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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 16 JUNE, 2022

AT 2.00PM

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

THE COMMISSIONER: Mr Darams.

MR DARAMS: Mr Tsirekas, just before the luncheon adjournment, I was asking you some questions about the evidence - - -

THE COMMISSIONER: I'm sorry to interrupt, Mr Darams.

10

MR DARAMS: Sorry.

THE COMMISSIONER: There was suggested programming today might permit Mr Moses to proceed with examination this afternoon?

MR DARAMS: Yes, I - - -

THE COMMISSIONER: What's the position?

20 MR DARAMS: Yeah. The position is I've been in contact with Ms Gall who's also here as the junior to Mr Moses. Mr Moses is available all afternoon. I've indicated that I will shortly wrap up my questioning - - -

THE COMMISSIONER: All right.

MR DARAMS: - - - and then Mr Moses would then question - - -

THE COMMISSIONER: Very good. Thank you.

30 MR DARAMS: So we'll proceed on that basis. Just before the adjournment, Mr Tsirekas, I was asking you some questions about the questions and answers you gave to the Commission in your interview in September 2020. You remember that?---Correct.

You had accepted on that occasion that you should have declared or disclosed a conflict of interest arising out of your relationship with Mr Bruzzano. That's correct?---Correct.

40 You also accepted before the adjournment that you gave your answers honestly and truthfully in September 2020 when you were asked about this by the Commission officers?---Correct.

I take it that because you approached that process of answering your questions seriously, you thought about the answers you were giving?---I think I explained the situation that I was giving those answers truthfully then. Again, those answers were, were not a lie. They were truthful answers. But they were wrong.

My question to you, though, Mr Tsirekas, was that in giving your evidence truthfully on that occasion, you thought about the answers you were
10 giving?---Yeah.

Correct?---And it was a mistake.

Just focus on my question, please, Mr Tsirekas. You thought about the answers before you gave the answers?---Yes, I did.

Could I ask that Mr Tsirekas be shown page 1225 of the transcript of the compulsory examination on 7 April - - -

20 THE COMMISSIONER: Sorry? What's the page number?

MR DARAMS: 1225.

THE COMMISSIONER: Right. Thank you. Sorry? Date again?

MR DARAMS: 7 April, 2022. Perhaps go back to the previous page? Sorry, it's 1225. My apologies. Do you have that, Chief Commissioner? 1225.

30 THE COMMISSIONER: This is Exhibit 82 now?

MR DARAMS: Correct. I'll ask you, Mr Tsirekas, just start reading from about line 5.---How far down do you want me to go?

Just read to the bottom of the page and then I'll ask you some questions. ---I've read it.

This you recall was questions and answers on 7 April this year?---Correct.

40 You gave your evidence under oath on that occasion?---Correct.

You obviously took that process that you underwent on that day seriously?
---Yes.

The answers you gave were truthful and honest answers?---Yes. They were not a lie.

Particularly in relation to the questions I asked you that are set out on this page?---Yes.

10 I'm just drawing your attention to about line 27 and this question where I say, "Can you explain what interest you should have disclosed or declared at that council meeting on 24 May, 2016?" Do you see that?---Yes.

You yourself volunteered the friendship that you had with Mr Frank Bruzzano. Correct?---Correct.

So you accept that in asking you these questions, I wasn't suggesting to you or putting to you that you, in fact, were friends with Mr Bruzzano, was it?
---You, you asked me the question and I answered it truthfully.

20

Just listen and focus on my question. When I was asking you these questions about to about line 29, I wasn't suggesting to you that you were friends with Mr Bruzzano, was I?---No.

You volunteered in answer to my question where I asked you to explain the nature of the interest that you should have declared or disclosed, your answer was your friendship with Mr Bruzzano. Correct?---Yes, and it was, it, it is wrong. And I'd like to correct it.

30 So you accepted and gave evidence under oath that the non-pecuniary interest you should have declared back in May 2016 arose from your friendship with Mr Bruzzano. That's right?---Correct - - -

And I want to suggest there was nothing wrong with the answer you gave in April 2022?---Well, can I clarify?

Well, just answer the question first.

40 THE COMMISSIONER: Just answer the questions.---Apologies, Commissioner.

MR DARAMS: There was nothing wrong with the answer that you gave to my question at line 27?---Yes, there, it is wrong.

Why do you say, when I didn't suggest or lead you to the particular answer but asked you to explain why the interest you should have declared or disclosed you said your friendship with Mr Bruzzano, why is there anything wrong with that answer you gave on that occasion?---Well, it is wrong because the interpretation that I have of friendship is a bit different to the interpretation under the code of friendship. To me, the mayor of a small
10 city being popularly elected, I call everybody friends, brothers, and dare I say megale. I should really only call them mates because that would keep me out of trouble, but the interpretation act is a bit different when disclosing. I would not call Frank Bruzzano a friend. He's an acquaintance. I got it wrong. I want to correct it.

THE COMMISSIONER: Mr Tsirekas, as at 7 April, 2022, and indeed for years before that date, you understand what a non-pecuniary interest under the code was, didn't you?---My interpretation was the best - - -

20 No, just answer my question.?---Yeah.

No, no, no, I don't want your interpretation. I want your answer. As at 7 April, 2022 you understood what a non-pecuniary interest was as referred to in the code of conduct.---Yes, Commissioner.

Right. As at 22 – sorry, I'll withdraw that. As at 7 April, '22 you understood what the concept of friendship meant.---Yes, Commissioner.

Yes. Thank you.

30

MR DARAMS: Could I ask that the witness be shown the next page. I just want to pick up the question from line 22. The Chief Commissioner asked you, just read from about line 22 then stop at about line 35.---Yes, I've read it.

So again we have you, Mr Tsirekas, under oath confirming that you are friends with Mr Bruzzano. That's right?---I've answered it that way then, yes, and it wasn't a lie back then.

40 You were also friends with Mr Bruzzano in May 2016.---I wouldn't call him a friend.

Well, you have called him a friend, Mr Tsirekas.---I understand that and the interpretation that I have of a friend is a bit different to what the code specifies as a friend.

You want to now give different evidence, don't you, at this public hearing?
---This is wrong and I want to correct it.

You want to give - - -

10

THE COMMISSIONER: No, you didn't answer the question.

MR DARAMS: You now want to give different evidence in this public hearing because you want to deny or say that Mr Bruzzano is not your friend.---Correct.

So do you accept that you now want to give different evidence?---I want to correct the evidence - - -

20 THE COMMISSIONER: That's wasn't the question.--- - - - which means I want to give different evidence.

Mr Tsirekas, we've been over this so many times, haven't we? Answer the question directly. Put it again.

MR DARAMS: You accept you now want to give different evidence?
---Yes.

30 See I want to suggest to you that nothing has changed about you or your relationship with Mr Bruzzano between September 2020 and now when you give this evidence. You've come into no new information about your relationship with Mr Bruzzano.---He's an acquaintance not an friend.

Answer my question, please.

THE COMMISSIONER: Would you please, you consistently avoid answering the question, the point of the questions. As I've explained to you that means we spend more time having the question re-put, you answer, and if it again doesn't answer the question we have to have it re-put a third time.

40 Do you remember me - - -?---Yes, I do.

- - - pointing that out before?---Apologies, Commissioner.

Why aren't you doing it today?---I was trying to give an answer the best I could.

Yeah, but you're not the advocate. You can't play the advocate as a witness. You just answer truthfully. You understand that?---I do, Commissioner.

10 Right. Well, let's try putting that last question again.

MR DARAMS: I want to suggest to you you've come into no new information about your relationship with Mr Bruzzano since September 2020 or April 2022, have you?---Yes, I have.

What is that?---I've heard a particular witness give statements here of his reflection.

20 THE COMMISSIONER: No, no, no. You were asked what you heard that changes your mind now from Mr Bruzzano being a friend as at April of this year to now him not being your friend or you have not enjoyed a friendship with him. What particular part of the evidence do you say now warrants you giving different evidence on that topic?---Yes, Commissioner. Mr Bruzzano was questioned whether he comes and visits my place, whether I've been to his place, where we have social gatherings together with his family. It's quite clear there is no friendship relationship. And I would agree on that.

30 If it was put to you that, on matters like this, where you give, you change your evidence, you give different or opposite evidence from what you've previously given on occasion in a compulsory examination, for example, that you, what's motivating you to change your evidence is not any particular information, but that you are acting in self-interest when you say you want to change previously sworn evidence, how would you respond to anything of that kind that's put?---I wouldn't accept that and I disagree.

Mmm. Yes.

40 MR DARAMS: See, it might be suggested, Mr Tsirekas, that you have now given different evidence about your relationships with those associated with I-Prosperty, you accept you have?---Yes.

