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HEARING

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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 17 JUNE, 2022

AT 10.30AM

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THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: May it please, Chief Commissioner, we will – there are no administrative matters I need to deal with this morning.

THE COMMISSIONER: Yes, thank you.

MR DARAMS: We'll continue with the examination of Mr Tsirekas.

10 THE COMMISSIONER: Yes, thank you. Mr Leggat, just before we re-swear Mr Tsirekas, I need to have some estimate of time from you as to what you – you can sit down for a moment, Mr Tsirekas.

MR LEGGAT: Comfortably before lunch, Chief Commissioner.

THE COMMISSIONER: All right, thank you. Very well. We'll have you re-sworn, Mr Tsirekas.

THE COMMISSIONER: Yes, thank you. Just take a seat there. Mr Leggat, just one matter. I don't know if Counsel Assisting has raised this with you. The question of the relevant approval authority and so on in relation to Rhodes East and whether it was wholly within State Government control or was it part controlled by council, part by state authority, one of our officers who's well versed in town planning matters, such as yourself, 10 has prepared a document and it was my intention for you to have a look at that document. If it's agreed to be accurate, then that saves a lot of time. If you don't think it is accurate, let me know and we can supplement it or amend it in some way. I just thought that might be an efficient way so that we're all on the same page as to exactly what the authority approval planning processes were at the relevant time. Does that sound to you as though it's a useful exercise?

MR LEGGAT: It certainly does, Chief Commissioner.

20 THE COMMISSIONER: All right.

MR LEGGAT: Thank you very much. That's an excellent approach.

THE COMMISSIONER: Well, I'll ask Ms Colquhoun to provide you with that document perhaps at the morning tea adjournment.

MR DARAMS: I've already provided it to Ms King this morning.

30 THE COMMISSIONER: You've already given that to Mr Leggat?

MR DARAMS: Yes, to Ms King, Mr Leggat's junior.

THE COMMISSIONER: All right, okay. Ms King.

MR DARAMS: Just before we came on this morning.

THE COMMISSIONER: Okay, all right. Well, have a look at it, Mr Leggat and Ms King, and see if – if you need more time, by all means take more time.

40

MR LEGGAT: Thank you very much, Commissioner.

THE COMMISSIONER: Okay. Thank you. Yes.

MR LEGGAT: Chief Commissioner, with your leave, I wonder if transcript page 2243 might be displayed.

THE COMMISSIONER: Yes.

10 MR LEGGAT: And I'm not sure whether the technology would also permit us to go to the audio session that's referred to on that page of the transcript. It's session 09305, volume 7, page 87. And even more challenging for the technology, whether the transcript of that audio might also be available, please. If we can't do them all at the same time, those are the three pieces of datum that I will be needing for this part of the examination, please.

THE COMMISSIONER: So do you want, in effect, a split screen so you can see two documents more or less at the same time? Is that what you're -
- -

20 MR LEGGAT: If that's possible.

THE COMMISSIONER: I think it is possible.

MR LEGGAT: It's not essential. If we could start with the transcript.

THE COMMISSIONER: That's 2243.

MR LEGGAT: And we know that there's a transcript of that audio recording.

30

THE COMMISSIONER: That's 09305. 7, is it?

MR LEGGAT: Yes, volume 7.

THE COMMISSIONER: Volume 7, page 87.

MR LEGGAT: Correct.

40 THE COMMISSIONER: Is that possible? Ms Colquhoun, you might just check and see if it's - - -

MR LEGGAT: Of those three matters I have identified, Chief Commissioner, the most important is the transcript of the audio recording that was played.

THE COMMISSIONER: Yes. Yes, very well. So I think I can manipulate either the transcript or the – the transcript of evidence or the transcript of the intercepted call by moving it up and down the page or change pages. Okay. There we go.

10 MR LEGGAT: Excellent. Thank you. Now, on the right-hand side of the screen we have the transcript of the intercepted telecommunication and it relates to a call on 19 February, 2019, shortly before 5.00pm, and the conversation, Mr Tsirekas, you'll see is between yourself and Scott Pedder who at that time was the Director of Planning of the City of Canada Bay Council. Is that right?---Correct, yes.

Now, you'll see at the foot of the page your last entry attributes to you the words, "Yeah. So I've got two but they are both supportive." And then Mr Pedder said, "That, that doesn't sound right anyway." I just want to
20 explore that. The "I've got two" is you referring to two resolutions, is that right, and both of those resolutions appear to be supportive?---Correct.

THE COMMISSIONER: And could I just clarify. Were they draft resolutions or final resolutions?---No, they were draft resolutions.

