseas in this trip in June 2019?---Yes.

He's already, well, by this stage that you have this conversation with him where he, I'm assuming you're going to say he handed you this cash, by this stage, have you booked your tickets?---I think I had.

So he had already given you this \$5,000 to the upgrade of your tickets?---I, I think so, I'm, I just don't know the timing but it was, I, I can't remember the timing - - -

30 I take it you must have spoken to him prior to the time that he gave you this \$7,040 cash such that you'd disclosed to him that you would be travelling overseas as well?---Look, he, he knew I was travelling overseas, definitely. With the timing of the conversation of the upgrade I think you're talking about, I, I'm not 100 per cent sure when that took place.

40 Well, can you tell us why he gave you – that is, Mr Panuccio – gave you in addition to the 5,000, excuse me, that he'd already given you another \$7,040?---Well, that wasn't my money that was his and what I can recall he did say he was going overseas. For whatever reason, I think you might have to ask him, but what I remember is he just didn't want to spend it. Hold it for me.

So let me just understand this. You have a conversation, what, in the street outside your unit?---Oh, it's either in the street or in the car or at the coffee shop, I can't remember.

You have no recollection of where this interchange between you and Mr Panuccio happens, where he gives you \$7,040 cash?---Again, I can't remember. But it would have been – I can't remember, I really can't.

10 Could have happened in a car is that what you're saying?---It could have happened in the car or at the coffee shop.

Which coffee shop?---The one underneath my building.

So you have this conversation with Mr Panuccio. He knows you're going overseas, he's going overseas. What, he just says, "Here's \$7,000," or "Here's some cash. Can you hold it for me?"---Best of my recollection, that's what he said and, again, you'd have to ask him but he did say, "Look, I'm going overseas, I just don't want to spend it. Can you hold it for me?"

20 Well, why didn't you say to him, "Well, put it in the bank"?---I don't know why I didn't say that.

Why did you agree to take his cash from him?---He's a friend. I thought I was doing him a favour. He asked me to and I did it. I thought he would have come back. My reasoning was he was going to come back and take it before he went away.

30 But you just said that he didn't want to spend the money. Why would he come back and take it before he went away?---I think he, I think what I meant is spend the money before he goes away, before his trip.

So you have this conversation with Mr Panuccio, he gives you this money. You say he says, "Can you look after this money for me?" in effect?  
---Correct.

Did he tell you when he was going to come and get it back?---No, he didn't. But I presume he would have come and got it before he went away.

40 But why do you make that presumption, then, if you didn't have a conversation with him about it?---Because my understanding was he said to

me he's going away, he's got this cash he wants me to hold so he doesn't spend it before he goes away.

So he tells you, does he, that – he goes, “Angelo, I've got some cash. Can you hold it for me so I don't spend it before I go away?” And you understood that he was going to ask you to give that cash back before he went away?---Well, that was my understanding.

10 Why didn't you give it back to him before you went away?---Because it got seized.

So had you arranged a time to give this money back to Mr Panuccio, had you?---No.

Did you ask him or question him as to why he was wanting you to hold this money?---No, no.

20 So the scenario is you have a conversation with Mr Panuccio after he's, or maybe, well, I think after he's already given you \$5,000 to upgrade your flights, that's correct?---Mmm, correct.

You say he asks you to hold onto this sum of money, is that right?  
---Correct.

You say that it was Mr Panuccio's money, is that right?---Yes.

You say that he – or you were under the assumption he was going to ask for it back before he went away.---That's what I understood.

30 You agreed to, in effect, be the holder of this money on behalf of Mr Panuccio.---He asked me as a friend and I did it, yes, I held that for Mr Panuccio.

Had Mr Panuccio asked you to do this on any occasion previously?---Not that I can recall.

Has Mr Panuccio asked you to do that on any occasion subsequently?---No.

40 So we have this scenario, if I understand it, you're going overseas, Mr Panuccio has, on your evidence, loaned you money to upgrade your flights.  
---Correct.

All right, \$5,000 already. He then gives you another, it's a bundle of cash, isn't it?---Yes.

Says to you something along the lines that you understood to be "Can you hold this money for me because I don't want to spend it before I go away," that's right?---That's to my best of my recollection the conversation was, yes.

10 He had never asked you to do that type of thing previously?---No.

He had never asked you do that thing subsequently?---No.

It might be suggested to you that that seems to be quite an unlikely story as to how you came into the possession of this \$7,000 that was seized by ICAC and if that was suggested, what would you say about that?---No, I disagree with that.

20 What if it was suggested that in fact the \$7,000 was cash that was being given to you either by Mr Panuccio or someone else and that you never had any understanding that you would have to give that money back to anyone else. What would you say about that?---I disagree with that.

THE COMMISSIONER: Mr Tsirekas, you say Mr Panuccio is a friend of yours?---Correct, Commissioner.

30 What was his business or where did he work?---Oh, look, I really couldn't tell you what he, what he did. I, I can't tell you what he did. He used to work on the, on the wharves, he still does a bit of work here and there for his, his friends but I, I just don't know what, what that sort of work is.

How long had you known him as at 2019, approximately?---Probably about 15 or so years.

Well, in the earlier years of that friendship, what line of work did he do?---I couldn't really tell you, Commissioner.

40 Well, at any stage over the 15 years, was he working somewhere even if you didn't know where or what he was doing?---Yeah. All I know, previous employment was the, on the docks previously but - - -

Doing what?---Working on the, on the ships.

Doing what on the ships?---Oh, I don't know, Commissioner. I don't ask those personal questions.

Well, they're not a personal question. People talk about what they do at work every day.---I, I never had that conversation.

10 It's not a personal question, is it?---Well, I, I don't like prying into people's lives.

But you're prying if you ask somebody, on first meeting even, "Hi. My name's whatever. I work as a lawyer. What do you do?" I mean, that's common parlance, isn't it?---I, I don't ask those questions, Commissioner.

Never?---No.

20 Is that a truthful answer?---If they, if they give it to me and start discussing about their personal lives and what they do, but I really can't answer what he, he does for work.

Well, you saw him on a regular basis as a friend?---Yes, Commissioner.

Where would you mainly seem him?---Out and about in a coffee shop or like going to the, the pub or the clubs.

Are they the circumstances in which you'd come across him or meet him?---On occasion, yes, Commissioner.

30 So coffee or a lunch or something like that?---Oh, on occasions, yes.

And do you know whether he was retired as at 2019 or not?---Yeah. I, I, look, I don't, I could only tell you that I know he hasn't got any full-time employment, I know he's retired but I don't know what he does during the day because I, I, I'm not with him.

Right. So you say he never before and never has since this occasion, about the \$7,000-odd, asked you to take care of his money?---No.

40 This was a one-off?---Yes, Commissioner.

Unprecedented?---Well, it's a one-off, yes.

Had you ever dealt with money matters? Sorry, I'll just put it again. Had you ever dealt with him concerning money matters, finance?---No, no. No, Commissioner.

No, never?---No.

Had you ever lent him money?---No, Commissioner.

10

Had he ever lent you money before this particular day we're talking about, when he gave you \$7,040 to mind?---I think, yes, there was about \$5,000 for the upgrade.

When was that?---I don't know the exact date, but it was prior to me leaving overseas. I just don't know the date.

The same trip we're talking about - - -?---Yes, Commissioner.

20 - - - in 2019? How long before that trip?---Oh, look, I don't remember.

And how did you come to ask him for the \$5,000?---Best of my recollection, we were talking about he was going, I was going at a different time, and discussions were that, you know, there's an opportunity to upgrade and I, I said great and he support, well, he lent me the money to, to upgrade the flight. It would have been just, I don't know if it was, how late it was after buying the initial ticket, I, I'm not sure about the date.

30 Well, did you ask him for the 5,000 or did he just volunteer it?---No, I, I, I did ask him. I said, "Look," and he said, "Sure, I'll lend you the money," and I did my best to repay him as soon as I could.

Asking money by way of a loan from a friend when you've got a real need may be a fully understandable part of life for those who are perhaps not able to afford a particular expenditure that we need. But this wasn't money for a need for you, was it? You were going first class in an aeroplane overseas, that right?---Well, I'd bought a business class ticket but they upgraded me as - - -

40 But you had to pay \$5,000 for the ticket?---I had to pay, yes.

So why would somebody you've never discussed finance with and never had anything to do with money with, why would you be asking him for \$5,000 not for a necessity of life but for a luxury of life?---Commissioner, his daughter works for a travel agent. We were discussing the trip on, on occasions, and the opportunity to upgrade came up and he said he would help me pay the 5,000. And after that happened, I paid him as soon as I could.

10 So again, was he volunteering to give you the 5,000 or were you asking for the 5,000 to obtain this upgrade?---Yeah, look, I, I can't remember whether it was him or me. We, the discussions were around the trip. His daughter is a travel agent. And it came up and it was 5,000. He paid it and I've paid him back. I can't recall the conversation.

Did you ask him for it?---I can't remember whether it was me or him offering. I can't remember.

20 You don't, one doesn't commonly borrow an amount of money of that kind in cash just for the asking. In other words, it's not a common occurrence, is it, in your life?---No, Commissioner.

So you must be able to remember this is a special request you had made to this man, special in the sense it had been unprecedented, to borrow off him \$5,000 in cash, would you not agree?---No, I disagree, Commissioner.