You also accept you've given different evidence in this public hearing about the nature of your relationship with Mr Kinsella and Billbergia?---Yes.

You also accept that you've given different evidence in this public hearing in relation to your relationship with Prolet and the Jacobs brothers?---Yes.

You also accept that you've given different evidence in this public hearing about your relationship with Mr Bruzzano?---Yes.

10

If it was suggested to you that you were giving that different evidence now because you realise that the truthful evidence you gave on previous occasions about the nature of your relationships meant that you had, on numerous occasions, failed to act in accordance with what you were obligated to do understand the code of conduct, what would you say about that?---Which part of the question do you want me to answer? You've asked me about a lot of different - - -

20 THE COMMISSIONER: No, no, no, Mr – there was one question. Answer it.---No, I don't accept that.

MR DARAMS: See, it might be suggested, Mr Tsirekas, that the evidence you previously gave – including on September 2020 and in March and April of this year – about your relationships was in fact the truth as to the nature of your relationships with those parties I've just referred to. What would you say about that?---Yes, at that stage I was not telling a lie. But given the opportunity and putting things into context while these proceedings were being held, I've got a much better understanding of and put into context about the relationships with each party, and, and certainly I'd like to correct
30 the wrong information that I gave at those dates.

Just on that, Mr Tsirekas, what you say you've heard in these proceedings, being the public hearing, you really point to, if you can at any stage, things that other people might have said about their view on their relationship with you or events that they engaged in, correct?---That was part of it. But - - -

40 That's right? Well, what else is there that you can point to?---During these proceedings I've been able to put things into context. I've been able to understand much clearer and better the interpretation of friends, friendships and relationships. My interpretation is totally different to others. I get voted in because I'm a popular elected mayor. I call a lot of people friends,

I call a lot of people brothers and a lot of people megale. It doesn't mean that I have a relationship with them. And this sort of occurrence happens not only with people that have been mentioned, but everybody else in the community. I treat everybody the same.

See, I want to suggest to you, Mr Tsirekas, that you understood your obligations under the code of conduct, and when you answered questions in September 2020 and in March and April this year, you were answering them truthfully based upon your understanding of your obligations under the code of conduct, correct?---Correct.

Those being obligations that you were subject to and had, on your evidence, reflected upon after the events in 2016 and 2017 and 2018, and you come to the view in 2020 that in fact you should have been disclosing these relationships because you had them and they were relationships that were required to be disclosed or conflicts that were required to be disclosed under the code of conduct, and that's why you answered the way you did in September 2020 and March and April of this year, that's right, isn't it?---I disagree with that.

Yes. Could I ask that we play session 7108, transcript at volume 7B, page 1.

AUDIO RECORDING PLAYED

[2.22pm]

MR DARAMS: The conversation continues, but I just want to ask you some questions, Mr Tsirekas, about the first part of this call. It's obviously a call between yourself and your then partner, Ms Crichton.---Correct.

You were about to leave Australia for a trip to Shanghai, is that right?
---Correct.

If we go to page 2 of the transcript, Ms Crichton says to you, "Did you get your money? Did you get your cashy-cashy?" What did you understand she was talking about?---I, I can't recall. She, I can't put any words into her mouth. She may have been worried about me going away and having some cash with me.

My question was what did you understand she was talking about? Because your response was, “No, no,” that is you had not got your money or your cashy-cashy.---The best of my understanding is that later on, it refers to Frank and Strathfield. I know that there’s an exchange place at Strathfield for currencies. It may have been referring to that.

Why would you be, well, is this one, to pick up on that reference, why would the fact of Frank, is that Frank Colacicco?---May well be, yes.

10 The other Frank it might have been is Frank Mercuri?---It could have been him, too, I don’t, yeah, I can’t recall, it, I - - -

Were these people who have given you cash before you’ve gone overseas? ---No.

When Ms Crichton says, “I think Frank was going to go to Strathfield or something,” and you said, “No, we didn’t go,” who did you understand out of those two Franks or another Frank she was referring to?---Look, I can’t recall but I do know that there was an exchange place at, at Strathfield.

20

But you accept it’s either Frank Colacicco or Frank Mercuri?---Yes, look, I don’t, I don’t know if Frank Mercuri was on that, that trip.

You recall in the telephone call, it’s also identified in the transcript, but there was some laughing about this part of the conversation. Do you remember that?---No, I don’t remember that. I can read it there.

Sorry. Just when it was played to you just then.---I can, I heard it, yes.

30 Well, what was so funny about this conversation?---Got no idea.

Because Ms Crichton says, “I thought Frank was going to go Strathfield or something, no, he didn’t go and get the cheque,” and she starts laughing. Is the laughter, did you understand the laughter to be the reference to the cheque as opposed to getting cash from somewhere?---No.

You said, “So I’ll just get it tomorrow,” and you responded with laughter. So are you able to assist us as to why you were responding with laughter? Were you responding to the cheque comment?---I really can’t remember why I laughed.

40

Was Mr Colacicco giving you cash or intending to give you cash for use on this trip?---No.

Do you know whether Mr Colacicco gave you some cash to use on this trip?---No, he didn't.

So when you say "no, he didn't" do you say that you positively remember that he didn't do that?---Well, I didn't take cash from Colacicco, no.

10 THE COMMISSIONER: You had dealt in cash with Mr Colacicco, however, in the past, had you not?---Yes, on those transactions that we've seen, yes.

You heard his evidence that on a number of occasions, he brought a container of cash, met you at the back of his real estate office - - -?---Yes, Commissioner.

- - - and you would provide him with a bag or a container with cash?---Yes, Commissioner.

20

Sometimes large amounts of cash- - -?---Yes, Commissioner.

- - - you heard that evidence? And it may have been put to you before but the evidence he gave, if it's accepted, was that you were transferring large amounts of cash to him more or less in a semi-secretive way by meeting behind his shop, his office, I should say, and then handing over large amounts of cash to him. It might be thought, on one view, that this is unusual behaviour. Firstly, would you agree with that, you delivering large amounts of cash to Mr Colacicco at the back of his office?---That's right. I

30

did, Commissioner, yeah.

Yes. And that's, you would agree, an unusual activity or activities to be engaging in by a mayor, isn't it?---No, Commissioner.

No? I see.---But - - -

And where do you say all that cash came from?---The, the cash that I gave Colacicco?

40

Yeah. All the bags of cash you gave him. Where did that all come from? Did it come from more than one source?---No, it didn't, Commissioner.

MR LEGGAT: Chief Commissioner, with the greatest respect, the bags of cash, I don't think there's evidence about a bag or more than - - -

THE COMMISSIONER: No, I did use the word "container" I think before.

MR LEGGAT: Very well. Thank you.

THE COMMISSIONER: Is that the point you're raising?

10

MR LEGGAT: Yes, it is. Thank you.

THE COMMISSIONER: Okay. Let's use, well, you tell us. You were there. On each occasion was the cash in the same container or package or did it vary?---No, Commissioner, it'd vary. My father would - - -

In what sense, varied in what sense?---Well, it'd vary in amounts.

20 No, no, but we're just at the moment, Mr Leggat raised the point well, I put to you it was delivered in a bag by you, and that may have been right, it may not have been right. I'm just giving you an opportunity to clarify it for us. How did you on these occasions, different occasions deliver the cash to Mr Colacicco?---It'd either be in a bundle or an envelope.

Right. When you say a bundle, you mean just literally a bundle of cash bound up somehow?---Well, not bound up just folded or, or, I can't - - -

A bundle of cash.---A bundle of cash, yes.

30 Not in any form of container or package?---No.

On other occasions it was what contained in?---Maybe an envelope.

Well, you said maybe. You - - -?---In an envelope.

You were there.---In an envelope.

40 And sometimes in some other way? If it was a large amount, like \$10,000 for example I think was one occasion, how would you deliver that or how did you deliver that?---Commissioner, it'd either, would have - - -

No, just your recollection.---I'm trying to explain now.

Your recollection.---Yeah. My father would - - -

A very simple question.---Yes. My father would - - -

No, no, no. No, no, just listen to what I'm saying. By what means did you transfer, that is hand over physically, the cash in amounts of the order of \$10,000 - - -?---Yes.

10

- - - to Mr Colacicco behind his office?---It's a, it's a council car park. I would either walk from a unit - - -

Please, please, please.--- - - - and, and hand deliver it.

No, no, stop there. I'm going to stop you there. Do you remember my question?---Yes, how did I deliver it.

And you understood delivery meant physical delivery, handing over?

20

---That's right, yes.

Right. Now, answer that question.---Yes, I handed it over to him in the back of the council car park.

In what? Was it always a bundle of cash or was it sometimes put in an envelope, sometimes packaged in something else?---No, it's not packaged. It was either handed to him in the open or in an envelope.

And any other way?---Not that I can recall, no.