MR LEGGAT: Thank you, Chief Commissioner. Yes. So there's two draft resolutions and you point out to Mr Pedder that they're both supportive and then he says, "That doesn't sound right." Now, is what you were pointing out to Mr Pedder and what he's acknowledging that the draft resolutions
30 that are to be put before council ought, generally speaking, to enable council to choose between what might be described as a supportive resolution or to choose another resolution which is not supportive, or put in other terms that the resolution might seek to resolve B and another resolution put before council is to not support B, but where there are two resolutions both being supportive then that doesn't sound right. Is that the context as to what's going on there?---Yes, it is. I think Mr Pedder does explain that, yes.

So have I got this right, that what you're pointing out to Mr Pedder and what Mr Pedder appears to be accepting is that there's a potential mistake in
40 the way that the resolutions have been drafted in that it was not intended that there would be two supportive resolutions but rather there should be

one supportive resolution and one counter-supportive resolution so to speak?---Correct, yes.

Now, with that in mind, if we could please go to page 2240 of the transcript. Now, Chief Commissioner, you'll see at about line 25 there's a session 9226 which is at volume 7, page 79 referred to. I wonder if we might please have the transcript of that audio session on the screen as well please.

THE COMMISSIONER: It's session 9226, is it?

10

MR LEGGAT: Correct. Mr Tsirekas, you will see on the left-hand side of the screen the part of the public hearing transcript where what was played has been transcribed on the right-hand side of the screen. Do you see that? ---Yes, I do.

20

Now, this is, we see the right-hand side of the screen is a transcription of a discussion earlier that day, a telephone discussion between yourself, and by earlier that day I mean 19 February, 2019, that's the morning of the meeting, between yourself and David Furlong, the independent town planner. Now, just read to yourself, please, what you see on the right-hand side of the screen, that's the first page of the transcription of the telephone call, so you have the context, and then if you'd indicate when you've read that and I'll ask the officer to move to the next page, please.---Yes, I've read that.

Yes, could you read that, please, and then we'll go to the next page.---Yes, thank you.

30

Let me know when you've read that, please.---Yes.

If you could read that, then we'll go to the next page, please.---Thank you.

Now just pausing there. Read that page and then I want to focus on some entries on that page in light of what has, what you've read in the preceding four pages, please.---Yes, thank you.

40

Now, you'll see the first entry attributed to you at the top of the page where you say, "Yeah, I think Scott's already drafted something 'cause he," Furlong, "Yeah." You, "Yeah, he's not." Then there's an unintelligible word, "The same as you." Then Furlong replies and you reply, "Needs to be clarified." Can I suggest to you that it's likely that the unintelligible word

was “happy” and what that means is the discussion is to the effect that Scott is unhappy about the approach that has been taken and Scott’s drafted something, and Furlong is also unhappy, which he expresses quite vehemently with the words “It’s fucking crazy.” And that what is being described there by you is that you and, sorry, that Furlong and Scott are on the same page, to use the vernacular, that both Pedder is unhappy, Furlong is unhappy, and that you’re both not, sorry, both Furlong and Pedder are unhappy about the same thing, namely the approach that’s being taken at government level. Have I got that right or is there something about that that’s wrong?---No, you’ve got that right.

Does that cast some light on what I took you to earlier where Mr Pedder prepares two draft resolutions but they were to the same effect rather than offering alternatives that, the reference at the top of the page on the right hand side of the screen, to “Scott’s already drafted something”. That was the something that was drafted that you’d pointed out to Scott he may have made a mistake in drafting it in that manner. Is that what’s being discussed or have I misunderstood that?---Yes, it was being drafted and there were discussions between Furlong and Pedder regarding the situation at the time when the government got involved.

All right. Let me move on to another topic. Chief Commissioner, we might move to page 2252 of the transcript, 2252. Mr Tsirekas, you’ll see at about line 28 the topic that you’re being asked about relates to Mr Bruzzano’s development application, can you read that there?---Yes, I can see that, yes.

About line 28 the question is from Mr Darams, “In effect, approving Mr Bruzzano’s development application?” Your answer, “No, it was already approved.” Then question line 30, “What was the effect of this resolution, Mr Tsirekas?” And then you answer, “In regard to it coming back to council because it had more than five complaints come in, but in effect it was already determined by the planning officer for approval but it couldn’t go through unless the complaints were dealt with.” Can I just raise this for your consideration and tell me if I’ve got it wrong. A more accurate word to have used rather than “complaints” would have been “objections” because “objection” and “objections”, those are the terms used in the planning legislation, including the council planning documents. Have I got that right?---“Objection submissions”, yes.

40

Thank you, yes. "Submissions" even better, thank you. So, what you're referring to there about the five complaints is that five submissions had been received, more than five submissions had been received from members of the public, that those submissions had been received by council in response to council's advertising process concerning Mr Bruzzano's development application. Have I got that right?---Correct, yes.

10 Just to give a little bit more background, Mr Bruzzano's development application, like many development applications, needed, in order to comply with the relevant legislation, to be advertised so that members of the public could make submissions. Have I got that right?---Correct.