Well, it was unusual.---It's only happened that once.

And you'd never asked him for a parcel of money before - - ?---No.

30 - - - by way of a loan or otherwise?---Not that I can recall, no.

That's why I'm putting on this particular occasion about the 5,000 for the upgrade. Because you had never ever transacted with him for money before, you must remember this particular occasion because it had never happened before, namely him giving you \$5,000. You must recall the circumstances in which you either asked him for it or he's just volunteered and said, "I'll pay for the upgrade." What was it? Did you ask him or is it a voluntary gesture on his part?---Commissioner - - -

40 No, no. No, no, no. Just answer the question.---I can't recall. I can't recall.

You say you can't recall whether you asked him for it.---I can't remember the conversation, Commissioner.

This is your evidence, is it, on oath, you don't recall now whether you asked him for the 5,000 or whether he just volunteered it of his own generosity?  
---Correct, Commissioner.

But it's an exceptional transaction. You've never had somebody come up and say, "Here's 5,000" before, have you?---No, Commissioner.

10

Never lucky enough to have that happen?---No, Commissioner. No.

Well, what's why I'm saying one in your situation, I'm putting this to you for your acceptance or rejection, would remember such an unusual circumstance of somebody paying, firstly, \$5,000 for you and, secondly, paying for a luxury of life, not for a necessity, you would remember the circumstances in which you got the 5,000, would you not?---I remember the conversation around the trip and he was discussing the trip with me. His daughter works at the flight agency - - -

20

I think you've gone over this before.--- - - - and, and, and that's what happened but I can't remember - - -

But now answer my question. Did you ask him for it or did he just volunteer it?---I can't remember, Commissioner.

That's what I'm putting. It's extraordinary that you would not remember that.---I cannot remember.

30

Was it a gift or was it a loan?---It was, I was going to pay him back. It was a loan.

No. Just answer my question. Was it a gift or a loan?---It was a loan.

What was the discussion around it being a loan?---All I can recall is that I was given the opportunity to upgrade. He paid up-front and then I would pay him back.

40

Well, what was the discussion - - -?---Look, I can't recall.

You don't recall the conversation or the discussion about the loan, either. Is that right?---No.

And did he give it to you there and then on the spot, just pull it out of his pocket or out of his briefcase or something, saying bang, there it is? Or did you just say to his daughter "dock it to my account"? How did it work?  
---Look, I don't know the transaction 'cause - - -

10 You don't remember that, either? You don't remember that?---I don't know the transaction.

In other words, how was the 5,000 transacted is really what I'm asking you.  
---Yeah. I, I don't know.

You don't know.

MR DARAMS: Didn't you say before he gave you the cash and you went and gave it to the daughter?---No, no, I don't think so.

20 Was that what happened?---Well, I - - -

He gave you the cash, you go to - - -?---No, I don't remember doing that, no.

Well, then how did you pay for it? How did the cash, 'cause it's cash, right?---Well, I presume so - - -

30 Well, when you say you presume so, what do you mean by that?---Well, well, I don't think it was me that went to the travel agent to, to pay the ticket. I can't recall doing that.

So Mr Panuccio paid for your ticket on this trip to Rome, did he?---No.

Well, when you say you can't - - -?---He didn't pay for all of it. He paid for that 5,000 upgrade.

40 Well, that's what we're just trying to understand. Is this the transaction, a bit like the \$7,000 cash you say he gave you? Did he give you, "Here's a bundle of cash, Angelo. Go and upgrade your flight"?---No, I don't recall that at all.

Right. So how does it happen, then?---Look, I can't remember. Best of my knowledge, I, I think he went and did the transaction, not me.

Mr Tsirekas, this transaction happened in June 2019. Correct?---I think so, yes.

It's just a little over three years ago?---Mmm.

10 You say under oath you've got no recollection of the terms of the discussion or, sorry, the discussion about the terms of any loan?---I can't recall.

You honestly say you've got no recollection of how the transaction unfolded in terms of how your ticket was booked and paid for and then the upgrade happen? You don't have any recollection of that at all?---No, I can't recall. All I know we did have a discussion and his daughter was looking after the, the tickets.

THE COMMISSIONER: How do you know you had that discussion?  
---Pardon, Commissioner?

20

How do you know that you had that discussion?---That, that his daughter was looking after the, my tickets.

That doesn't answer my question. Of course, the daughter would be looking after your tickets. She was processing it as a travel agent.---Yes. That's right.

Yeah, no, no. Can you answer my question?---Sorry, Commissioner?  
Could you repeat your question?

30

I don't think I now remember my own question.

MR DARAMS: How do you recall that you had this conversation with Mr Panuccio?---I, I - - -

You don't remember anything about the conversation?---No.

You don't remember anything about the terms of the alleged loan?---No, I don't. No.

40

How is it you recall, if you can't remember any of those things, how can you recall you had a conversation with him?---I can't recall the specifics of the conversation. It was around the trip.

THE COMMISSIONER: We don't want the specifics. I just want the essence of the conversation.---I, I, I can't recall. It was around, the essence was around the trip. He was going, I was doing something else and we were going to meet up. We were talking generally about the trip.

10 No. But I'm asking - - -?---An opportunity to upgrade.

Yeah, not worried about that side of it. What I'm really getting to is what was the obligation under the loan agreement or understanding you say you had with him? What did you discuss or agree on?---Agreed on that I would be paying him back.

No, but tell me, how did the conversation go?---Oh, I can't recall the conversation, Commissioner. I think prior to leaving I did say, "Look, I will be paying you back" and I, I did pay him back.

20

What was the name of the travel agency that this flight was being booked through?---It's in Ashfield Central, Flight Centre I think it is.

What was the name of his daughter who was working at the time at that travel agent?---Pina. Pina Panuccio.

How do you spell that?---Pina, P-i-n-a, I think.

30 And the surname?---Oh, I wouldn't want to try and spell it. I might get it wrong.

Is she married?---Panuccio, Panuccio.

Does she still work there?---I don't know.

In relation to the \$11,040, I think it was.

MR DARAMS: 7,040.

40 THE COMMISSIONER: The \$7,040.---Yes.

I think you've agreed that he's never before come and asked you to look after money for him prior to this day that we're talking about.---Correct, Commissioner.

Never asked you since to look after money for him?---Correct, Commissioner.

10 So this was an unprecedented request by him for you to, are you saying, in effect, do him a favour to look after this amount of money of \$70,400 [sic] so that he wouldn't expend it, just hold it for me, that's what you've said, is that right?---Yeah. I, I don't think it was 7,400.

Well, 7,040, wasn't it?---40.

MR DARAMS: \$7,040.---\$40, yep. About around that, yeah.

THE COMMISSIONER: Did you know where he had got the money from?---No, Commissioner.

20 You don't. Do you know for a fact it was his money or don't you know? ---He said it was his money.

Well, you haven't told us about that yet. What did he say on that topic? ---Well, I presume it was his money, Commissioner. I didn't ask him.

30 But that's the point, you didn't know whether he was minding money for someone or whether it was his own money and he was putting it into your hands as custodian, is that right?---I, I couldn't answer that, Commissioner. I, I, I presume he, you know, he said, "This is 7,000, can you please hold it for me?" I presumed that it was his money.

Yeah, that's what I'm saying. You had to presume it was his money but you didn't know whether or not it was his money or whether somebody had given it to him, is that right?---Yeah. Correct. You would have to ask him that, yes, Commissioner.

Well, whether you do or you don't, you didn't know.---No, I didn't know.

40 It could have been his money.---Well - - -

But it may not have been.---I presumed it, it was his money.

But it may not have been.---No, we didn't have that conversation.

That's what I'm asking you this question for. At this time you were a public officer, were you not?---'19, yes.

You held public office at the time of this conversation that Mr Panuccio you say had with you about looking after the parcel of money.---Correct, correct, Commissioner.

10

And you know, as a public officer, you have to at all times conduct yourself to the highest standards of probity and ethics.---Correct.

So you say a man comes along, you know him, you've known him for 15 years but not all that - - -?---Ah hmm.

He hasn't been your best buddy. You don't know much about what he had done for a living and so on. He comes and asks you to take this bundle of cash, is that right?---Correct.

20

Was the bundle of cash tied up or is it in a bag or what was it?---No, I don't think it was, Commissioner.

He just handed over to you a big bundle of cash, did he?---Yeah. Well, it was, it was seven, I think \$7,000, yes.

Well, that's a pretty big bundle, isn't it?---Yeah.

Big bundle?---It, it, \$7,000.

30

Yeah. Not the sort of money you carry on your person.---Well, you'd have to ask him. It was probably - - -

No, but as a man of the world - - -?---Yeah.

- - - you don't go walking around the streets of Sydney or Canada Bay with \$7,000 in cash in your pocket or on your person, do you?---Oh, I can't, Commissioner, I can't talk for everybody else, but not me.

40 I'm talking about you.---Yeah, I don't.

You wouldn't have done that, would you?---No.

A huge amount of cash like that, you wouldn't carry on your person because anything could happen. Somebody could - - -?---Well - - -

- - - see you being handed money and knock you off and, or some other unfortunate incident. I'm just talking about the ordinary things of life at the moment.---Yeah.