30

All right. And why were you doing the deliveries of cash in what might be seen by some to be a secretive type of operation?---Well, I, I wasn't – the only person I was trying to hide it from was my ex-wife.

No, just pause there. No, no, just pause there. We're dealing with a scenario. You're at the back of the office and - - -?---Yes.

- - - your ex-wife is nowhere to be seen.---Certainly.

40

Is not present.---Certainly.

You understand the scenario?---Certainly.

Now, I want you mentally to focus.---I am, Commissioner.

Good. So that I don't have to keep putting the question to you. It might be seen by some to have been a somewhat secretive operation that you're engaged in when you were transferring these cash moneys to Mr Colacicco behind his office. Why did you adopt this modus operandi, a somewhat secretive activity it might be said, of delivering bundles of cash behind the office in the car park?---I think I tried to explain it before.

No, just answer it.---Is - - -

Why secretive?---Because at that stage of life where I was going through a lot with my separation, a 50-year-old living with his parents - - -

MR DARAMS: Just on that.--- - - - they wanted to - - -

You weren't living with your parents.---Well, I was between '13 and '14.

THE COMMISSIONER: You're making a statement. Mr, you're just making a statement.---All right. I was trying to give a bit of background.

Tell me why were you doing it in what might be said to be a secretive way? ---It was trying to put away some of dad's money that I was given where he was helping me get back on my feet or have a better life, and we set this up so I would have some future in trying to establish myself.

But if you handed a bundle of cash to Mr Colacicco wherever, in his office, somewhere else - - -?---Sure.

- - - and your ex-wife was nowhere to be seen, assuming that she was located in suburbs miles away, kilometres away - - -?---Sure.

- - - there'd be no need for this secrecy, would there, so that she wouldn't find out, because she couldn't possibly see it happening. Why were you doing this when only you and Mr Colacicco were there, nobody else was there? Why were you doing it that way?---Again, it was a stage of life where I was getting help from my father. He was trying to assist me the best way he could, as any parents whose only son is going through

depression, drinking too much, having his life turned upside down. He wanted to see me in a better place.

Now you might answer my question. Why the secrecy?---No, the only secrecy was that I didn't want my ex-wife to see the amount.

But your wife was not around when you were dealing with Mr Colacicco and these cash deliveries, was she?---Well, she was around. We were going through financial statements. We were going through the separation.
10 We were going through all that.

Yeah, but was she around within eyesight or earshot - - -?---Well, she wasn't too far - - -

- - - of these occasions when you were handing bundles of cash over to Mr Colacicco?---Wasn't too far away but wasn't in eyesight, no.

Are you seriously suggesting, just so I make sure I'm understanding you, that one explanation for this, what I've described as what could be seen as a
20 secretive delivery method of cash was because you adopted that in order that your wife couldn't see you handing over the money. Is that what you're saying? Is that the explanation?---She wasn't aware of it, that's right.

Is that the explanation for the secrecy, what I call the secrecy?---Yes. Yes.

But that doesn't make sense, does it?---It did to me at that stage, yes.

Is it possible that these cash amounts that you were handing over to, delivering to Mr Colacicco did not come from your father at all but came
30 from other sources?---No, they were my father's.

What would you suggest – perhaps if I put this to you so that you can respond to it. If the evidence indicates on an examination that it could not have been your father supplying these large amounts of cash to you because of their financial circumstances, without going into all of that in terms of how much they had in the bank and how much they owed under reverse mortgages and all the rest of it - - -?---Sure.

- - - that – I'll put it again so you can deal with this as best you're able to.
40 What I'm putting to you is that if it be the case that the financial analysis doesn't support you when you're saying this cash came from your father,

how would you respond to that proposition?---I wouldn't accept that proposition.

Well, you don't know, firstly, how much cash he had on hand in the house, I think you've told us that.---I, yes, that's what I said, I wouldn't, wouldn't know how much (not transcribable)

10 You didn't even know he had a reverse mortgage. And when I say "he", I should have said "your parents". You didn't even know they had a reverse mortgage operating, did you?---No.

No. And the bank account we looked at this morning shows the amount of the fortnightly pension that was coming in by way of income.---Yes, I saw that.

And the accounts don't suggest there was any other source of income coming in on a regular basis. For your parents I'm talking about.---I can see that, yes.

20 Right. So I'm putting to you that on any rational analysis it might be said that your account, that all this cash that you say you got, came from your father just does not stand up to scrutiny. How would you respond to that if it was put?---I, I disagree with that, Commissioner.

Why do you disagree with that?---Because that's where the money came from.

30 How can you demonstrate, apart from your say-so that it came from them, how can you demonstrate it was a fact?---Because that, he handed me the cash.

That's what you say.---Yes.

40 But if it be the case that the financial analysis shows he didn't have that sort of cash to hand to you, then how do you – assuming that that's a reasonably accurate view of it – how would you then explain how it was that he could give you all the cash that you were delivering to Mr Colacicco?
---Commissioner, I think I tried to explain it before. I, I know that dad always had cash at home but I didn't know how much. He, he was a person that didn't believe in institutions. He was a person that was doing a lot of things on the side. And understanding a bit more about my father, he was a

gambler, and I didn't really want to say that this morning, but he did gamble. He - - -

But not in large amounts?---Well - - -

He was a - - -?---I, I don't - - -

Let's assume, you could assume this, that an examination of his betting record shows that he was not a big better at all. He might have liked
10 gambling, but not in large amounts.---He would tell me, Commissioner, not to gamble. I knew that he had a bit of a gambling problem. But I'm not going to stop him from gambling. But I knew that he gambled. I knew that he had cash at home. And he constantly told me, "Don't believe in banks."

But you're not suggesting that your father's gambling was a big issues, was it?---No - - -

He was a pensioner.---Yes.

20 And lots of pensioners love the pokies. But it doesn't mean that because they're hooked on the pokies that they've got a problem.---And that's what I did want to say, yeah.

Well, your father would be like that, wouldn't he? I'm not for a moment suggesting that he would have been acting inappropriately, but just like a lot of people – pensioners included – they like to play the pokies. It's a form of entertainment. And that's all your father was about. He was enjoying himself but he wasn't putting himself into financial jeopardy or your mother or you.---They lived a simple life.

30

Yes.---They didn't go out much.

Exactly.---But he did like to gamble and he's constantly tell me - - -

Well, what do you infer from that? You say he liked to gamble. So what do we get out of that?---I'm just saying he liked to gamble.

Yeah, and why do you keep saying that? What's the point of saying that?
---I, I'm just saying what my father would constantly tell me, not to gamble,
40 because you can either - - -

Yeah, but you keep trying to make a point of it and I'm trying to see the significance of it to the facts in this inquiry.---Yes.

You keep emphasising your father loved gambling and, you know, warned – but what's that got to do with what we're about here? Why do you keep referring your father as being a gambler?---Because that's probably where he may have got a bit of the cash.

10 Oh, I see. I see. You think he – that's one source of possible - - -?---One source, yes.

I see. I didn't, sorry, a bit slow, I didn't get the point. Now, your father had not worked for many, many years before he died, did he?---Not full-time work, no.

No. And car detailing involves just polishing a car or doing it up, as it were, to make it look good?---Yes, Commissioner.

20 Yeah. But, look, you're not suggesting that an old person – I mean no disrespect to your father – at the age he was, well into his seventies, would be making much money out of polishing the odd car and that sort of thing, are you? You're not suggesting that, are you?---Well, Commissioner, he, he, he - - -

No, are you suggesting that?---No, I am suggesting that part of his, when he came to Australia, the only thing he knew was to car detail.

No, I don't want, don't worry about when he came to Australia.---And - - -

30 No, no, no. I don't want to go there. Are you – well, firstly, do you know how many cars he would polish from time to time? Well, when I say "polish" I'm talking about the term – what's the term?

MR DARAMS: Detailing.

THE COMMISSIONER: Detail.---Detail. Only on occasions, when I'd visit for lunch.

40 Yeah, but you had no way of knowing how much work he did?---No, Commissioner.

All right. All right.

MR DARAMS: Just, Mr Tsirekas, does – this is one of my last questions. In terms of the source of the cash from your father, it really does come down to, if I can suggest to you, your evidence that your father was the source of the cash that was put into Machonic bank account, is that right? ---I'm giving my evidence, yes.

10 So there's nothing else you can point to to corroborate that evidence, can you?---Except for the fact I know that, looking at the statements, dad did like withdrawing a bit of cash on occasions and - - -

Yeah, what I was suggesting to you, though, is that there were no other transactions in this bank account. So, for instance, you don't see any transactions at Coles or Woolworths or Aldi, so groceries.---No.

20 So it looks like your parents were withdrawing the cash to use for their living expenses, paying the groceries, paying transport costs, paying for the utilities. That's what I was going to suggest to you.---Yeah.