And what happened in this particular situation was that more than five members of the public have made a submission to council in relation to what those members of the public thought about the merits or disadvantages of Mr Bruzzano's development application. Have I understood that correctly?---Correct, Mr Leggat.

20 And there is a provision in one of council's planning instruments, perhaps a development control plan, to the effect that where there are five or more than five submissions made, that triggers an obligation on the councillors to determine whether or not to grant development consent to the development application. Is that correct?---Correct, and whether they were substantive objections or not it was the number that triggered the report.

30 Your understanding of that provision, the triggering provision where there are five submissions or more made was, and correct me if I'm wrong, so that the democratically elected councillors could decide what was an apparently contentious issue rather than leaving that contentious development application issue to be determined by one person only, namely, a council officer?---Correct.

Have I understood that correctly?---Yes, Mr Leggat.

All right. Let me move on to something else. This is on page 2255 of the transcript, just while we have the transcript in front of us. Oh, I'm sorry. I'm terribly sorry.

40 THE COMMISSIONER: That was the - - -

MR LEGGAT: Can we go back 2252 please. There's just another point there. Yes. At about line 30 you speak about the five complaints. You say, "It was already determined by the planning officer for approval but it couldn't go through," et cetera. So the reference to "planning officer for approval" another way of expressing that is that there was an officer at council who had qualifications in relation to town planning and who was working as a town planner for council who had reviewed Mr Bruzzano's development application and had recommended to the councillors that the merits of the development application were such that development consent
10 ought to be granted. Is that what you're describing there?---The, the application would have gone through the assessment officer and that report would have been then provided to the manager for signing off.

So that's what you're describing in a shorthand manner there where you're saying "determined by the planning officer for approval"?---Yes.

And just for the sake of completeness, that recommendation for approval is a matter with which the councillors can either choose to agree or disagree or to agree but on different terms to those proposed by the planning officer. Is
20 that right?---Yes.

If I could go to another issue please and this is on 2255 of the transcript. Mr Tsirekas, around line 12 you gave evidence to the effect, "And it was a very stressful interview." And you can see a few lines before that that this is an interview that occurred in September of 2020. Did you or did you not seek any medical assistance in relation to the stress that you were experiencing at that time and subsequently?---Yes, I have sought doctor's advice and he did prescribe me some medication.

30 Just pausing there. Was this one doctor or more than one doctor?---Just, just my local doctor.

What is that doctor's name?---Dr Cordaro.

THE COMMISSIONER: How do you spell that?---C-o-r-d-a-r-o, I think, or i-o, Cordaro.

Where is he in practice?---At Drummoyne, Victoria Road.

40 It's a he, is it? It's a he? It's a male doctor?---A male doctor, yes.

Drummoyne?---Drummoyne, yes.

MR LEGGAT: Prior to September 2020, had you seen Dr Cordaro from time to time or was this the first occasion?---No, from time to time I, I'd see Mr Cordaro, Dr Cordaro for advice and check-up and so forth.

And following – I'm sorry, prior to the interview with the ICAC in September 2020, had you consulted Dr Cordaro in relation to stress?---No.

10 After September 2020, approximately when was it that you first consulted Dr Cordaro in relation to stress?---Prior to these hearings and the hearings that we had in camera.

Are you able to give us a year or a month or approximately how many months after September 2020 are you talking about?---Oh, I can't recall the exact date, sorry, Mr Leggat.

After you had consulted Dr Cordaro, did Dr Cordaro prescribe any medication for you?---Yes, he did. Two lots of medication.

20

Are you able to identify what those medications were that he prescribed? ---Basically one was a sleeping tablet and the other one was, it was just anti-stress related. I don't know the names but I've got the prescription at home.

Chief Commissioner, just pausing there. We've attained a, it's either a statement or an affidavit from Dr Cordaro.

THE COMMISSIONER: I'm sorry, say again?

30 MR LEGGAT: We've obtained either a statement or an affidavit from Dr Cordaro about what the medications were and when they were prescribed. We've either made that available to the Commission or are in the process of providing that if it's of any assistance to the Commission.

THE COMMISSIONER: All right, well, perhaps if you speak to Mr Darams and - - -

MR LEGGAT: Yes.

40 THE COMMISSIONER: - - - he can – I'm sure if, be able to try and come to some agreement on that.

MR LEGGAT: Yes, thank you. Thank you. Now, Mr Tsirekas, did you or did you not take either one or both of those medications from time to time? ---I did. Yes, basically when I was appearing before this hearing and also the hearings in camera.

Presumably the medications had a recommended dosage set out on the label of the medications, is that right?---Correct.

10 Did you follow the recommended dosages?---Yes, I did.

What effect, if any, did you find those medications had on you? In particular, your ability to answer questions at the interviews.---What I can explain is that the morning sessions were a bit more difficult than the ones after lunch, and there was a bit of a slowness about my reactions to answer questions and to give clarity.