10 You understand?---Yes. But I, look, I, and again I, my father was helping me with money so I did carry a bit of cash when I was depositing into an account, so I did do it - - -

But what's that got to do with - - -?---Well, you said I hadn't done it before, like - - -

But what's that got to do with receiving from a so-called friend an amount of 7,000-odd dollars?---Yeah, nothing, Commissioner.

20 It hasn't.---Nothing.

What your dad gave you some time in the past is not relevant to my question, is it?---Yes, Commissioner. No, Commissioner.

All right, well, let's not go off onto irrelevancies. Once again I'd ask you to listen to the question and once again I'd ask you to answer them directly. Amongst other things, it saves time and it doesn't always do you – you're not doing yourself a service. I think I've been over this a few times now, haven't I?---Yes, Commissioner.

30

All right, let's go forward on that basis, then.

So you knew Mr Panuccio as at June 2019 but he wasn't – I gather from what you've said you wouldn't class him as a very close friend. He was a friend but, an acquaintance, but you wouldn't say he's amongst your closest friends, is that right? Is that a fair – or is he a close friend?---Look, I'd say he's a close friend.

40 Oh, he is? And he's always been a close friend, has he?---Over the years where he's helped me with my campaigns and so forth, he'd become a, a close friend. I've stayed at his holiday house, so - - -

Well, then, did you ask him any questions about this parcel of money, \$7,000, \$7,040? Did you say, "Is this yours?" Did you say that to him?  
---No, I didn't, Commissioner.

Well, without knowing whether it was his, or it might have been perhaps given to him by somebody, you as a public officer were exposing yourself to grave risk, were you not, being seen to be receiving a large parcel of cash without knowing for sure whose money it was or whether you might be  
10 being put in a compromised position?---I trusted him on his word, Commissioner.

Yeah, yeah. You trusted him?---Yes, Commissioner.

But you can see the difficulty, can't you, of a public officer receiving somewhere in public a large amount of cash being given to you, which could be seen to be highly dangerous for a public officer because it may look as though he's doing the wrong thing. Would you not agree?  
---Commissioner, the perception is bad but I did trust him on his word.

20 But you wouldn't know, for example, whether the money, let's take an example, whether it was some money he found or whether it was money some drug trafficker had given to him, or whether he was involved with somebody who was involved in doing something unlawful. You just wouldn't have known if this transaction happened as you said.---I wouldn't have known, no. I trusted him on his word.

Is that your explanation as to why you agreed to this proposition, simply because you trusted him without him giving you any assurances that he  
30 wasn't trying to inveigle you into some wrongdoing?---Yes, Commissioner.

Just trust?---I did trust him.

What age would he have been in June 2019? I know you wouldn't know to the day but approximately what age is he? 60s, 70s? What age range?  
---Oh, Mr Panuccio you're talking about?

Mmm.---Probably late 60s.

40 So he'd obviously been a man of the world, worked, he's a mature adult man, male?---I, I would, yes, he, I, yes, Commissioner.

The reason he gave you for this unusual gesture, or unusual act I should call it, of asking you to look after this parcel of money was “I don’t want to spend it before I go away.”---Ah hmm.

But I’m putting to you that sounds like a most unusual request for a mature adult male who has gone through all the life steps most of us go through and having to exercise responsibility at various points in our lives, that he couldn’t look after his own money. Why would he be asking you to look  
10 after his money rather than look after it himself?---Look, I can’t answer that, Commissioner, except that he did, he did say to me “I don’t want to spend it before I go away.” What that meant, I don’t know.

Well, I’m just looking at the words you used. You said the reason or the rationale for this, call it a transaction, of him handing over to you a large amount of cash, \$70,040 [sic], “I don’t want to expend it or spend it. Just hold it for me.” That doesn’t sound very convincing, does it? A mature man who’s had the experience of life couldn’t look after his own money.---I  
20 can’t answer that for, for him.

No. It does sound strange when you stop and think about it? Isn’t it, it is strange?---Well, well, no, Commissioner.

But why couldn’t he look after it himself?---What he told me was he wanted me to hold it because he was going away and he didn’t want to spend it.

Yeah.---Now, what that referred to, I don’t know whether he had some problems or whatever, I don’t know.

30 That’s the point. Unless he had some incapacity, you know, that he was starting to go downhill health wise, mentally or otherwise, it just wouldn’t make sense, would it, that a grown man of 60 or whatever he was would be saying, “Please look after my money so I won’t spend it.” I mean, a child might say that but it doesn’t sound like something an adult male, 60 years of age or thereabouts, would say, does it? When you think about it. You may not have thought about it before, I’m now asking you to think about it. It doesn’t sort of ring true, does it?---Well, I, I trusted his word, Commissioner, as a friend.

40 I know, you’ve said that three times now.---Yeah. So - - -

Now answer my question.---Mmm.

It doesn't really ring true, does it?---Commissioner, at that time I trusted him.

I'm asking you now, talking about it as we are in this hearing, it just doesn't seem to make sense, it doesn't ring true, does it?---Well, whether it, I, I still trusted him. Whether it makes sense as in it, it sounds strange as you said, I trusted him on his word and he, he gave it to me. He was going away and I  
10 thought he was going to come and get it before he went overseas and I was just holding it for him.

So here we have the 5,000 incident, a 7,040 incident involving the same man.---Mmm.

He's never done anything like this ever before, that is done what he, paid for the upgrade or asked you to mind money for him, he's never done either of those things before, had he?---No, Commissioner.

20 Or since?---No, Commissioner.

Right. So these are two unprecedented acts involving the same person and they both, I'll use the word "strange", they both seem strange, don't they?  
---Commissioner, at that time they didn't sounds strange to me.

Okay.---And I think the dates, I mean they didn't happen all on the same day. So I can't recall.

No, they didn't. No, that's true.---Yeah.  
30

That's certainly true.

MR DARAMS: Mr Tsirekas, I just want to go back to the \$5,000 payment to upgrade your flights. Why did you accept his \$5,000?---Because I wanted the upgrade.

But you had money in your bank account, over both of your bank accounts, to pay for this upgrade.---Yeah.

Why didn't you pay for it yourself?---Because the conversation, as I said before, was around the holiday. He was organising his and he said, look, let me see if I can get you an upgrade with my daughter.

Sure. I accept that.---So that's what he did.

I accept that part. Why didn't you say to him, "That's fine, see if you can do it. I'll transfer the money through to the bank account. I'll pay for the upgrade"? Why didn't you just do that? You had the money.---Look, I  
10 can't remember. It might have been just the timing of it all, the rushing around. He may have well have been talking to his daughter. I, I'm not too sure.

You don't say that you didn't have the funds to do the upgrade yourself, do you?---I paid him back.

No, no, focus on my question.---Yeah.

You don't say, "I was skint, I had no money from any of my resources, I  
20 couldn't have met the \$5,000 myself," you don't say that, do you?---No.

So why not just say, "Yeah, I'd like the upgrade. I'll fund it myself"?  
---Look, I can't recall. And as I've said before, the specifics of the conversation, it was basically around the holiday. I can't recall.

THE COMMISSIONER: Just listen to the question. Put the question once more.

MR DARAMS: You accept that you could have paid for this upgrade from  
30 your own resources, you accept that?---Well, I don't have a bank account back then. I'm not too sure what I had in there.

Well, we can – 2019, you received - - -?---Could, I don't know.

No, what I'm suggesting to you is that you weren't, in the vernacular, skint. You were obviously going for a month overseas. You had resources to do that.---Mmm.

What I'm suggesting to you is you could have paid for this yourself.---I  
40 could have but I didn't.

Why didn't you?---Because I think it was just the convenience. I can't recall the specifics. We were discussing the holiday. It's his daughter. He was going to do it for me, you know, assist, and I was going to pay him back.

Well, he could have done all of that, get the daughter to do it, and you can say, "Well, just give me the bank account," like you might have done on previous occasions, and then transferred the money through in the bank account, like I think your records indicate you did transfer some other  
10 payments through.---Look, look, I really - - -

Why didn't you do that?---Yeah. Look, I really can't recall the specifics around the conversation.

So this happens around, you have no discussion about or you can't recall the discussion about when you're going to repay this money, is that right?---No, but I did.

So why did you repay part of the \$5,000 on 27 June, 2019 when you were  
20 overseas? Why did you repay it then?---Because I wanted to repay him as soon as possible.

But you had the money in the bank account at the time that he paid for you. Why didn't you pay it back immediately there and then?---I, I can't recall. He offered to help.

Let me suggest this scenario to you and see what you want to say about it.  
---Sure.

30 Mr Panuccio pays \$5,000 or gives you \$5,000 to upgrade your flights for the trip to Italy, you accept that?---Correct.

That happens, I'm going to suggest to you, on or about 4 June, 2019, correct?---I, I don't know the dates. You're telling me the dates, so – yep.

I can take you to the record in a moment, but you don't disagree with that?  
---Yep.

40 Then Mr Panuccio gives you another \$7,000 in cash, \$7,040 in cash, correct?---Not to me. It was his cash. He gave it for me to mind.

That's the explanation you're giving, I understand all that, but just the fact -  
- -?---Sure.

- - - the mere fact is Mr Panuccio has handed you another bundle of cash  
amounting to about \$7,040, correct?---Correct.