It doesn't look like that they were withdrawing the cash and doing nothing or stockpiling it, does it?---No. Correct.

So back to my question. Where you tell this public inquiry that your father was the source of this cash, I'm just trying to understand this, it really does boil down to your say-so, doesn't it?---Yes, and that's the truth.

30 The last question I have is that it would also, for the Commission to accept that, would have to accept you as a witness of truth. Is that right?---Yes, I'm, I'm telling the truth.

Nothing further, Chief Commissioner.

THE COMMISSIONER: Well, now, Mr Darams, what do we do? Do we switch to Mr Moses?

MR DARAMS: I think if Mr Moses is online, I think it would be appropriate that Mr Moses if he's in a position to do so - - -

40 THE COMMISSIONER: So a slight break to enable the link to be established? Is that what - - -

MR DARAMS: I think Mr Moses has been participating this afternoon.

THE COMMISSIONER: I see.

MR DARAMS: So I think he's there now, I'm being told, and he can proceed if he's ready to do so.

10 THE COMMISSIONER: Is Mr Moses going to appear on the screen or what's the arrangement?

MR DARAMS: I just think we'll hear his voice.

THE COMMISSIONER: All right. Mr – okay, or should we proceed with the (not transcribable) evidence? It's a question of, I'm in your hands.

MR DARAMS: I think if Mr Moses is ready to proceed and can proceed and everyone's comfortable without virtually seeing Mr Moses.

20 THE COMMISSIONER: All right.

THE WITNESS: No, that's fine.

THE COMMISSIONER: Very well. Mr Tsirekas, we're going to interrupt, before I call on Mr Leggat to examine you, or cross-examine you, I think if you'd step down and just wait at the back there.---Thank you, Commissioner.

30 Okay, Mr – I'm sorry. Well, now, Mr Moses is ready to go?

MR DARAMS: He's ready to proceed, I understand.

THE COMMISSIONER: All right. I'm sorry. I thought there might be a break.

MR DARAMS: No, no. I think he's ready to proceed. He's online and he's been, this afternoon, he can - - -

THE COMMISSIONER: All right.

MR MOSES: Chief Commissioner, I am online. I can see the proceedings but I don't think that the Commission facilities allow me to be seen.

THE COMMISSIONER: I see. Mr Moses, I think I granted you leave before. If I haven't, I do.

MR MOSES: Yes. Thank you, Chief Commissioner.

10 THE COMMISSIONER: But could you give me some idea as to what your estimate might be in terms of time?

MR MOSES: I think somewhere between 20 to 30 minutes, Chief Commissioner.

THE COMMISSIONER: Yeah. All right. Well, if you're ready to proceed, you go ahead.

MR MOSES: Yes. Thank you, Chief Commissioner. Mr Tsirekas, you
20 accept don't you that as mayor it was vitally important for you to demonstrate the high standards of integrity and ethical behaviour?---Yes.

And you understand, don't you, that you exercise your official functions not for the benefit of your friends but for the benefit of the public?---Yes.

And you accept that as mayor that if you fail to demonstrate the high standards of integrity and honesty in the exercise of your official functions, that you should no longer hold that office?---Well, it's up to the people to vote me in or not if you're referring to the perception of my duties as mayor.

30

Well, that's your answer to my question?---Yes.

Thank you. And you accept, don't you, that if you fail to demonstrate the high standards of ethical and legal behaviour as mayor, it sets a poor example to councillors and employees who may then act to the detriment of the public?---Yes.

And you take your obligations as a mayor and councillor seriously?---Yes.

And you accept, don't you, that you are responsible as the mayor for upholding the code of conduct that applies to council officials and employees?---Yes.

And you accept, don't you, that you're responsible for upholding the principle of transparent and honest decision-making in the public interest by the council?---Yes.

10 And you accept that you're responsible for ensuring there is ethical and legal behaviour of councillors and employees when exercising your official functions?---I think that's more a role of the general manager rather than me determining or dictating the, the staff that you're referring to or the councillors.

Well, you understand by your leadership that you must set the highest standards of ethical and legal behaviour as an example to those you lead. Correct?---Correct.

20 Now, you understood that it was important for you to be aware of the codes of conduct and policies that applied to you in your role as mayor?---Correct.

And you accept, don't you, that over your period as a mayor and councillor, there were numerous workshops and trainings on these codes and policies. Correct?---If I can just explain a bit about what you're referring to. Workshops, these workshops occur three or four times a month or three times a month. I can't recall every workshop, and I certainly can't recall, you know, that particular workshop where the code was referred to.

30 Okay, thank you. Throughout your time as mayor you have of course been aware that there is a code of conduct that applied, correct?---Correct.

And do you accept there were workshops and training that you were invited to attend in relation to the code of conduct?---Invited to attend, correct.

Can the witness be shown – which I think we've given notice of in relation to this matter – can the witness be shown an email dated 21 September 2012 from Ms Inwood, and the attachment in relation to the councillor workshop agenda?

40 THE COMMISSIONER: Yes, all right. We'll see if we can bring that up.

MR MOSES: Does that refresh your memory, Mr Tsirekas, in relation to receiving an agenda and materials for a workshop to do with councillors, the councillors' code of conduct?---Yes, it's referring to the agenda of the workshop, yes.

Ah hmm, okay. And do you accept that in 2012 you attended a workshop convened by the council in which it discussed matters as to why there was a code of conduct and how to manage conflicts of interest? That should be on the next page, I think. Does that refresh your memory at all?---This is 10
10 years ago.

Okay.---I really can't remember.

Okay. Thank you, Mr Tsirekas. Can the witness also be shown an email dated 15 September, 2017, from Ms Campbell. And there's an attachment, Chief Commissioner, which is the councillor workshop agenda. Do you recall receiving that email that's on the screen, Mr Tsirekas?---I can't recall this particular email, no.

20 Okay. And if we just go to the next page and after that. Again there is reference to the training to be received by the mayor and the councillors in respect of matters including the code of conduct?---Yeah, sorry, that previous page, was that '17 or 2020?

THE COMMISSIONER: 16 September, '17, I think.---What was that? '17. Apologies, yes, I thought it was referring to – yes, I can see that, and again I can't recall if I attended that workshop.

MR MOSES: But certainly do you accept that as of at least, do you accept,
30 2017 you were familiar with the code of conduct that applied to the City of Canada Bay councillors and mayor?---I wouldn't say very familiar, but I was, I did understand that there was a code of conduct, yes.

Okay.

THE COMMISSIONER: Well, just one minute.

MR MOSES: I apologise, Chief Commissioner.

40 THE COMMISSIONER: How do I interpret that answer? He's put that you were very familiar with the code and you said, well, you knew there

was a code, but did you know what was in the code?---Not everything that was in the code. I understand there was, that it covered a lot of items, a lot of issues that councillors had to be aware of.

Such as what relevant to this inquiry?---It referred to relationships, it referred to staff, it referred to councillors. Also, you know, the worry that you should deal with items at council.

What about ethical matters?---I can't recall ethical matters.

10

Can't you recall anything that the code deals with under what I called the heading of ethics? That is, ethics in public office of a councillor or mayor. ---I don't recall the word, but I understand, you know, dealing with things ethically.

Okay, well, perhaps I'll prompt you. Do you remember anything in the code to deal with obligations on councillors, other staff to declare pecuniary interests?---Yes, I do, yeah.

20 Yeah, you do?---Yes, I do understand it but there was - - -

And were you familiar with the provisions dealing with obligations to declare financial and non-pecuniary interests?---Yeah, I think I had a good understanding back then, yes.

All right. And the same with conflicts of interests?---Yes, I think I had an understanding.

Yes. Yes, Mr Moses.

30

MR MOSES: Thank you, Chief Commissioner. As you'll see on the screen, Mr Tsirekas, you welcomed councillors and staff to this training in relation to the code of conduct and other matters. Do you see that?---Yes.

And can we assume as I asked you before you took your obligations as mayor seriously. Correct?---Correct.

40 And that meant being familiar with your obligations, if I can refer to them generally as the Chief Commissioner has, in relation to your ethical obligations as a public official. Correct?---Correct.

Okay. Now, yes, if that could be taken off the screen, Chief Commissioner. I was going to ask whether the witness could then have up on the screen Exhibit 4.

THE COMMISSIONER: Yes.

MR MOSES: Volume 2, page 128, that is the code of conduct that was in force from 2019. And I wanted to take the witness, Chief Commissioner, to page 136 first.

10

THE COMMISSIONER: Yes, very well, we'll have that up on the screen. Yes, you see the, you've got that number?---I've got the page there, yes.

MR MOSES: Yes. And you'll see at page 136 there is section 4 of the code that is dealing with what is a pecuniary interest. Do you see that?---Yes.