Thank you. Let me move to a different topic but it's related in some respects. You gave evidence yesterday that your father "he knew where I was", this is the time when you were, when you'd separated from your now ex-wife. Presumably you weren't referring to your father knowing geographically where you were, where you were physically located, you were endeavouring to describe a different point, and what was it by your use of the words "he knew where I was"?---Leaving the matrimonial home and separating from my daughters and having to reside and live with my parents, it was a very stressful and difficult period and certainly I was in a dark place for a long time living with my parents, not going out, and falling into depression. It wasn't, it was a very difficult period and certainly the adjustment was hard for me to take and, I stayed at home, I drank far too
20
30 much, didn't go out. And my dad and mum saw that, they weren't happy. They were certainly concerned about my state of health and wellbeing and so did a few friends. And Frank Colacicco and Joseph Chidiac knew what I was going through and I wasn't, wasn't in a state of mind where I could continue normally and it was very difficult. And my father saw this and so did mum and they were not, not happy that I was in that place.

THE COMMISSIONER: Mr Tsirekas, can I just clarify a couple of things. I think you've already given evidence about this but you might remind me. When did you separate from your former wife?---2013.

40

When you say in that period when you were living with your parents you were in a depressed state, when you refer to that period, what period are you talking about there?---Commissioner, I would say that period includes a number of years.

Well, just give me some idea. You said you were living with your parents. Let's take it a step at a time. How long were you living with your parents after your separation?---I think about 16 months.

10 So that was, so using that as a measure, can you fix in terms of time, you separated in 2013 so I take it from your date of separation for about, you said, 16 to 18 months?---I'd say 16 months at parents.

16 months. When in 2013 did you separate, what month?---I think it was around April.

Okay. And how long did you live with your parents? Oh sorry, you said, 16 months.---16 months.

20 Thank you. That was the period you were talking about, was it, when you said you were not going out and you were depressed?---Yes, I was staying at home.

MR LEGGAT: Thank you, Chief Commissioner. Let me move onto another topic. Chief Commissioner, with your leave, I wonder if what might be displayed on the screen is a photo of the, what's been described as the council car park at the back of the Frank Colacicco's office. This is a photograph that we've provided to the Commission. I'm told there are a number of photos. I'm happy for any of them to be displayed. Chief
30 Commissioner, with your leave, apparently there's four or five photos. I wonder if each of them might be displayed for perhaps three or four seconds each and we can go through and see each of them please.

THE COMMISSIONER: Yes.

MR LEGGAT: Officers, these are just the car park photos. Thank you. That's a different set of photos. Thank you. Just that one that's on the screen there now, Mr Tsirekas, I understand that you are the photographer. Is that right?---Correct.

40

Approximately how long ago was this photo taken, just approximately?
---Two weeks ago.

What day of the week was it?---It was early morning during the week. One of the non-sitting days here at the Commission. I don't know the exact date but.

Thank you. So it was a weekday you've indicated and approximately what time of day doing the best you can?---I'd say around 10.00, 10 o'clock, 11
10 o'clock in the morning.

All right. Now, what do we see in that photograph, starting with there's a paved area.---Yes.

Does that have a name?---That would be referred to as the Formosa Street car park.

Thank you.---Which is a council-owned car park.

20 And which, when you were taking the photographs you moved around.
---Yes.

Where are you standing when you took this photograph in terms of the length of the car park? How much of the car park is to the left and outside the photo and how much is to the right and outside of the photo?---To the left there's approximately about 15 metres. To the right the rest of the car park would probably go for 100 metres. I'm standing on the, on the street side, roadside of Formosa Street looking north towards Victoria Road. This is the back entrance of Victoria Road and you can see in the photo, if I can
30 explain, it's Bowan Island café which has been referred to previously at these hearings, and to the left is the, the far left two-storey building is the CobdenHayson building where Mr Colacicco works from.

Thank you. Could a next photo be displayed please. Is there any relevance in that photo, Mr Tsirekas, and if so what is it, what are we looking at there?---[REDACTED] at the top of the photo there you see trees lining the street, small trees. Well, that's the, the car park that I'm referring to so my building is roughly 100 metres from the Formosa Street car park just to give you an indication.

40

THE COMMISSIONER: Sorry, I'm just trying to, can you point out some particular object to mark exactly where Mr Colacicco's office was?---From this photo, Commissioner?

Yes.---It would be to the right as far as you can see the street with the, the small trees on the right-hand side there, right at that top end of that street.

Sorry, when you say "top end", past the tree?---Right, right at the end of the tree line, yes.

10

Yeah. Perhaps, Mr Leggat, you might be able to assist me a bit more on that. I think I've got the general idea but I – I'm not sure how distant your reference point is. Just to make it clear what I see, there is two what they call telegraph poles on the right.---Yes.

And a series of cars parked along there.---Yeah, it's not - - -

And you come to the tree.---Yes.