Before you go overseas.---Correct.

Before Mr Panuccio goes overseas.---Yes, correct.

10

On this, obviously before he goes overseas.---Yes, correct.

On this trip in 2019.---Correct.

So here we have Mr Panuccio giving or providing to you \$12,000 in two  
transactions?---Correct.

20

Then on about 12 June, 2019 – I'll come back to that in a moment. You  
can't recollect the terms of this alleged loan between you and Mr  
Panuccio?---Not, not, no, I can't.

You can't recollect the conversation you had with Mr Panuccio about the  
terms of this loan with Mr Panuccio about the \$5,000?---No, I can't.

30

You can't really recollect the circumstances as to how the \$7,000 came to  
be in your possession. You don't know whether it happened in the car, you  
don't know whether it happened out in the street, you don't know it  
happened in a café. You don't recollect any of those things, do you?---No, I  
can't remember the - - -

So going back to the time line of events, you've been handed this \$12,000  
cash or it's been provided to you, one way or the other?---12,000 - - -

Then on 12 June - - -?---Sorry? 12,000?

12,000.---No - - -

40

7,040 and 5,000.---Yeah, but it was different dates. It wasn't just the one  
date.

No, I accept all of that but I - - -?---Okay.

- - - pegging the points in time. All of this happens before 12 June, 2019, when ICAC executes its search warrant?---Before the, yes.

Yes, well, it must do because - - -?---Yes.

- - - on your evidence and on the information - - -?---No, that's right.

- - - you've given to your solicitors, \$7,040 - - -?---That's right.

10

- - - found on your, so found in your suit jacket hanging up in your closet, on this occasion, was the money that you say Mr Panuccio gave you to mind on his behalf. Correct?---Correct. Probably about a week before, yeah.

So we've got this scenario of \$12,000 and a little bit more being provided directly to you or for your benefit in early June 2019?---Well, not the 5,000. That was repaid and the 7,000, so it wasn't to my benefit.

20 Well, the 5,000 certainly was to your benefit at this stage.---Well, yeah - - -

Just get to my timings. It was to your benefit because it upgraded your flight?---Yes, and I repaid - - -

That was for your benefit?---Yes.

So then we get to 12 June, 2019, ICAC executes a search warrant, finds this \$7,040 in cash. Correct?---Correct.

30 What I want to suggest, then you repay part of this \$5,000 on 27 June whilst you're overseas?---Correct.

You then pay another part of this \$5,000 in August 2019?---Correct.

Then in September 2019, your solicitors under your instruction inform ICAC that the \$7,040 is Mr Panuccio's cash. That's right?---Correct, as, as he - - -

40 Well, what if this proposition or assumption, what if this suggestion was put to you that the true position in relation to this \$12,000-odd was that it was being provided to you by either Mr Panuccio or someone else and that you've now had to come up with a story to explain the amount of money

and that you've come up with this story that it was a loan of \$5,000 and you were minding Mr Panuccio's cash at the time it was seized by ICAC. What would you say if that suggestion was put to you, that is, this is just a made-up story to explain these transactions?---No, I disagree.

Just in relation to, Mr Tsirekas, the bundle of cash you see towards the top of the page, the \$100 notes, this is the cash that was identified as being the Mr Panuccio cash. Do you understand that? Well, let me put that to you, that's what we understand it to be.---Yeah.

10

So you've got the bundle of cash there and then the \$20 notes just below it. ---Right. Where, where was this photo taken?

Well, it looks like it's taken on your bed.---No, it doesn't.

THE COMMISSIONER: Can that be enlarged, slightly?

MR DARAMS: Scroll down. Does that - - -?---It doesn't look like my bed.

20 Does it not look like your bedroom?---No, I normally do my, my bed up and it's very tidy but that doesn't look like, with tissues and everything there. What is it?

So this is, do you recall the search warrant was executed quite early in the morning?---Yes.

So it's possible you hadn't made your bed by this stage.---Well, I'd gone to the gym and came back. So, look, I'll take it from you if you say it's in my bedroom but doesn't look like it, but - - -

30

Do you have another bedroom in your house?---Yes.

Does this look like the other bedroom possibly?---No, not really.

Okay. So I just want to ask you focus on the cash, the \$100 notes.---Sure.

There's obviously some rubber bands around this cash. Did you place the rubber bands around them or were these rubbers bands that were around the cash when Mr Panuccio gave it to you?---Oh, I, I can't remember.

40

You don't remember whether he handed this cash to you in an envelope or anything like that?---Might have been in an envelope.

The cash wasn't found in an envelope in your jacket, it was just found in the pocket in your jacket.---Right.

So you don't recall whether that's how it was handed over to you, whether you put these elastic bands on there?---Oh, look, I can't recall. I thought it was in an envelope, I can't recall.

10

Do you see just below that envelope, sorry, that bundle of notes, you see another envelope?---To the left?

Yeah.---Yes.

Perhaps if I could show you page 32. So there's more cash located in this envelope. Do you recall how you came into the possession of that cash in that envelope?---No. There was, I can recall that there were two donations that were pledged to me for my campaign expenditure and that Nino was chasing that up through the, yeah, I think there was two or three, I, I think there was two, two that pledged some funds. So I would imagine that's, that's the amount there.

20

When you say amounts were pledged to you for your campaign, we're talking June 2019?---Yes.

What campaign are you talking about?---Still paying off I think 2017.

So do you say this money in this envelope here were campaign donation pledges?---Yes, they are.

30

Who collected the money?---Nino did.

Mr Panuccio?---Yeah.

THE COMMISSIONER: This is for your federal campaign?---No. No. It was 2017, that was the local government campaign.

MR DARAMS: So the campaign in, well presumably September or - - -?  
---'17, yes.

40

'17?---Yes.

So here we are almost two years later but at least 18 months later, you're still in the possession of this cash?---No, no. I had a fundraiser on 31 May, about a week or two before this happened and I was fundraising to repay the costs of that election.

THE COMMISSIONER: This is 31 May, 2019?---'19, yes.

10 You say it was a fundraiser?---Yes.

To raise funds for what?---Repay the election, repay the cost of the election.

To whom?---To outstanding invoices.

Which invoices?---Well, I would have to go back and have a look.

Well, how much was there - - -?---For printing or, printing or, or t-shirts or posters. I, I'm not too sure

20

Well, you say that that fundraiser is on 31 May?---31<sup>st</sup> of - - -

Where was the fundraiser held?---At Aqua, excuse me, Aqua Luna.

That's a restaurant, is it?---Oh, it's a, like a reception, reception hall.

And who put on the reception?---Well - - -

The fundraiser.---I did.

30

So you hosted it, as it were?---I was hosting it, yes.

And was this fundraiser advertised or is it by invitation or both? Or both?  
---Oh, invitation. Invitation.

MR DARAMS: Who invited the people?---Nino helped to invite people.

Do you know who he invited?---Not everybody, no. He did invite friends.

40 Who else invited people to your fundraiser?---Um - - -

Mr Chidiac?---No, he didn't. I don't think he came to this one.

Do you know whether he invited people, though?---Oh, I can't recall.

THE COMMISSIONER: How many people attended?---Sorry, Commissioner?

How many attended?---20, 25.

10 How much was raised?---I can't recall.

Just approximately will do.---Oh, gee. Look, I, I don't want to guess, Commissioner. There was a couple of invoices. I can't, I can't recall.

Was it more or less than, say, \$10,000?---Oh, it might be around 10,000 or so. A bit, probably a bit more.

Have you disclosed these donations?---Yes, Commissioner.

20 In your return, is it?---Yes, Commissioner.

When was the return lodged?---Whenever they were lodged. I, I don't know the date, but they were. They were receipted and lodged.

Approximately when were your returns lodged?---Oh, whenever it was called. I'm, I'm not a hundred per cent sure, Commissioner. But they were lodged. They were receipted and lodged.

Well, these were donations for the 2017 campaign?---Yes, Commissioner.  
30

Well, did you disclose donations for the 2017 and 2018 years if there were any donations made in those two years?---No, this is to the Electoral Commission and the receipt book, so - - -

The NSW Electoral Commission?---Yes, they were all lodged and receipted.

What, for each year?---Yes, Commissioner.

So the Electoral - - -?---Whenever they were due.  
40

The Electoral Commission then has a record of these donations you're now talking about?---Yes, Commissioner.

Which were raised on 31 May.---Yes, Commissioner. But the, the money hasn't been banked.

Sorry?---The money has not been banked. They've been receipted and lodged but there's still a shortfall of this, of these donations.

10 MR DARAMS: Is that because they've been seized?---Yes.

Just back to the questions I had before. So Mr Panuccio, do you say, gave you these, this amount of money that was in this envelope, is that what you're saying?---Yes.

Did he give it to you at the same time he gave you the \$7,000?---Yes.

20 So that's another part of this transaction that you can recall, is it? When I say this transaction, the \$7,000 transaction.---To my best recollection, the two were given at the same time.

Can you recall now where they were given?---No, look, I can't.

So you've got two separate transactions happening, if I can describe them that way. One's a handover of an envelope of cash for donations, is that right?---Yes.

He's also giving you the \$7,040, \$7,040. Correct?---Yes, yes.