And you'll see that it sets out in some detail what a pecuniary interest is. Correct?---Yes.

20

And then can I ask then that we go to page 142, Chief Commissioner, section 5 of the code headed Non-Pecuniary Interest. It's clause 5.2. I just want to ask you about this. It notes that "A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter." Do you see that?---Yes.

And you never had any difficulty, did you, understanding what that meant in the context of your obligations to make disclosures?---Again I, I dealt with every item in, in the best understanding and interest of the council and the community - - -

30

But my question was - - -?--- - - - and whether it be non or, or pecuniary interest.

Yes, I apologise for interrupting you, Mr Tsirekas, but my question was you did not have any difficulty understanding, did you, what a non-pecuniary conflict of interest was for the purpose of this code of conduct in 2019. Correct?---Probably interpretations are a bit different but, of, of the, the code in regard to non-pecuniary interest.

40

You never raised with any council official that you did not understand what clause 5.2 meant and that there should be an explanation of it. Do you accept that?---Yes.

And then can you go to clause 5.4 where it states, “A non-pecuniary conflict of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflicts of interest you may have in matters that you deal with to disclose the interest fully and in writing, and to
10 take appropriate action to manage the conflict in accordance with this code.”
Again you had no difficulty understanding this obligation imposed by the code of conduct?---My understanding, yes, that’s right.

Yeah. Thank you. And if you then go, if we could then go, Chief Commissioner, with your leave, to page 143.

THE COMMISSIONER: Yes, very well.

MR MOSES: Clauses 5.11 to 5.13, where it stipulates that “Significant
20 non-pecuniary conflicts of interest must be managed in one of two ways, by not, firstly, by not participating in consideration of or decision-making in relation to the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination. Or if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.”
Again, can we assume that you understood your obligations on how to
30 manage significant non-pecuniary conflicts of interest by reference to clauses 5.11 to 5.13, at least as of 2019?---Yes, I had an interpretation of what that meant, yes.

Okay. Now, as somebody who has been mayor for most of the last 10 years, you understand, don’t you, why it’s important to disclose conflicts of interest?---Yes.

And you understand that, as mayor, you were making decisions that impact on ratepayers, the very ratepayers who elected you to the position of
40 mayor?---Yes. Yes.

And you understand there's a need for transparency in relation to the decision-making of council?---Yes.

And you understand that it's good governance to fully disclose conflicts of interest?---Yes.

I just want to remind you of a question that the Chief Commissioner put to you on 31 May, 2022, at page 1693 of the transcript, at about line 39, where – if that could be shown, Chief Commissioner, I apologise. It's page 1693
10 at about line 40.

THE COMMISSIONER: Yes. All right, I'll have that brought up.

MR MOSES: Thank you. At the bottom of page 1693 you'll see, Mr Tsirekas, the Chief Commissioner asks you this question - - -

THE COMMISSIONER: Just pause there if you would, Mr Moses.

MR MOSES: I apologise.
20

THE COMMISSIONER: We'll get it up on the screens.

MR MOSES: My apologies.

THE COMMISSIONER: That's all right. Yes. Yes.

MR MOSES: You see at the bottom of the transcript, page 1693, Mr Tsirekas, the Chief Commissioner asks you this question, about line 40, "If you had a personal relationship with somebody who's doing business with council, for example to do with development," this goes over the page now, Chief Commissioner, 1694, "to do with land development, land
30 development approvals, why would you not immediately up-front as soon as you reviewed your situation have said, "I know that person. He's a friend of mine. I want it noted on council records." Why wouldn't you do that?" And you started saying, "Commissioner, can I answer that - - -" and the Commissioner asked you again, "I'm asking and I'm waiting for your answer. You're pausing." "No, I'd like to, if I get the opportunity - - -" And the Commissioner then asked, "Why would you not do that is my question." "If the matter was before council," you go on to say, "If the
40 matter was before council, I would. If the matter wasn't before council, again, Commissioner, as the mayor for 20 years plus, sorry, not 20 years but

25 years on council, I know a lot of people, I know a lot of friends, I know a lot of matters that have come before council that have had, you know, that I, I wouldn't, I wouldn't have any transactions through council if I had to declare a non-pecuniary interest to everybody that's before council." Do you see that?---Yes, I can.

Now, what I want to put to you is that that answer that you gave to the Chief Commissioner, with the greatest respect, Mr Tsirekas, was nonsense, wasn't it?---No.

10

Well, you understand, don't you, that the whole point of the code of conduct, and matters concerning the disclosure of non-pecuniary interests was so that those around you would be aware of you having a connection to the person or the party who may be the subject of a favourable decision by council, so that they could be on guard as to views that you may be expressing? You understand that, don't you?---Again, I, I do understand what you're trying to say but I think I've referred to the, as my relationship with the community and the, the depth of my, you know, friendship which, I call everybody friends. If the mayor were to declare an interest on every person I call friend, you may as well not have a mayor in council. If it was a pecuniary or non-pecuniary interest, it would have to be declared at a meeting when the matter was, was to be decided on.

20

But, Mr Tsirekas, what I'm suggesting to you, again with the greatest respect, is that the reason you gave that nonsensical answer to the Chief Commissioner was that the truth was too awful for you to admit, and that is that you deliberately did not disclose non-pecuniary interests so that you could participate in council decisions for the benefit of your friends. Do you accept that?---No.

30

Okay. Now, you understand, do you accept this, that to participate in decisions in which you had an undisclosed interest has the potential to undermine community confidence in the probity of council decision-making?---Just when, when you say "undisclosed interest" what, what are you referring to?

Well, an undisclosed friendship with an individual, to start with. Do you accept that?---No, I don't.

Okay. What about receiving a gift or a benefit from a person who has a matter before council? Do you think that is a matter that you should disclose when participating in a decision?---Yes.

Okay. Thank you. And these propositions have been put to you by Counsel Assisting concerning these various entities, so I'm not going to labour the point. But I just want to understand evidence which you gave today to Counsel Assisting. Mr Darams, Counsel Assisting, put to you this morning that you had a number of relationships with individuals associated with I-
10 Prosperity. Do you recall those questions being put to you this morning by Counsel Assisting?---Yes, I do.

And some of the examples that have emerged as a result of ICAC's work in this matter is that you undertook a trip or various trips to China that I- Prosperity paid for, at least in part. Do you accept that?---No.

Okay. Do you accept that you accepted travel benefits in relation to I- Prosperity at the behest of Mr Chidiac?---No.

20 Okay. Thank you. Now, you accept that you were and are friends with Mr Chidiac?---Yes.

You've told the Commission that he is a close friend?---Yes.

Yeah. And you accept that you had a relationship with Harry Huang? You attended his wedding. Correct?---No relationship. I was invited to China by Mr Chidiac.

30 THE COMMISSIONER: But didn't you on that seek to get an invitation to the wedding?---Commissioner, I think I said that I, I wouldn't go along with Mr Chidiac if he's going anywhere, if it was, particularly to a wedding, unless he got me an invitation.

No. I'm putting to you that you yourself took the initiative in getting an invite to the wedding in Shanghai. That's the case, is it not?---No, it's not, Commissioner.

Yes, Mr Moses.

40 MR MOSES: With the greatest respect, Mr Tsirekas, that evidence you just gave to the Chief Commissioner was false, wasn't it?---No, it's not.

Okay.---And I think you're referring to a particular email conversation between Belinda and, and maybe Mr Chidiac, not myself and Belinda.

Okay. Now, you accept, of course, in respect of Harry Huang, you provided a school reference for his son. Correct?---It was never provided.

Okay. Well, can I ask you this. You understood, did you not, that Mr Chidiac undertook work for I-Prosperity. Correct?---No.

10

Okay. Is the reason why you are denying that is because you know that if you concede that you knew that Mr Chidiac was undertaking work for I-Prosperity that you would have breached the code of conduct by not disclosing your relationship with Mr Chidiac when matters concerning I-Prosperity came before the council?---No.

Is that why you have been consistently attempting to assert, in this enquiry, that you have no idea what it is that Mr Chidiac does?---I think I've answered that a few times. These hearings have exposed a lot of things I didn't know, and particularly in relation to Mr Chidiac's association with I-Prosperity.

20

Thank you.

THE COMMISSIONER: You said before, did you not, that you became aware as time went by that Mr Chidiac was providing some services to I-Prosperity?---Commissioner, I think I explained that before as well - - -

No, just did you not? That was the effect of your evidence, was it not?---I didn't know the relationship, no.

30

I didn't use the word relationship or hint at relationship. I'll just put it one more time, if you wouldn't mind listening to the question so that you could answer the question. And that is, that you became aware as time went by when I-Prosperity's proposal was before council, in that period, you became aware that Mr Chidiac was rendering some services for I-Prosperity, did you not?---Organising or looking at organising meetings and asking for, you know, what was happening but apart from that - - -

40 So I think the answer to my question is yes.---Yes, to that degree.

Yes, that's right.