20 And I'm not sure where exactly from the tree is the office of Mr Colacicco. ---Okay. Okay. Can the hand just follow the tree line up?

Right.---Just there. Just there.

So, I see. So it's on an uphill gradient?---Yes.

Okay. All right. Thank you.

MR LEGGAT: Mr Tsirekas, this is Victoria Road, is it, that we're seeing?
30 ---This is Formosa Street.

Formosa, I'm sorry.---But, yeah, but parallel to Victoria Road.

THE COMMISSIONER: It's parallel to Victoria, is it, or - - -

MR LEGGAT: Yes. And parallel and to the right-hand side of the photo behind [REDACTED], one has the, what's described as the Formosa Street car park running parallel to Formosa Street - - -?---Correct.

40 - - - but that car park starts near the trees, is that right?---That's right, yes.

Does the Formosa Street car park run all the way down to [REDACTED] ?

---No, to, to Edwin Street, which is the intersection between – you possibly can see a car, there’s an intersection there. So - - -

It looks like a car’s coming onto Formosa Street.---Yep, yes, just there.

And that’s coming from Edwin Street, is it?---Edwin Street, yes.

10 Thank you. Next photo, please. What do we see here?---Well, that’s the top end of the car park and that’s the CobdenHayson building and the Bowan Island building, which the, those buildings back onto a major council car park that holds over 100 cars, a very busy car park.

The CobdenHayson office, that’s the one we’ve heard in evidence - - -?
---Yes.

- - - about Mr Colacicco working from that premises, is that right?
---Correct.

20 Approximately was this photo, or these photos that we’re going to look at, were they taken around about the same time and on the same day?
---Correct.

How – yes, could we see the next photo, please? What do we – so we can see the Bowan Island - - -?---Yes.

- - - café there on the left, which we saw in the earlier photograph. Are we able to see [REDACTED] ?---Yes, it’s, it’s, if you bring the hand over and just come over to the left a bit and up a bit, that’s one building, that’s [REDACTED]
30 [REDACTED] just, just in there, in that little pocket.

And what’s the approximate distance from - - -?---Oh, say probably hundred and - - -

Sorry, just wait for the question. What’s the approximate distance from [REDACTED] to Mr Colacicco’s office?---Oh, from [REDACTED], 150 to 200 metres.

40 [REDACTED]



The cars that we see parked in the, what you've described as the Formosa Street car park, how do they gain entrance to the car park?---Through Formosa Street they would drive in there and there's another cross street. So it's a fairly busy, active car park because it services all the commercial buildings on Victoria Road and retail.

- 10 When you say it services those particular buildings, are you describing a process whereby a car will park in the Formosa Street car park and the occupants of the car will go into one of the premises, like the Bowan Island café?---Correct. There's a, there's a two-hour limit. It's a, a very busy car park and we monitor it so we get the turnover.

What are the nature of some of the buildings that are serviced by the Bowan Street car park with its two hour time limit?---Mixed retail, doctors, surgeries, clinics, other commercial businesses, there would be a mixture.

- 20 Could we go to another photo please, the next photo. We can see here the Bowan Island café and this is, you're standing on Formosa Street?
---Correct.

One can see a left turn into the car park from Formosa Street.---Yes.

Where you're taking the photograph we can see the CobdenHayson office in the left-hand side of the photo, is that right?---Correct.

- 30 So the area where you would give Mr Colacicco the money, could you perhaps ask for the hand to be, if you could move the hand, Mr Tsirekas, to where it is that you would stand when you would hand the money to Mr Colacicco, please.---On occasions it would be on the road or on the footpath in that locality. So if you bring back the hand and go to the left a bit, go to the left a bit, just around that area there where you can see between the building and here and the, and the footpath.

- 40 The number of cars that we see in that photograph is that representative or not representative of the business of that locality generally? Sorry, that was a clumsy question but you understand where I'm, the topic I'm raising for your consideration?---It is a very busy car park, there's a time limit and it's

certainly frequented and by a lot of people, and it's always busy and basically full all the time.

We see the crossing, if one walked across the crossing going towards the right hand side - - - ?---Yes.

- - - what's on the other side of that roadway?---There's another footpath and if you walked up another 30 metres or 20 metres you'd hit Lyons Road and you'd cross Lyons Road and you'd be at council.

10

We can see Mr Colacicco's business on the left of the photo.---Yes.

We can see the café. Is there any seating or, I'm sorry, can you describe whether there's an entrance to the café and whether there's any seating which can be viewed from the car park?---It's a very narrow footway between the car park and the buildings, the seating would be inside, but this area here is used by pedestrians and people parking their cars in that area. There's seating to the right of this photo on a little verge where people do sit, so basically where I'm standing there's seats there.

20

What's that seating associated with?---It's just on a grass verge of council park seat.

Is it, you appear to be describing a bench type park seat?---Bench park seat, yes.