30 That doesn't assist you with your recollection as to where this happens?---It was in or around my building. I don't know if it was outside or downstairs. All I recall is when they were walking upstairs - - -

Do you deny it happened in a car?---No, I don't deny that. I don't deny it because I can't recall but I don't deny if it happened in the car.

THE COMMISSIONER: Mr Darams, what's the exhibit number for solicitor's letter to the Commission?

40 MR DARAMS: We, yeah - - -

THE COMMISSIONER: Bring it up on the screen.

MR DARAMS: Can we bring up volume 11, page 19?

THE COMMISSIONER: And the second page. Yes. Thank you.

MR DARAMS: Mr Tsirekas, I want to ask you about some other documents and correspondence now if I might. Well, one moment. Mr Tsirekas, I want to just ask you about another couple of other different documents. Could I ask that you be shown volume 3.5, page 40? I just ask that you look at this correspondence, this email correspondence.---Yes, Mr Darams.

Go to the next page.---Yes, Mr Darams. I've read the first half. Do you want me to read the whole page?

Just so you familiarise yourself with it 'cause I'm going to go back to the first page I showed you and ask you some questions in a moment.---Right. Right. Thank you.

20

The next page, well, just so you - - -?---Mmm. Yes, Mr Darams.

If we go back to page 40. So, clearly, this is correspondence that involves Billbergia's planning proposal in relation to Rhodes West, that's correct? ---Yes.

Mr Kinsella sends you an email on 9 January, 2018 at 11.30 in the evening. Do you see that email?---Yes.

30 Where he includes or expressed a view about certain things, that's right? ---Yes.

Why do you send it on to Mr Chidiac?---I think at that stage Joseph was trying to contact me to organise something in regards to the planning proposal and he was telling me that John is not happy with council's position. So I must have just given him the heads-up of what John's been telling me.

40 What did you understand at that stage with Mr Chidiac's role?---I, look, I didn't know his role but I knew that he, he did call me and was telling me that, you know, the boys, or John's not happy.

When you say he told you “the boys”, which boys are you, or you understood he was referring to?---Well, John Kinsella and Bill McGarry.

Is that who you understood him to be referring to when he says “the boys”?  
---Oh, that’s my understanding of what was happening after the – because I think this is when I just returned to council and the draft plan was out and we were, council were doing their own thing and the, and John and Bill McGarry were doing their own submissions.

10

So when you say council was doing its own thing, what are you talking about?---Council were preparing their own submission of how they viewed the planning proposal that was presented by the State Government and that we were - - -

Are you confusing Rhodes West with Rhodes East now?---Rhodes Planning Proposal Number 2, I must be.

Mr Tsirekas - - -?---Oh, is this to do with - - -

20

This is to do with the I-Prosperty area, this is to do with the Billbergia area. Nothing to do with Rhodes East.---Yeah. At one stage the Station Precinct got, got pulled into the Rhodes East so I’m a bit confused, apologies.

Just going back to the question I asked you.---Yes.

What did you understand Mr Chidiac’s involvement was, vis-à-vis Billbergia?---I, I didn’t have any understanding what he was doing.

30

So then why do you forward this onto him?---Because he did call me on occasion and he said that Bill and John aren’t happy so he must have had, you know, some conversations with him. I was just letting him know how, you know, they’ve, they were feeling about the whole thing.

Do you deny that you knew that Mr Chidiac had a commercial arrangement with Billbergia?---Yes.

Do you say that he never told you about the commercial arrangement he had with them?---Yes

40

Are you saying that the first time that you understood that he had a commercial arrangement with them was when you heard that evidence in these proceedings?---Yes.

So do you say that you never understood that he was paid in excess of \$500,000 by companies associated with Billbergia, is that right?---Correct. I didn't know.

10 THE COMMISSIONER: Did you know that he was working for Billbergia at this time?---No, Commissioner. I didn't know he was working for Billbergia.

Well, why would he be contacting you and telling you John's not happy? ---Well, again, Commissioner, he did ring up on occasion to say that the, or Bill and John aren't happy, they need to have a meeting with council and I, I would tell him that I would pass that message on and let the staff arrange it.

20 So on those occasions when he's passing messages on behalf of Billbergia as it - - -?---Mmm.

- - - it was perfectly plain, wasn't it, that he was acting in the interests of Billbergia in doing so?---For what reason, Commissioner, I don't know.

No, no, no. I didn't go into reasons. The fact of the matter became evident, became manifest, did it not, because he had, as you say, made calls to express the views of Billbergia or matters concerning Billbergia to you? Expressed them to you.---He did express them, yes.

30 But it was obvious, wasn't it? I put it again, it was evident or manifest that he was in some way acting for or assisting Billbergia?---No, it wasn't manifest, Commissioner.

I'm saying it was perfectly plain, not just plain but perfectly plain, to you that Mr Chidiac had an interest in helping Billbergia in relation to certain matters concerning planning proposals or other matters concerning council. ---It wasn't perfectly plain to me. Joseph Chidiac would send me other messages about other issues in the local area.

40 I'm not talking about the other issues. I'm talking about acting for probably the biggest developer in the area. Mr Chidiac was, as you've said yourself, the one who would make contact with you to convey the Managing

Director's views or whether he's happy or wasn't happy, is that right?  
---Yes, Commissioner.

Yeah. Well, that made it clear, then, to you that Mr Chidiac would have either been doing this as some sort of a friendship gesture or he was doing it in relation to assisting on business matters. Assisting Billbergia, that is.---It appeared that he was assisting, but it wasn't clear what level or what understanding the two parties had. I had no idea.

10 Okay.

MR DARAMS: In relation to the comments of Mr Kinsella about the council being serious but also, if I can ask you to go to page 41, the next page. Just that, draw your attention to the comment from Mr McGarry in the first paragraph. Do you see this? "Let's read this a couple of times and devise a strategy. Obviously the mayor has no influence on council officers. He's a toothless tiger." Did you ever discuss that comment or those observations with Mr Chidiac?---I may have. I can't, I may have. I, I can't remember.

20

Well, why would you have discussed those with Mr Chidiac?---I can't remember. But at that stage Joseph was telling me that there was some, you know, nervousness or unhappiness about what was happening, and that he may have known a bit more about it than I did.

Is one reason you were forwarding these comments on to Mr Chidiac to let him know that his client had some concerns about your ability, one way or the other, to influence council officers?---No, no.

30 Is a reason why you were providing it to Mr Chidiac is because you understood that if Billbergia had some concerns about your ability to influence the council officers, then that might be something that Mr Chidiac would want to know about?---No.

Is the reason you provided it on to Mr Chidiac because you were worried that if Billbergia hold this view about your ability one way or the other to influence council officers, then you were concerned it might affect Mr Chidiac's commercial arrangement with Mr – sorry, with Billbergia?---No, no.

40

Did you consider those comments from Mr McGarry when you received the email from Mr Kinsella? Did you look at it and read them?---I would have read the email, yes.

Can you recollect now what your thought, if any, you had about what Mr McGarry said?---Bill was a very strong advocate and he spoke his mind. They had one direction they wanted to pursue and for whatever reason, the council officers were not agreeing.

10 Well, did you agree with him that you were a toothless tiger?---Well, it's not a pleasant comment but the mayor has no role in determining planning outcomes or directing planning, so it appears that he wasn't happy with the direction that the planners were going and he let loose and called me a toothless tiger.

Did you reflect on what he says in there where he says "obviously, the mayor has no influence on the council officers" did you reflect on that and go, what's McGarry talking about, why would he be worried or concerned about that because I'm the mayor and, clearly, I'm not in a position and I  
20 don't influence council officers in respect of anything? Why is he including such this odd comment? Did you reflect on that?---Well, the mayor gets worse comments than this.

No, just focus on this comment - - -?---But what I'm saying is it's not uncommon for people to lash out at the mayor if they don't get their way.

Yeah. Focus on this comment of Mr McGarry.---Yes. Yes.

Did you reflect on this and go, why is McGarry writing this, he's got some  
30 view that I don't have any influence on council officers and somehow that's a bad thing - - -?---No.

- - - when he should know that that's not my role at all? Did you think about something along those lines?---No, not really. I, I knew there was a lot of conversations happening in that time and that they were working very hard with the council officers and it appears that there was a lot of discussions and directions that they were being told that the council wanted to go to.

40 Why didn't you respond to Mr Kinsella and say, "Look, I've read what Bill has said in his email message to you. He needs to understand I've got no

role one way or the other in these planning proposals. Why don't you just let him know that that's not my position in all of this?"---Well, he, he, he knows that.

Why didn't you do that?---Well, I don't know why I didn't but he knows that and he knows that I don't get involved.

Who do you say knows that?---Yeah, they would all know that I can't get involved.

10

Who?---As, as a generalisation, the mayor doesn't get involved with planning or dictating to the planning officers.

Do you say that Mr McGarry knows that or knew that?---Well, hopefully, he would have known that.

No. Is that what you say, that he knew that you had no role?---Well, I had no role in, in planning and, and - - -

20

Well, it's not saying role in planning. It's saying "influence on council officers" that's what it's saying.---Yeah, well, I don't have influence on council officers.

Did you do anything to disabuse Mr McGarry through Mr Kinsella or otherwise of the view that Mr McGarry seems to have formed at this stage, one way or the other, about whether - - -?---Yeah.