MR MOSES: Yes, thank you, Chief Commissioner. I just want to ask about Prolet now. You told the Commission, the Chief Commissioner that you regard the Jacob brothers as acquaintances, correct?---Correct.

And you said that you attended meetings with the Jacob brothers and Mr Bruzzano and Jacobs' accountant, correct?---Which meetings are you referring to?

10

Well, you said, for example on the 25 January, 2019, this is transcript page 2198, you attended meetings with the Jacobs brothers, one of which you accepted was in January, 2019. Does that refresh your memory or would you like to see the transcript?---Just if I can see the transcript, that would be
- - -

THE COMMISSIONER: Very well, if page 2198, if that could be brought up.

20 THE WITNESS: Which particular line are you referring to?

THE COMMISSIONER: Just a, no, no, no, no.

THE WITNESS: Sorry, Commissioner.

THE COMMISSIONER: Just a moment. Yes, Mr Moses.

MR MOSES: Yes, thank you, Chief Commissioner. Feel free to have a read through that, Mr Tsirekas, and you might want to go, I apologise, Chief
30 Commissioner, if the witness could be taken back to 2197 in case there be any doubt about the date, it's at line 40.

THE COMMISSIONER: Yes.

MR MOSES: Just, if you want to read that to yourself Mr Tsirekas and then I'm going to ask you the question again.---Sure.

If I could.---Yes.

Now, do you accept, for instance, at this meeting on 25 January, 2019 Mr Chidiac was present at a meeting with these individuals and you, do you accept that?---No I don't.

Okay.---It's not a meeting.

THE COMMISSIONER: What do you call it?---We got together, just as we would, there's nothing planned, it's not an arrangement.

10 It wasn't a meeting, you say, it was a get-together?---Well, it was - - -

No, no. Is that right?---It was a catch-up of a sort.

All right. It wasn't a meeting but it was a catch-up.---Certainly.

Yes, Mr Moses.

MR MOSES: I apologise, Chief Commissioner. Who arranged the catch-up, Mr Tsirekas?---I don't know, it could have been Mr Chidiac, I don't
20 know.

Well, your evidence is that you don't know why Mr Chidiac was there, correct?---Correct.

And you say you didn't ask him to come?---No, I can't recall asking him to come but he may have arranged it.

But you knew that Mr Chidiac was a person who assisted the Jacobs brothers with business matters, correct?---No.
30

Well, is the reason why you're saying that, again, is in order to come up with an explanation as to why you didn't disclose this?---Disclose what?

Disclose the fact that Mr Chidiac was a close friend of yours who was providing services to an entity that had matters before council?---I didn't know that he had any relationship with Bruzzano or the Jacobs brothers, no.

THE COMMISSIONER: But you knew he was doing work - - -

40 MR MOSES: I apologise, Chief Commissioner.

THE COMMISSIONER: It's all right. Did you not know that Mr Chidiac was involved in meetings and so on concerning Jacobs brothers proposals?
---No, I didn't, Commissioner.

Were you never at a meeting where present were one or other or both of the Jacobs brothers and Mr Chidiac?---And again, Commissioner - - -

No, can you just answer that question?---He was there, yes.

10 Pardon?---He was there, yes.

Yeah, okay. And when you say he was there, where are we talking about?
---Well - - -

Give me some examples.---Well, again, here at this location where you've got photos. He would occasionally be outside on the road with the Jacobs brothers. We sometimes socially with Joseph, they'd come for a coffee or a lunch.

20 And were other meetings - - -?---No, there was no meetings.

All right, well, other catch-ups?---Catch-ups. These catch-ups, we'd talk about a lot of things, Commissioner.

Yeah, yeah, and in the course of the discussions, amongst other things, the Jacobs brothers were raising the projects that they were proposing too, isn't that right?---Commissioner, I think it was a lot to do with their proposal about infrastructure on East, East Rhodes and about - - -

30 Yeah, yeah, and Mr Chidiac was present in those discussions?---On occasions, yes.

Yeah, well, did you not over the time put one and one together and realise that Mr Chidiac was assisting in different ways or providing different services for the Jacobs brothers in relation to their proposals?---No, I didn't, Commissioner. I didn't know the relationship - - -

Well, what was he doing there, sitting there listening to a discussion about the Jacobs brothers', Prolet's proposals and he was just there to amuse
40 himself or to just, because he was an outsider he'd just sit there and wanted

to listen to what they have to say?---No, I think you'd have to ask him, Commissioner.

No, I'm asking you. From your observations of him there on occasions when the Jacobs brothers were talking about their proposals, did you not realise, both by his mere presence and by things that were being said and what he was saying, that he was involved in some way – may not have been known to you how – associated with the Jacobs brothers?---No, I didn't, Commissioner.

10

All right. Yes, Mr Moses.

MR MOSES: Yes, thank you, Chief Commissioner. Mr Tsirekas, just two matters arising, what the Chief Commissioner has asked you about. I mean, is the reason why you're saying that the meeting, for instance, in January 2019 was a catch-up and not a meeting is in order to avoid having to accept the fundamental truth that you were discussing with the Jacobs brothers, in the presence of Mr Chidiac, matters to do with developments that were before the council? Is that why you're trying to use those words?---No, I disagree with that.

20

Okay. Well, I want to put this to you squarely. You knew that Mr Chidiac was a person who was being paid money to lobby you on behalf of Prolet, correct?---No.

And you know, don't you, that Mr Chidiac was being paid large sums of money by Prolet in order to act as a door-opener to you. Do you accept that?---No, I don't accept that.

30

And the reason why you don't accept it, again, is because the truth is too awful for you to admit, because you deliberately failed to disclose this relationship with Mr Chidiac so that you could continue to sit on matters that would affect Prolet, do you accept that?---No, I don't accept that.

Okay, thank you. Now I just want to ask you about a matter concerning a meeting with a Mr Panuccio at Nield Park café on 25 January, 2019. Your evidence was that you don't know whether you went there with an envelope or took it away. Do you recall that?---I do.

40

And you've denied that an envelope was given to you by Mr Panuccio, is that right?---Yes, I do.

MR LEGGAT: Chief Commissioner, I just rise to make what might be described as an objection in principle. My learned friend Mr Moses appears to be overstepping his role. He's appearing for council. He's not a second Counsel Assisting covering the territory. Council seems to have very little interest, if any, in matters that are the subject of the questioning that we're about to go to.

10 THE COMMISSIONER: Well, Mr Leggat, I don't impose any responsibility on you, Mr Leggat, for that interruption. I'm sorry, Mr Moses. We're having some audio problems here.

MR MOSES: Yes. Thank you, Chief Commissioner.

THE COMMISSIONER: Just pause for a moment. We'll see if we can sort them out. We're attending to these problems now, Mr Moses. We'll hopefully be able to fix it.

20 MR MOSES: Yes. Thank you, Chief Commissioner.

THE COMMISSIONER: I'll let you know in a moment. Okay. All right. Mr Leggat. Mr Leggat, I accept there's no bright line in these matters. Mr Moses does appear for the council. The council's interest is real obviously and it's difficult to say that his client does not have a material interest in some of these matters. I think it's a question of balance. I apprehend from what Mr Moses said, he's not going to be drilling down into too much details in matters that do affect his or are in his client's interests but I think he's entitled at least to go some distance without going over all of the ground that's been ploughed before.

30 MR LEGGAT: May it please the Commission.

THE COMMISSIONER: All right, Mr Moses. Away you go.

MR MOSES: Yes. Thank you, Chief Commissioner. You I think suggested that in respect of this envelope that you don't know whether you went there with an envelope or you took it away. Correct?---Correct.

40 Do you have any recollection at all as to what was in that envelope?---Well, I can say this. It wasn't cash.

THE COMMISSIONER: No, no, that's not the question.---Well, I think that's what he's referring to.

No, no, no. That's not the question.---Well, no, I can't recall what was in the envelope that I laid before me on the table or I walked in or out of the coffee shop with that envelope.

MR MOSES: Okay. Well, when you gave evidence on this on the last occasion, this is the transcript, page 2193, you suggested it may have been a
10 speech, an invitation or a doctor's certificate. Do you recall giving that evidence?---Yes, I could have said it was a number of things given the - - -

Is the reason – I apologise.---Sorry. Apologies.

Is the reason why you are suggesting it is a number of things is in order to divert attention that there may have been cash in that envelope?---No.

Okay. Thank you. I just want to go then to another matter very quickly and then I'm nearly finished. In respect of Mr Kinsella, you told Counsel
20 Assisting that you had a personal relationship with Mr Kinsella. Correct? ---And I think I've tried to correct that wrong statement.