Right. There's public toilets in the vicinity are there?---Yes.

Where are they located?---Just behind me, behind my back from where I'm taking the photo there's a council toilet block.

30

The council toilet block has the usual booths, private cubicles?---Yes, it's one of those automated toilet blocks, yes.

If you were looking to conduct business in secret, what are some of the locations in that immediate vicinity that we can see in the photograph or on the locality that you could have availed yourself of?---Well, there's a number of them. [REDACTED], or in Frank's office or my office at the council building if there was anything secretive that I wanted, wanted to hide, but they'd be the three locations that are very close.

40

When you say "Frank's office", can you provide a little bit more detail as to the privacy arrangements that were afforded by the office, if any?---Well, Frank, well, Frank had his own office in, in, in the first floor of, of his, of the building there.

Yes, when you say his own office, what do you mean by that? Can you describe that a bit more?---Well, his own area that had a door, and he could lock if he wanted to do anything secretly, I suppose.

10 All right. Some offices these days are open plan with abundant glass, and one can readily see what's happening inside an office. What can you tell us about whether or not that was the type of office that Mr Colacicco had?
---Well, his office was facing Victoria Road and I think he had it separated with a wall and, and, well, partitions and a door from, from the open floor plan of the office. I think there was a couple of those similar types for other employees there.

The public toilets that you've described on the other side of Formosa Street,
20 were they accessible during the hours when you were providing cash to Mr Colacicco?---Yes.

The Machonic Pty Ltd bank account, you were asked some questions about your knowledge of the bank account. When was it that you became aware that there was a bank account named Machonic that was being used by Mr Colacicco to hold the cash that you were giving him from time to time?
---The private hearings, when they did mention Machonic was, was a surprise to me because the name didn't mean anything to me. So it, it wasn't something I was familiar with, wasn't something that I remembered, therefore it did, did come to me again as a surprise 'cause I, I couldn't
30 remember the name at all.

Sitting in the witness box now, does the name Machonic mean anything to you other than being the name of the bank account that Mr Colacicco was operating to hold the cash that you were giving him?---Well, now it does make sense that that was the name that was given and that was what the money was being deposited into.

Did you have anything to do with the choice of the name of the bank
40 account Machonic?---No.

Would it surprise you to know that Machonic is the name of a famous racehorse?---That's what I've been made aware of, yes. I'm not a racegoer, race person, but yeah.

On the other hand, Mr Colacicco is a keen owner of horses, that's the evidence, isn't it?---Yes, I've heard that evidence.

Now, let's see if we can finish this, Chief Commissioner, before we go to the break if that's convenient. Officer, is there another photo or have we
10 gone through each of these photos? Oh, there we are. So, Mr Tsirekas, can you orient us please? Where are you standing when you took that photo?
---Along the path to my left is CobdenHayson. To my right you can see the footpath which is Formosa Street footpath and the cars angling in on either side on the left of the car park and the right is Formosa Street. And behind me is Formosa Street leading up to Victoria Road but looking straight down is the way that I would walk to the council and home from the council down this footpath leading past CobdenHayson's, the Bowan Island and other retail stores.

20 Thank you. Officer, is there a further photograph or have we finished them? Oh, no, that's a different one. Thank you. Chief Commissioner, would that be a convenient time?

THE COMMISSIONER: Yes.

MR LEGGAT: Thank you.

THE COMMISSIONER: Do you want those photographs tendered?

30 MR LEGGAT: Yes, please.

MR DARAMS: Mr Darams, would you tender those. How many are there, is there three or four or - - -

MR LEGGAT: I think there may have been five, Chief Commissioner.

MR DARAMS: Yeah. So we will tender those photographs.

40 THE COMMISSIONER: All right. Well, the photographs that have been shown to Mr Tsirekas, or perhaps four or five. We can just check that.

MR DARAMS: Six photographs.

THE COMMISSIONER: They'll be marked as one exhibit and become Exhibit 80, I think it's 80, the photographs.

MR DARAMS: Just one moment. I think we're a little bit further than 80. 83.

THE COMMISSIONER: 83 is it?

10

MR DARAMS: Exhibit 83.

THE COMMISSIONER: Exhibit 83 will be four or five photographs shown to Mr Tsirekas.

**#EXH-083 – SIX PHOTOGRAPHS SHOWN TO ANGELO
TSIREKAS DURING PUBLIC INQUIRY ON 17 JUNE 2022**

20

MR DARAMS: Six photographs.

THE COMMISSIONER: Six is it? Six photographs. All right. Thank you. We'll take the break then. Yes, I adjourn.