30

- - - you were someone who had to have influence over council officers?---I can't, I can't recall. The best I would have done back then if, I would have tried to organise a meeting if they weren't happy or get the director to ring them or do something like that to see if they could defuse the, the problems if there were problems, then I, I - - -

40

Is it the case that you don't recollect now whether or not you did anything active, and when I say that, you didn't respond to Mr McGarry, you didn't respond to Mr Kinsella, to disabuse them of the view that Mr McGarry seems to have formed that somehow you would have some influence over council officers?---Look, I can't recall. The best I could have done is try to organise a meeting or get Tony Mac to, to ring them or to get, you know, two sides to, to meet and work out and resolve the issues as best they could.

So why didn't you send this email on to Mr McNamara or Mr Sawyer?---I, I may have. I don't know. Or I may have just sent them a message.

Do you recollect doing any of that?---Look, I can't remember but that would have been my general way that I would deal with things like this.

Just moving on to something different, I take it you've heard in these proceedings Mr Colacicco was involved or interested in the companies that purchased 231 Victoria Road off council?---Yes.

10

Did you know that Mr Colacicco was involved or associated with those companies that purchased 231 Victoria Road before these proceedings commenced, this inquiry commenced?---No.

Are you saying that at no stage up to the commencement of this inquiry whether you had any conversation with Mr Colacicco where he informed you, either at the time of the sale or after the time of the sale had been completed, that he had been associated with the companies that purchased 231 Victoria Road?---Correct, I didn't know.

20

Did you have any involvement with informing Mr Colacicco of a price the council might accept for purchasing 231 Victoria Road?---No.

Did you know that Mr - - -?---Bartolotta?

- - - Mr Triulcio was one of the parties who was also associated with the purchase of 231 Victoria Road?---No.

When do you say you found that out?---Here at the proceedings.

30

Is it also the case, then, you would say that you had no conversation with Mr Triulcio where you informed him, either directly or in effect, of the purchase price that council would accept for the purchase of 231 Victoria Road?---Correct.

Could I ask the witness be shown volume 6.5, page 274. Just want to draw your attention to this. It's a text exchange between yourself and Mr Colacicco.---Yes.

40

You see that it's from September 2018. The message, go down to the second green one. You see on this message to Mr Colacicco, somehow the

order is reversed here for some reason, but you can see it from the timing of the text messages, but you send the email, sorry, text message.---Yes.

You go, “What is Rocco’s son’s name?”---Yes.

That’s a reference to Mr Triulcio?---I think it would be, yes.

Well, how many Roccos do you know?---Oh, I know a few Roccos.

10 Right. What about this time in September 2018?---It could well be Rocco’s son Marc, yes.

Well, the response you get back from Mr Colacicco is “Marc.” Do you see that?---Yes.

Do you recall now why you were asking Mr Colacicco as to the name of Rocco’s son?---No, I can’t remember why.

20 Is it because you might have seen some documentation involving the sale of 231 Victoria Road?---I, I didn’t even know if Marc was involved with that, or Rocco, with the two properties.

I’m asking you why you asked or enquired of Mr Colacicco as to who the name of Rocco’s son was? You understand that?---Yes, I can.

Can you tell us why you asked Mr Colacicco that?---Look, I wouldn’t like to make up any story. I cannot recall but I wasn’t even aware back then who was involved with the properties or the purchase of the council land.

30 I know you say you can’t recall. What I’m asking you, or putting to you, was it because you saw some documentation involving or related to the sale of 231 Victoria Road and that’s the reason why you were reaching out?  
---No, no.

Could the witness be shown volume 3.5, page 166? Mr Tsirekas, that’s you standing up and shaking hands with that individual at the end of the table, is that right?---Yes.

40 Who is the individual at the end of the table?---I can’t recall his name. I think he was there visiting with Mr Moio.

So is that, on this occasion in January of 2019, is this the first time you'd met him, is it?---He may have been with Mr Moio at that coffee shop previously but I don't know his name.

Could I ask that you be shown page 165? Is that Mr Moio there on the left of the photograph?---Yes.

If we could go back to page 166. The fellow there, standing up and shaking hands with the person sitting down, is that Mr Panuccio, is it?---Yes.

10

So Mr Panuccio is one of these individuals you caught up with at the Nield Park café, is that right?---Yes.

If the witness could be shown page 164, please? So the others at this table, do you recognise on the left, closest to the camera in the shorts, Mr Colacicco?---Yes.

Mr Sawyer's to his left?---Yes.

20 Do you remember this occasion now?---No, not really.

Could we go back to page 166? Do you see in your left hand there's what appears to be an envelope, do you see that?---Yes.

Were you given that envelope on that day in that meeting?---I can't recall.

Is it likely that you would have come to the meeting with this envelope?---I, I really can't recall.

30 What was in the envelope?---Could have been anything. Could have been -  
- -

Yeah, but what was in it?---I, I can't recall. If I look at the date, it was 25 January, is that right?

That's right.---The day before Australia Day, it, it could have been anything. It could have been an invitation, it could have been my speech, it could have been my doctor's certificate, I don't know. But if you've got anything else to show me that, what's in the envelope, please show me.

40

Was there money in the envelope?---Well, no.

Have you ever been given envelopes with money in them before at this Nield Park café?---No.

Could the witness be shown page 175? So this photo – if you can just scroll down a bit? Down, no, the other way, thanks. So this was taken at 8.42 on that day. Do you see that?---Yes.

Do you recognise that car there?---I think it's Mr Panuccio's. I think it is.

10

So it's obvious that you took that envelope away from the Nield Park café that day. You accept that?---Look, I, I don't know if I had it with me when I went there or someone gave it. I don't know. And again, could be an invitation. It's Australia Day. Again, it could be anything. But if you've got any other photos to show me that it is something else - - -

I'm just asking you whether you recollect now, Mr Tsirekas, what was in this envelope.---Well, it wasn't cash.

20 You don't recollect what was in there, but what you do say - - -?---Well, it, it - - -

Let me just finish. If I can understand your evidence.---Apologies.

You don't recollect what was in there, that's right?---It, it's an envelope with something in it but it's not cash.

The second part I was going to put to you. You say it wasn't cash, though? ---No.

30

Do you recall who gave it to you, if it was given to you at that meeting on the day or the coffee on the day?---At the – no, no.

If we go back to the picture at page 164. I take it the individual at the end of the table, Mr Moio's friend, didn't give it to you?---No.

I take it Mr Moio didn't give it to you?---No, not that I can recall.

40 Could you think of a reason why Mr Moio would give you an envelope?  
---No.

Did Mr Sawyer give it to you?---Not that I can recall.

Can you think of a reason why Mr Sawyer might give it to you?---No.

Who's this gentleman with his back turned to the camera? Do you know him?---Yes.

Who's that?---Mr Ianni.

10 Did Mr Ianni give you the envelope?---No, I don't - - -

Can you think of a reason why he would give you an envelope?---No.

What about Mr Colacicco? Did he give you the envelope?---No.

Can you think of a reason why he would give you the envelope?---No.

What about Mr Panuccio?---No.

20 You deny that he gave it to you?---Yes.

Can you think of a reason why he might give you an envelope?---No.

Mr Panuccio's a person who's given you envelopes full of cash before, hasn't he?---The times that we've referred to, yes.

30 Can you think of a reason why you would take an envelope to the Nield Park café setting on a Friday morning wherein you're holding it in your hand in the café and then you leave the café holding it in your hand? Can you think of a reason why you might do that?---Well, again, it was a day before Australia Day - - -

Just don't worry about Australia Day.---I, I, I'm trying to give you a picture.

No, you're not. Just answer my question, please. Can you think of a reason why you would, on a Friday morning, attend the Nield Park café holding an envelope in your hand, then depart the Nield Park café holding an envelope in your hand and not otherwise put it in a bag or something like that?---I can't remember. I can't remember.

40

Well, can you think of a reason why you might do that?---Well, it might have been an invitation to the Australia Day ceremony the next day or it might have been my speech. I, I can't recall.

Well, who would have given you the speech?---I would have had the speech with me, walking with me.

10 So, what, are you suggesting that you had a speech in an envelope that you held in your hand, walked into the café, kept it in your hand and then walked out with it? Why would you do that?---It could well be. I don't, I can't recall.

I'm just asking you - - -?---Sure, I understand what you're saying.

- - - on what occasion might you, I'm just testing this position - - -?---Sure.

- - - as to whether or not you actually attended this café with an envelope and then you took the envelope away. I'm just trying to test why you might do that.---Sure. Sure.

20

It doesn't seem like something that you would do.---Well, look, I can't remember.

So what I'm suggesting to you is it seems likely that someone at this coffee meeting on this occasion gave you the envelope?---Look, I, I, I - - -

Were any of these individuals your speechwriter?---Well, Gary used to write my speeches occasionally.

30 Well, did he write your speech for the January 2019 - - -?---He - - -

He was off council at that stage?---He was off council, then, yeah.

So unlikely that he wrote the speech?---Sure. Look, I can't recall. The, look, the envelope's on the table, my phone's on it - - -

Where do you say that?---I can see it there right in front.

40 So are you saying that, just so we can understand this, where do say the envelope is? Under your phone?---Well, it appears to me that, that on the table there, my phone's there and there's that envelope underneath it.