THE COMMISSIONER: Well, no, wait a minute. You just answer that question.

MR MOSES: Do you recall telling Counsel Assisting that you had a personal relationship with Mr Kinsella?---No, I don't.

That's at transcript, page 2094, Chief Commissioner. Would you like to
30 look at the transcript, Mr Tsirekas?---Thank you.

With your leave, Chief Commissioner, could that be shown to the witness?

THE COMMISSIONER: Yes. It's on the screen now.

MR MOSES: Thank you. Do you have that in front of you, Mr Tsirekas?
---Yes, I do.

Yes. And, again, I'm not going to read it to you. Do you just want to have
40 a quick read of it and then I'm just going to ask you the question again.
---Right. From, from page, from line 30, is it, or the whole page?

Yes. No, no, correct. Keep reading down.---Yes.

I just want to ask you this. Do you accept that you had a personal relationship with Mr Kinsella?---No, I don't.

Okay. Thank you. Do you accept that if you did have such a relationship, that was a matter that you should have disclosed when dealing with matters concerning Billbergia?---Yes.

10

Okay. Thank you, I just want to put these general propositions to you and then I'm done. You know, you accept, don't you, that you had an onus to disclose conflicts of interest to the council. Correct?---Correct.

And you know that you should have recused yourself from being involved in council decisions when you had conflicts of interest, correct?

---Depending on the verity of the conflict, a pecuniary, you, you may wish to state the, the interest but stay and vote. But if it's a significant, you, you've got to take steps, yes.

20

Or for instance if you received benefits?---Yes.

Yes. And for instance if somebody was a close friend of yours who you often travelled overseas with, correct?---Yes.

And you know, don't you, that if you fail to disclose conflicts of interest, it could undermine community confidence in council decision-making, correct?---Yes.

30

That is for the very reason that the Chief Commissioner put to you on another occasion, that if people later found out about it, it would undermine public confidence in decisions of council, because they would say, "There he goes again. He is deciding matters relating to issues that impact on his friends." Correct?---Correct.

And you know, don't you, that a failure to disclose a conflict of interest is a breach of your obligations as mayor?---Yes.

40

And you know that a failure to recuse yourself from certain decisions would also be a breach of your obligations as mayor, correct?---If there was a conflict, yes.

Yep. And I just want to ask you this last question. As a result of all of the evidence that has been gathered by the Independent Commission Against Corruption concerning this matter, do you accept that you failed in your duty as mayor to uphold the code of conduct?---No, I don't accept that.

Okay, thank you. Thank you, Chief Commissioner. I thank the Commission for its indulgence appearing remotely whilst I've been in the Northern Territory. They're the questions. Thank you.

10

THE COMMISSIONER: Yes, thank you, Mr Moses. Very well. Back to you, Mr Darams.

MR DARAMS: Yes, I think the next party is in fact Mr Leggat on behalf of Mr Tsirekas. I have had some discussion with Mr Leggat. I think Mr Leggat's in a position to commence today.

THE COMMISSIONER: He is or he's not?

20 MR DARAMS: He is in a position to commence today.

THE COMMISSIONER: Yes, yes, very well. Yes, all right. Well, Mr Leggat.

MR LEGGAT: Chief Commissioner, I wonder if we might have a short adjournment for about five minutes before I commence that, please.

THE COMMISSIONER: All right. We'll take a short break.

30 MR LEGGAT: Thank you.

SHORT ADJOURNMENT

[3.27pm]

THE COMMISSIONER: Mr Leggat.

MR LEGGAT: Thank you, Chief Commissioner. Chief Commissioner, I wonder if the transcript at page 2045 might be displayed, please.

40

THE COMMISSIONER: Yes, I'll have that brought up.

MR LEGGAT: Mr Tsirekas, you'll see that on this page my learned friend Mr Darams is asking you questions, and the topic that's the subject of the question is the hiding of money from your wife and the relationship between
- - -

THE COMMISSIONER: Ex-wife.

MR LEGGAT: Ex-wife.

10

THE COMMISSIONER: Yeah.

MR LEGGAT: Thank you. And the relationship between that topic and bank statements. Now, you'll see that about line 8 the question, "Your bank statements would become available to your wife in the settlement proceedings, correct?" Then the question, "So you would have understood" – if you can just read that to yourself. Let me know when you've read that question.---Yes. You want me to read from 10 down?

20 No, just read it to yourself, please.---Right.

Let me know when you've read that. So it's just the one question, Mr Tsirekas, which commences, "So you would have understood".---Yes.

Do you understand what I'm asking you to read to yourself?---I've read down to the bottom of the page.

All right. Well, let's go back to the question which starts at line 11.---Yes.

30 "So you would have understood that there would be this record," et cetera, and you say, "No, I, look, I disagree. I - - -" and then it was put in question to you, "That's just common sense, isn't it, Mr Tsirekas?" "No, it's not." Can you explain what it was that you were disagreeing with and why you used those words "I disagree" and you said, "No, it's not"?---Mr Leggat, the family law situation and the settlement took a lot longer than I expected starting back to 2013/2014. The fact that a lot of the concerns of mine were to deal with the issues as best I could at that time and I know that we were talking about the family settlement here and statements and so forth. I gave a true account of my statements as best I could then with my family law
40 solicitors. The, the problem of, of trying to deal with that issue alone was very difficult and I know that the, the amount of funds that my dad had

given me for the deposit of the house happened around '15/16. At that stage I thought that Family Law Court issue would have been completed by the time of exchange. It didn't and therefore I think when exchange come about in 2018 the matter was then brought to the attention of my ex-wife, because I couldn't get finance on my own and so forth. And that time the unit fell through because I couldn't get agreement from my wife and, I mean, I wasn't hiding it, it was on the affidavit of settlement, but it was all in the timing, and it, it didn't really happen as best it could, given that this dragged on for about six years to do with particulars that were mentioned in the
10 affidavit of the settlement.

Thank you. Chief Commissioner, I wonder if we might have displayed page 2047, please.

THE COMMISSIONER: Yes.

MR LEGGAT: Mr Tsirekas, this is just a couple of pages later, it's a different topic. You will see Mr Tsirekas about line 9, you refer to your father becoming "iller and iller and I was looking after him", excuse me, "I
20 was looking after him". And then the question is "How were you looking after him to repay the generosity?" Your answer is, "I was taking him to specialists, I was taking him to the hospital. I was looking after him." Taking this step by step. What specialists were you taking him to at this stage, how regularly was that occurring and about how much time did you spend taking him to specialists?---During this period his illness wasn't diagnosed so he was getting referrals to a number of specialists, gastro, stomach, and he had to carry out a lot of tests and they were fairly frequent at that stage and some of the specialists were over in North Sydney, some were in Five Dock. On occasions he'd have to be rushed to hospital. So if,
30 if this is the period I'm thinking of a bit, a bit later in 2016, yeah, around 2016 where he started to have a lot more specialists diagnose to try to find out what his illness was. So it was – given that I lived at Ashfield and I worked at Canterbury, I would pay them frequent visits, you know, nearly every day, just to check up on them, either lunch or, on the way to work or after work.

You gave, as part of the answer, "I was taking him to the hospital." Which hospital or hospitals are you referring to there?---It was, one was Canterbury and the other one was Concord. He had to, on occasions, get treatment.
40 And again, they didn't know what the diagnosis was, but he was getting treatment for bowel problems.

When you say, "I was taking him to hospital," what does that mean? What did you actually do?---Well, I, I was picking him up, I was driving him there, I was taking him in, and picking him up and taking him home. Given the limited ability with, you know, my mother can't (not transcribable) I mean, drive, I was his only son and I was doing what's expected to look after your father.

10 During this period, approximately how many occasions would you take him to Canterbury Hospital or Concord Hospital?---Oh, look, on a couple of occasions or we'd need to ring up out-of-hours doctors to come home to see him 'cause he wasn't, we couldn't get him to hospital. He'd, he'd want to stay home and have a check-up at home. So the specialists were, were more regular because they couldn't find out what was wrong with him. The hospital was on occasions where he felt pretty ill.

In the answer at about line 14 you also state, "I was looking after him." Can you describe what you meant by that? What actually occurred?---Well, limited English by my mother. I'd need to do the organising, need to ring up and find out about the specialists or ring up the out-of-hours doctor. I was basically trying to do what any son would do to a father that wasn't well, and I'd do what I could to see if we could, you know, find out what was wrong with him and see if he could be treated.

In the course of that answer you used words to the effect "I needed to do the organising." What did you mean by that?---Well, again, mum couldn't really communicate. Mum and dad expected their, their son to, you know, to be there for them, and I was, and I did what I could to organise and arrange, pick him up, drive him there. You know, on, on occasions leave him there for a couple of hours, come back and pick him up or making sure that he was, he was getting the best diagnosis and the best treatment.