SHORT ADJOURNMENT

[11.32am]

30 THE COMMISSIONER: Mr Leggat.

MR LEGGAT: Thank you, Chief Commissioner. Mr Tsirekas, I'm now going to turn to a number of topics and see if we can deal with these as efficiently as possible. The first topic's the code of conduct. Without endeavouring to summarise all the evidence, the bottom line seems to me to include the fact that you have not declared any interest or relationship in relation to David Furlong. Are you able to put in a nutshell why it is that you have now reached that view?--I don't have a relationship with David Furlong. In fact, David Furlong is known to a lot of councillors and with
40 business before council that David Furlong was the planning adviser. No one else actually declared any interest. He used to work there, he was

known by everybody and he was used by a lot of people in the area. So I didn't have a relationship with David Furlong.

Let me do it this way. Can I ask you the same question concerning Belinda Li?---I have no relationship with Belinda Li. I didn't know her position with I-Prosperity and I didn't declare.

10 The same question in relation to Chun Zhou.---I didn't know Chun at all. I was introduced to him. May have met him a couple of times but I had no relationship with Mr Chun or knew his, his position with I-Prosperity.

The same question in relation to Harry Huang.---Again I don't know Harry Huang at all. There was a, a reference that was drafted by someone. It was a draft. It was a working document. It wasn't signed and it wasn't sent and I have no relationship with that person.

THE COMMISSIONER: Who drafted it?---I, I received that from Heather Crichton and I think maybe she received it from Mr Chidiac.

20 MR LEGGAT: And the same question in relation to Peter Thornton.---I, I don't know Peter Thornton at all. I may have met him once or twice and I didn't know his relationship with I-Prosperity.

The Billbergia folk. John Kinsella, the same question.---Again he is a, a person who has been in the area and I know that he's, you know, part of the East Rhodes and, and, and Station Precinct but I don't have a relationship with him. I don't go to his place, he doesn't come to my place and I didn't declare.

30 Joseph Jacob.---Again a person that I would see out on the road (not transcribable) and it's a chance visit. There's no real, or I don't have a relationship. I don't go to his place, he doesn't come to my place but he is a person that I, I see that, again his office [REDACTED] and on, you know, chance meetings I'd see him out on the street. I don't think he's ever had a DA at council.

Excuse me. You were just responding in relation to, was that Kinsella or Jacob that you're dealing with?---No, that was Mr Joseph Jacobs I think you were - - -

40

All right. Thank you. Pierre Jacob.---Again Pierre Jacobs is someone that, that [REDACTED]. He has walked Kokoda. He has supported other sporting groups and, and charity events in the area. Likewise he's a person that lives and works in the community but I don't have a relationship with him.

John Kinsella.---I think, again John Kinsella is similar. I think I've, you've mentioned John Kinsella before, yeah.

- 10 All right. Thank you. I apologise. Now, why no disclosure in relation to Frank Bruzzano?---No disclosure because I don't have a relationship with Bruzzano. His accountancy [REDACTED]. I know that he is close friends with the Jacobs. Chance meetings again on the way to work or just at, at the coffee shop [REDACTED]. They're chance meetings. I didn't have a relationship with Mr Bruzzano.

Why no disclosure in relation to Frank Colacicco?---I don't think Frank Colacicco has ever - - -

- 20 Colacicco, I'm sorry.--- - - - has ever had a DA before council. I didn't know his relationship or what was happening with the property that's been mentioned because it was never mentioned to me about his role in all this that was going on when things were being discussed at council so I didn't declare that non-pecuniary interest.

- 30 Why no declaration in relation to Joseph Chidiac?---Again Joseph Chidiac is someone that I know. He is a friend. If, he, he's well known in the area. He would contact me for a number of reasons. But he's never had a DA in at council. I didn't know his relationship with I-Prosperty or what the arrangements were, so I didn't declare.

Next topic, references. Could you describe what your usual practice is in relation to references while you've been mayor of the council?---Yes, well, I don't give references anymore, but on previous occasions when request was for a reference, we'd get information from the person, a body of information, and I would ask my PA just to draft that reference. I took information that was given to be true, and I'd sign it. But I'm not signing any more references now or I haven't for a while.

- 40 The wedding where you say you were invited by Joseph Chidiac, can you summarise your perspective on that wedding, please?---Well, Joseph was

one of the people that were, were there for me when I was going through a difficult time. I think I've said before that I would have gone away on holidays with anyone around that period. Joseph did ask me to go along. Again, the wedding, I, and the wedding I wouldn't have attended if I got, unless I got an invitation. It appears that he got the invitations and I went along with him. And again I, I've said it before, I went along as, as Joseph's invite and my view was and expectations and thoughts were that he was, he was paying for everything, and I have, have paid him back over time for those trips.