Which one's your phone? Can you - - -?---Well, if you zoom in, it looks like my phone - - -

Just, well, we can move the cursor over it. Just tell us to stop when we get towards where you say your phone is. Is it the other side of the table?---The other side of the table.

There?---There.

10

So if we zoom in there, is that your phone there, you say?---It appears to be my phone.

Doesn't look like there's an envelope under that phone, though?---Well - - -

Where do you say the envelope is?---To me, it looks like it's under the phone.

Under that phone there where that cursor is now?---Yeah.

20

MR LEGGAT: No, there are two phones.

MR DARAMS: I see. The top phone there?---Yeah. Yes.

Is that in front of you, is it?---Yes.

Yes. I see. So that's the phone you're identifying as yours?---Well, I think in the other photo, you see me holding up the phone with the envelope.

30 So when we say "the other photo" - - -?---I think you showed a previous photo?

So if we go back to page 166. There you go. That's what you're talking about, Mr Tsirekas?---Yeah, yes.

So it appears that at some stage in this meeting on this day or this coffee meeting or whatever you call it, you had your phone placed on the envelope?---Yes, it appears to be the phone that was sitting on the table.

40 Right. Could the witness be shown volume 3.5, page 184? Mr Tsirekas, you recognise this location? This is taken later on the day, on 25 January?

---Not really, I, I think, but it was explained that it was - - -

The Made in Italy?--- - - - a restaurant or something, yes.

You've been to the Made in Italy before?---Once or twice, yes.

Who do you go to Made in Italy with?---Mr, Mr, Mr Bruzzano.

Mr Bruzzano's that person in the middle of the photo there?---Yes.

10

Is that Joseph or Pierre Jacobs on the right of the photo?---That's Joseph.

Why were you and Mr Chidiac meeting with Mr Bruzzano and Mr Joseph Jacobs?---I don't know why - - -

Well, why would you be doing that?---Well - - -

I mean, you say Mr Joseph Jacob isn't your friend?---Mmm.

20

So it's unlikely if you accept that evidence, if we accept you're right about that Mr Joseph Jacob isn't your friend - - -?---No.

- - - you're not meeting him as social mates, here, are you?---No, no.

You must be meeting him for some other business-related reason, then?---I, I can't recall - - -

30

Well, let's just do it by elimination. He's not your mate, he's not your friend, so we can rule out that you're meeting him as a social acquaintance, friends, buddies, is that right?---Yes.

So you must be meeting with him on some business or some associated business thing. Either his or Mr Bruzzano's. What is it?---Look, I can't recall the conversation. I'd only be guessing on the date that's before me that it's still to do with their proposal or on East Rhodes about trying to sell the infrastructure, position that they were taking.

40

Did you have lunch with them on that day?---I, look, I can't recall. I think we're outside, I'm not too sure.

Well, let's go back to page 182. That's you there?---It looks like it.

This is taken – scroll down, please. It's taken at 1.38 on that day?---Yes.

It's identified as being outside of Made in Italy, or inside Made in Italy. Do you see that?---It looks like it.

Do you have any reason to doubt that that's where it is?---Oh, look, it appears to be, I'm, I'm not 100 per cent sure, but if you're saying it is.

- 10 So then we go to page 184 again. It's approximately an hour later, just a little over an hour later. You're still at that same location, do you see that? ---Yes.

If we can go to page 188. So this photo was taken at 2.50, still at the same location. Do you accept that?---It appears to be, I accept that, yeah.

So it's more than likely, would you accept, that you've had some sort of meal or refreshments or beverages on this occasion?---Look, I, I can't recall.

- 20 No, but I'm not asking – it's more than likely that if you were in this location for well over an hour, Made in Italy, it's a restaurant you've been to before, correct?---Correct. But we don't normally sit outside.

Well, so this occasion should ring bells for you in your recollection though, shouldn't it?---Oh, not really.

- 30 Are you suggesting seriously that you didn't have some meal or some refreshments or something like that on this occasion?---As I said before, I can't recall. We normally, if we were going to have something to eat, it's inside.

Well, maybe you went inside, had your meal and then you came outside afterwards. Is that a possibility?---A possibly, I can't recall.

Why are you meeting with Mr Jacobs and Mr Chidiac? Why is Mr Chidiac involved?---You, you would have to ask him.

- 40 I'm asking you. You must have some understanding why Mr Chidiac's here. What, he just randomly walks along the street where you happen to be in Made in Italy? You must have some understanding of why he's there. You're not that naive, are you, Mr Tsirekas?---No, I'm not.

Well, then I'm asking you why was Mr Chidiac here?---I don't know.

You do know and I would like you to tell me.---No, I don't. There, there is some - - -

10 You're giving evidence under oath that you have no understanding why Mr Chidiac would be at this location on this day with you, Mr Bruzzano and Mr Jacobs, is that what you're saying?---Yes. I don't know why he was there on that particular date. That's right.

Well, what do you understand was his involvement or relationship between Mr Bruzzano and Mr Jacob or either one of them at this stage in January 2019?---Look, yeah, look, I, I, I – and again, from the benefit of evidence, there was some arrangement but back then I didn't know what that arrangement was or what he was - - -

Well, what did you understand it was?---I, I clearly did now know.

20 So why was Mr Chidiac there?---You might have to ask him.

I'm asking you, what was your understanding?---Well, he, he may have just come along for lunch. I don't know.

Well, this isn't a social friendship gathering, that's what you said to me before. Is that right? Or are you saying now this is a gathering of mates?  
---No. I, I said before that, Mr Chidiac was a close friend.

30 Is this a gathering of friends, Mr Bruzzano, Mr Joseph Jacobs, yourself and Mr Chidiac, is that what this is?---No, no.

Well, okay, so it's not a gathering of friends?---No.

Because you say Mr Joseph Jacobs isn't your friend? He's not your friend in January 2019?---That's right.

So we can put the social, we can put that to one side, so it must be to do with some business or commercial issue, then.---No, all I can say - - -

40 Well, what's it to do with?---If I can try to explain. That around that period there was a lot of stress on the proposals that we were all putting in to the

government, and Mr Jacobs was very strong on his view of trying to get their side of the story about infrastructure, where council had a particularly different view. And I'm sure he was putting his case forward to me.

Well, why were you not saying you can put your case forward in council? Don't, let's not - - -?---And that's what I did.

- - - let's not meet up and have a meal at Made in Italy in Pymont with Mr Chidiac. Well, let's go to this point. Why is Mr Chidiac there, then?  
10 What's he got to do with Prolet's proposal?---I don't know.

I want to suggest that you do know what Mr Chidiac's involvement or role is.---No, I didn't.

But you just don't want to tell us.---No, I didn't, until I heard the evidence and benefit of evidence of the depth of their relationship and their, their contractual whatever they had between each party.

It seems to be that Mr Chidiac turns up at a number of different  
20 circumstances or events or situations involving, could I suggest, developers who were doing work or wanting to do work in Canada Bay Council around this period of time, 2015 to 2019. You accept that?---Yes.

He turns up. You're – when I say he turns up, he attends events with developers. You're at these events with developers. And when I say events, I mean lunches, I mean dinners, coffees, trips to Shanghai, all of that. And you say you have no understanding or had no understanding of the role of Mr Chidiac in all of this. Is that what you're asking us to believe?---Yes.  
30

I just wanted to – what if this, it might be put that that seems like a very unlikely circumstance, Mr Tsirekas, that you would have no understanding of the role and the involvement of Mr Chidiac with all of these developers, where you seem to be meeting with them all with Mr Chidiac in different things, overseas, going on trips to Shanghai, other lunches and dinners and meetings. It seems to be highly unlikely that you wouldn't have some understanding of Mr Chidiac's role in all of that. What would you say about that?---I disagree. I did not know until evidence given here at these proceedings.  
40

THE COMMISSIONER: It may be an issue of semantics here in terms of his role, but by reason of his presence, turning up at all the meetings and so on which concerned planning matters, developer interests, it was clear, wasn't it, that he was turning up because he had had an interest, whatever that interest might be, in matters associated with planning, planning proposals and the like?---Yes, Commissioner.

I mean, you would have sat around the table, obviously, and those sort of matters were under discussion, as I would understand, you accept that? But  
10 – is that right?---Commissioner, yes. And again I didn't know exactly what Mr Chidiac was doing for each person that he on occasion would ring me or be at this meeting. Clearly there's a friendship between Chidiac and Jacobs. So again, there may have been other arrangements being made. But I did not know the depth of their relationship, and I still didn't until these proceedings.

I appreciate what you're saying about precise roles and depths of relationships and so on that Chidiac had.---Yes.

20 But it was clear just from his actions he's present at meetings that were discussing planning issues, that he indicated by his presence on those occasions an interest in what was going on relating to certain planning matters from time to time?---Yeah, and again, Commissioner, I agree, you'd have to ask him what his role was.

Is that a fair statement as I've put it to you?---Well, not, not really, Commissioner.

30 Is that a fair, a fair summation?---Not, not really, Commissioner.

But isn't it the case, though, that on multiple occasions, as we've heard and you've heard in this public inquiry, his presence was evident there in discussions, meetings at both council and outside council when developer representatives were present, all of that taken together indicates that there was an ongoing interest he was displaying, is all I'm putting, in planning matters?---No, Commissioner. He was never at council meetings with me. He, all the relationship that I had was he would ring me and try to organise meetings or say "Why is there a hold-up?"