A few lines later you say, "I considered it a European thing, fathers do help their sons. It's not conditional to repay them. If they're wanting to assist." What are you referring to there? What does that mean? Can you just explain that a bit more?---To me it's a cultural thing. To me, it's something that we've been brought up as a pretty tight family. I was his only son. We would, would do things for each other and of course my father would do anything for me. I was his only son and he would certainly want to see that he could, you know, assist where he could. He, you know, he, he did work hard. He did, you know, live a, you know, a, a life with, with mum, you

know, and, and a typical immigrant story where he built up, you know, his, his family and we'd be fairly strong in, in supporting each other. And, and certainly he did a lot for me. He let me live there during my separation. He, he, he knew what I was going through. He, he didn't like to see me where I was. He certainly didn't like to see me, you know, in that, in that dark place, so he was, he was there for me and I was there for him.

10 During the course of that answer, you referred to it being a typical immigration story. Your father, I think we've heard evidence, emigrated from Greece with your mother. Is that as you understand it?---Yes. They, we emigrated in, to Australia in 1962.

And at that stage, you were two years old, having been born in 1960. Is that right?---Correct.

20 Now, what, if anything, did your father during the course of his life, tell you about experience that he had had in Greece in relation to banks?---It was a common, common story he would, he, he would talk to me about and his life in Greece about how, particularly where they're from, northern Greece, he, he lived a life where they didn't believe in institutions and they didn't believe in having, you know, money in the bank as we say here. We'd always say "can't trust the banks" and you, you've got to make sure that you can look after yourself. And I know for a fact that there were times where he would constantly tell me, you know, "You, you need to look after yourself. The banks won't. And you've got to make sure that, there, you know, there are opportunities for you to understand that." And he did tell me that he didn't believe in the, the Greek banks. And I, we, we know from history and he's told me a number of times how they'd failed. So he had a particular way about himself. He, he did view his, his life experiences and his political views to me. And he certainly wasn't a person who wanted to pick up, you know, high-tech things where he, he, you know, wouldn't, wouldn't understand, you know, back then, I think people weren't tapping on. Back then, it was all cash. Back then, people weren't on their Apple phone tapping on. So a lot of the things that he did were, were, were normal things back then and - - -

40 THE COMMISSIONER: Mr Tsirekas, so having been a citizen, well, lived in Australia for well over 50 years after he emigrated, he obviously did make certain adjustments to living here, didn't he, in our society? You say he didn't trust banks but he did trust them eventually, didn't he, enough to be able to put all of his pension in the hands of the bank, in the sense that,

firstly, whatever misgivings you might have had about institutions, he and his wife, many years ago, decided that they would open up a bank account. Yes?---Yes, Commissioner.

And they continued to operate that bank account for years?---I, I, yeah. Without looking at them, but I, I don't know how many years, but, yeah.

Well, many years - - -?---Commissioner, yes.

10 - - - it was many years. And, furthermore, you say he had reached the stage where he was prepared to trust banks because he directed obviously that all his pension, every fortnight, would go into the bank. Isn't that right?
---Yeah, yes but I, I wouldn't say trust banks, but I would say that he was putting the money into the - - -

Well, he used, he was happy to use banks?--- - - - into the account, yes, Commissioner.

He put money in and he took money.---Yeah.

20

And there's no incident when he was accusing banks of having robbed him or done the wrong thing?---Not here in Australia.

In terms of saying banks, you know, you can't trust them and you've got to look after yourself, well, in the end, in the later years anyway, when he needed money to live he turned to the banks, didn't he, and took out a reverse mortgage, as you now know?---I as I do now.

30 So that he was prepared to trust the banks this far in that regard. Firstly, that he would mortgage or charge his own home that he and his, no doubt, dear wife lived in for many years.---Mmm.

So, he was not averse to giving them a charge, in effect, over their probably their only asset, their home, correct?---Yes, Commissioner.

On the basis that he obviously understood, I trust them, give them a charge over the house, a mortgage, they will provide me with a supplementary form of income that's apparent from the story we now know.---Yes, Commissioner.

40

So whatever misgivings he might have had about institutions, which is how you describe them, he wasn't averse to dealing with banks, was he, over the years, in life. In fact, he not only wasn't averse to dealing with them, he did deal with them?---I think he had a suspicion about them.

Well, he might have but he obviously controlled whatever suspicion he had or it dissipated as time went by because of all the matters I've just been putting to you.---Yes, Commissioner.

10 Yes, Mr Leggat.

MR LEGGAT: Thank you, Chief Commissioner. Mr Tsirekas, I just want to explore a couple of matters that arise from that. Are you aware, tell if you're not, that people on the old age pension in Australia can only receive their pension if it's paid into a bank account, that is, there's no alternative option but to have a bank account?---No, I wasn't aware of that.

20 THE COMMISSIONER: Mr Leggat, I don't know anything about these things but is it compulsory for them to have money paid into a bank account in their name or can they, could they, for example, direct that all my pension should be paid to my son or my daughter?

MR LEGGAT: Don't know the answer to that but we will find out, Chief Commissioner.

THE COMMISSIONER: Not much turns on it.

MR LEGGAT: My instructing solicitor tells me that can't be done.

30 THE COMMISSIONER: Anyway, the point's been made that - - -

MR LEGGAT: Indeed.

THE COMMISSIONER: - - - it has to be paid into a bank account.

40 MR LEGGAT: Yes. Now, the Chief Commissioner at one stage used the expression "he put money into the bank account". Now we know that money did go in from the government. Are you aware, by looking at the bank statements that you've seen during the course of the enquiry, whether your father and/or mother ever actually deposited any other money into the

bank other than the pension that was paid in there by the government?---No, Mr Leggat, not aware.

This is a touchy subject for you, but I'm going to bring it up. You gave evidence this morning about your father's gambling. What, if anything, did you ever hear about your mother and father discussing your father's gambling habits?---Mr Leggat, the occasion that I was living with my father and mother I think I referred to, it has been referred that my father would frequent West Leagues with friends and on occasions with my mother. I
10 know that he did have other friends that he would go out with to other venues, I'm not, I wasn't there with him but I know that he did go out with his friends. His friends played cards, they liked to gamble. My dad would tell me not to gamble, if you want to get, get through life, you've got to be careful about gambling. My mother didn't, didn't appreciate him spending time away from her gambling and that would be on occasions a, a conversation that they would have - - -

When you say, what do you mean? What did you hear?---Well, when mum wasn't with him, he, she didn't like him leaving the house - - -
20

THE COMMISSIONER: Was that because she really wanted his company and didn't want him to be away from home for too long, perhaps keeping company with his friends? Was that an element in it?---I, I think it's two things that would have occurred, just keeping an eye on him and also making sure that he's not doing anything untowards. I, I knew he gambled
- - -

Mr Leggat, I really struggle to see why this is being brought out. The Commission hasn't sought to concentrate on his father's gambling. So far
30 as I know, and I may not be right, it would be wrong to be implying that his father was in some way irresponsible with gambling. But this is all being brought out in the public. Do we need to have this, you know - - -

MR LEGGAT: It may well be that he was - - -

THE COMMISSIONER: I mean, his friends - - -

MR LEGGAT: Yes.

40 THE COMMISSIONER: - - - associates, he was still alive - - -

MR LEGGAT: Yes.

THE COMMISSIONER: - - - they may, this is not good, this is not good.
And I don't know how probative it is of anything, quite frankly.

MR LEGGAT: It relates, Chief Commissioner - - -

THE COMMISSIONER: But, you know, I'm just concerned really - - -

10 MR LEGGAT: Yes. Look, I'll take onboard - - -

THE COMMISSIONER: What do I do? Do I make an order under section
112? I mean, I'm not going to just sit here - - -

MR LEGGAT: Yes.

THE COMMISSIONER: - - - and do nothing.

MR LEGGAT: Yes.

20

THE COMMISSIONER: That's why I thought I'd raise it with you.

MR LEGGAT: Yes.

THE COMMISSIONER: I really do feel it's not right to have this man's
reputation besmirched in the public arena. I'm talking about the father of
the witness.

MR LEGGAT: Yes.

30

THE COMMISSIONER: And even if there was a reason to carry out this
exercise, I'm of the view it shouldn't be done in public.

MR LEGGAT: Yes.

THE COMMISSIONER: Perhaps, anyway, it's, I see it's almost time to
adjourn.

MR LEGGAT: Yes, it is.

40

THE COMMISSIONER: You might - - -

MR LEGGAT: Thank you. Take that onboard.

THE COMMISSIONER: Yeah.

MR LEGGAT: Thank you.

THE COMMISSIONER: Okay. Thank you. I adjourn.

10

THE WITNESS STOOD DOWN

[4.02pm]

AT 4.02PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.02pm]