40 I'll interrupt you there. I'm not confining it to meetings. I'm talking about associations, whether that be communications, electronic-type

communications, emails and text messages and so on and his presence, from time to time, at different developer representatives in the Canada Bay area, all of those facts taken together reveal that whatever his interests might be, he's certainly taking an interest in planning matters.---It, it, showing interest.

MR DARAMS: Just on that, why is it that when you know that Mr Chidiac, you say you don't know the depth of the relationship or the arrangements until you get to these proceedings, but you know in this period of time, in  
10 2015 to 2019 that Mr Chidiac is involved in some way with I-Prosperity, Billbergia and Prolet. Why didn't you disclose or declare your relationship with Mr Chidiac when these proposals came up towards council? You clearly have a friendship with him and you know that he's got some involvement in those projects. Why don't you disclose or declare that?  
---No, no, I didn't know. He had friendships. I didn't know what the friendships were with - - -

Who were these friendships?---Mr Jacobs, with Mr Bruzzano. Mr Bruzzano was his accountant. Mr Jacobs was his friend. So there was a relationship  
20 there. It wasn't me bringing Mr Chidiac to these gatherings.

THE COMMISSIONER: I-Prosperity, he had links with I-Prosperity?  
---Well, that is, I've learnt, yes.

MR DARAMS: My question is why didn't you disclose or declare the fact that you had a relationship with this individual who had a relationship or  
friendship with these other persons, why didn't you disclose that?---Again, those relationships that he had with those people that you've mentioned I wasn't aware of, and the involvement, and so I didn't need to disclose that.  
30  
Chief Commissioner, I note the time. There are some things - - -

THE COMMISSIONER: Mr Darams, I think it might be a time, it's almost 4 o'clock, to adjourn shortly. Just in relation to future programming matters, I understand there has been consultation with counsel solicitors about the future dates. Mr Leggat, I understand you've been informed as to the proposed program for next week?

MR LEGGAT: Yes. That's so, Chief Commissioner. Thank you.  
40

THE COMMISSIONER: I just want to give the opportunity for anybody to raise any issued about the programming, that's all. Nothing from you, Mr Leggat?

MR LEGGAT: No. Those dates are satisfactory, thank you.

THE COMMISSIONER: Thank you.

10 MR DARAMS: Just before we conclude, there are, and I know we're almost there on a Friday, there are a few exhibits I would like to tender if I could do that.

THE COMMISSIONER: Yeah. Just to be clear. So there's nothing anybody else wants to raise about the programming matters? Thank you. Yes.

MR DARAMS: Oh, Mr, step down - - -

20 THE COMMISSIONER: You can step down Mr Tsirekas.---Thank you. You'll be required to return next week.

**THE WITNESS STOOD DOWN**

**[3.58pm]**

MR DARAMS: So could I tender volume 6.14, pages 77 to 124? That will be Exhibit 65.

30 THE COMMISSIONER: Yes. Those pages of 6.14, 77 to 124, becomes Exhibit 65.

**#EXH-065 – PUBLIC INQUIRY BRIEF VOLUME 6.14 PAGES 77 TO 124**

MR DARAMS: Could I tender volume 5 to be Exhibit 66?

40 THE COMMISSIONER: Yes. Volume 5 becomes Exhibit 66.

**#EXH-066 – PUBLIC INQUIRY BRIEF VOLUME 5**

MR DARAMS: I tender volume 5A.2.

THE COMMISSIONER: Yes. Volume 5A.2 will become Exhibit 67.

10 **#EXH-067 – PUBLIC INQUIRY BRIEF VOLUME 5A.2**

MR DARAMS: Could I tender Ms Tsirekas' living expenses analysis with cash withdrawals document?

THE COMMISSIONER: Mr Tsirekas' living expenses analysis document will become Exhibit 68.

20 **#EXH-068 – MR TSIREKAS' LIVING EXPENSES ANALYSIS WITH CASH WITHDRAWAL DOCUMENT**

MR DARAMS: I'd like to next tender the loans analysis document to become Exhibit 69.

THE COMMISSIONER: The loans analysis document in relation to Mr Tsirekas will become Exhibit 69.

30

**#EXH-069 – LOANS ANALYSIS DOCUMENT**

MR DARAMS: Next, I'd like to tender pages 18, 19 and 20 of volume 11.

THE COMMISSIONER: Volume 11, pages 18, 19 and 20 will become Exhibit 70.

40 **#EXH-070 – PUBLIC INQUIRY BRIEF VOLUME 11 PAGES 18, 19 AND 20**

MR DARAMS: Could I next tender a medical report prepared for the benefit of Mr Sawyer but have the subject of the, or have the report suppressed or subject to a suppression order?

THE COMMISSIONER: The medical report relating to Mr Sawyer will become Exhibit 71. I make an order under section 112 suppressing publication and communication of the contents of that exhibit. It becomes  
10 Exhibit 71.

**#EXH-071 – [SUPPRESSED EXHIBIT] MEDICAL REPORT  
PREPARED FOR THE BENEFIT OF MR SAWYER**

**SUPPRESSION ORDER: I MAKE AN ORDER UNDER SECTION  
112 SUPPRESSING PUBLICATION AND COMMUNICATION OF  
THE CONTENTS OF EXHIBIT 71.**  
20

MR DARAMS: Could I next tender as one exhibit the following documents. Pages 53, 54, 337, 338 and 339 of volume 6.2 plus pages 144 and 145 of volume 6.3 to become one exhibit?

THE COMMISSIONER: Yes. Very well. Volume 6.2, pages 53, 54, 337 and 335, sorry, 338, is it - - -

MR DARAMS: So it's 337, 338, 339.  
30

THE COMMISSIONER: - - - 338 and 339, together with pages 144-5 of volume 6.3 becomes Exhibit 72.

**#EXH-072 – PUBLIC INQUIRY BRIEF VOLUME 6.2 PAGES 53, 54,  
337, 338 AND 339 AND PUBLIC INQUIRY BRIEF VOLUME 6.3  
PAGES 144 AND 145**

40 MR DARAMS: Exhibit 73, could I please tender document Futures Plan  
20?

THE COMMISSIONER: Sorry? What is it?

MR DARAMS: It's called a Futures Plan 20. It's a document that Mr Tsirekas' representative asked us to - - -

THE COMMISSIONER: Yes. That document then, Future Plan, will become Exhibit 73.

10

**#EXH-073 – FUTURES PLAN 20**

MR DARAMS: Exhibit 74, could we tender the Inner West Courier article "Tsirekas will resign" the dated 17 May, 2016?

THE COMMISSIONER: Yes. The Inner West article so described will become Exhibit 74.

20

**#EXH-074 – INNER WEST COURIER ARTICLE TITLED  
'TSIREKAS WILL RESIGN' DATED 17 MAY 2016**

MR DARAMS: Exhibit 75, could we tender the Director General's Design Excellence Guidelines 2011?

THE COMMISSIONER: Yes. The Director General Guide will become Exhibit 75.

30

**#EXH-075 – DIRECTOR GENERALS DESIGN EXCELLENCE  
GUIDELINES 2011**

MR DARAMS: Exhibit 76, photos of cash from search warrant marked EG.

THE COMMISSIONER: Yes. That document will become Exhibit 76.

40

**#EXH-076 – PHOTOS OF CASH FROM SEARCH WARRANT  
MARKED “E” AND “G”**

MR DARAMS: Exhibit 77, could we tender Mr Tsirekas’ parents’ cash withdrawals document, which is volume 5A.3?

THE COMMISSIONER: Yes. That document becomes Exhibit 77.

10

**#EXH-077 – MR TSIREKAS’ PARENTS’ CASH WITHDRAWAL  
VOLUME 5A.3**

MR DARAMS: Exhibit 78 surveillance photos from 25 January, 2019, so volume 3.5, pages 165, 175.

THE COMMISSIONER: Yeah. Pages 165 to 175 in exhibit 3.3 as described will become Exhibit 78.

20

**#EXH-078 – PUBLIC INQUIRY BRIEF VOLUME 3.5A PAGES 165  
AND 175 – SURVEILLANCE PHOTOS DATED 25 JANUARY 2019**

MR DARAMS: Lastly, could I tender pages 182, 184 and 188 of volume 3.5?

THE COMMISSIONER: Sorry? Can, 182?

30

MR DARAMS: Yeah, sorry. 182, 184 and 188 of volume 3.5.

THE COMMISSIONER: Yes. Those three pages, 182, 184, 188 of volume 3.5 becomes Exhibit 79.

**#EXH-079 – PUBLIC INQUIRY BRIEF VOLUME 3.5 PAGES 182,  
184 AND 188 – SURVEILLANCE PHOTOS DATED 25 JANUARY  
2019**

40

MR DARAMS: Yes. That exhibit is surveillance photos from 25 January, 2019.

THE COMMISSIONER: Okay. That's it?

MR DARAMS: That's it for the day.

THE COMMISSIONER: Yes. Very well. I'll adjourn.

10 MR DARAMS: May it please.

**AT 4.04PM THE MATTER WAS ADJOURNED ACCORDINGLY  
[4.04pm]**