10

Next topic, Councillor Kenzler's motion. Why was it that, I'm sorry, you didn't declare an interest in relation to that motion? Is that for reasons that you've already given or is there something in addition to that?---Well, again, around that table at that time there would have been three or four councillors in the same position as I with knowing David Furlong. But that motion which was originally drafted by Councillor Kenzler, it would be more appropriate for that motion to be public so that people would know that it was going to be debated, rather than just the last minute have it be put. I was under the impression that interested parties should be aware what was going to be debated. The, the item of draft motion, my understanding, and I've heard the evidence, that Mr Furlong did discuss it with Councillor Kenzler, so he was aware. That motion, draft motion from David Furlong, was put to council, was debated, was discussed, was actually changed. Condition 9 and 10 had no relevance to Mr Bill, ah, Kinsella or Billbergia, so that interested party wasn't being affected. But I think the democratic process happened. I didn't want things to be done in secrecy or not be out and be transparent. My role as the mayor is to make sure that all parties are given the same opportunity to have things debated.

20

30

So that meeting occurred on 31 May, 2016. What was your expectation at that time as to whether or not that was potentially your last local council meeting ever, given that you were standing for Federal Parliament?---Yes, my expectations were that it was going to be my last meeting and I, and I was on my way to Canberra. But unfortunately I wasn't successful. But the, the fact that, the fact that it was my last meeting, I wasn't beholden to anybody for anything on council. That, you know, I was gone from council so anyone that thought I was beholden to them was incorrect.

40

It was suggested to you by my learned friend Mr Darams that you didn't declare because you thought that you would be able to assist those interested parties in the future as mayor or as councillor. What do you say to that?

---Well, my expectations were, that was my last meeting. I was running for Federal Parliament. I wasn't leaving and then expecting to come back, that was my last meeting. So there was no, you know, anyone who thought that I could help them was wrong because I wasn't on council.

I'll move to the home unit purchase. You purchased off the plan. When did your wife find out that you were purchasing the home unit, approximately how long after you entering into the off-the-plan purchase did that occur?

10 ---The first deposits were in 2016 and the exchange was to happen in around two years later, 2018. That period in between I was expecting that my family affairs would have been done and dusted but that didn't happen. So around 2018 when I had to make final payment, I couldn't source it through my own mortgage because a mayor's pay doesn't, wouldn't allow for that, so I had to ask for security over the matrimonial home. My wife didn't, didn't accept that, didn't want to help, so it fell through. So around 2018 when things needed to be paid, that's when I asked my wife for security over the home.

20 The practice of keeping cash at home, can you tell us when you started keeping cash at home and what was your usual practice?---Probably started around late 2012. When things got a bit difficult at home, I started withdrawing cash. And then in 2013 when I moved out of the house and moved in with my parents I continued the practice. I had two jobs. I wasn't going out much and I was basically going out with friends sometimes but not much. So I started putting cash in a box and saving it.

I'll move to another topic. The holidays in 2016 and Mr Frank Colacicco's initial funding of those holidays. What's your perspective in relation to that?---Are you referring to Dubai, are you?

30 We can do Dubai and then the Shanghai and Rome as well if you like, let's start with Dubai.---Yeah, Dubai I did pay for my airfare and Frank Colacicco paid for the accommodation. It was a trip that he organised and I was invited to, so I went along with him on that trip.

40 Part of the incentive for that trip was the Eastern Suburbs Rugby League Team the Roosters were playing in Dubai because they had won the premiership in Australia and were playing a game against the English premier team, is that right?---That's right, they were training on their way to play the English premiership winners.

The next topic, the phone intercept where the expression “they’ve dropped us” or “dropped us” was used by you. What’s your perspective on what was happening in relation to that phone intercepted discussion?---I think I referred to it when I was questioned about a VPA and problems. But to expand on that it was to do with the commitment that was made by the proponents in regards to the, the benefits that we were going to receive as a community and that was a fairly substantial amount of benefit to the community by one of the precinct planning planners there, precinct applicants there, I-Prosperity. Around \$21 million to upgrade our facilities to provide community benefit and some affordable housing and it wasn’t good go hear that things weren’t, weren’t proceeding. For whatever reason the government were holding it up. That was it.

You recall that when we looked at the transcript of that phone intercept the words to the following effect appeared, “When we going to China have you seen Harry, Belinda?” That was how, words to that effect is how they appeared. I may not have got it entirely accurate. What’s your perspective as to what it was that you were describing in those words?---Look, I can’t really recall. The fact that we were, we’re going to China, you know, was, you know, to me it’s irrelevant if, if, if those gentlemen were there or not in China. We were going away with, if I can recall, a few, a few blokes for a weekend away.

Another topic. You provided an overseas travel itinerary to ICAC in which you did not list all of the trips. What’s your perspective on that event? ---Again it wasn’t intentional. It was a, a very fresh draft and the fact that I also I think provided each page of my passport I wasn’t trying to hide anything. The, the two trips were eventually put on, on my itinerary list. The holidays have been spoken about. The, I think it’s been referred to about 25 trips in the last seven years. Out of those 25 trips, 12 of them were holiday trips. Out of those 12 holiday trips, six were taken when I was not a mayor or a, in a public office position. The other 13, five of them are study business trips, five of them are trips to PNG where I’d take people across the Owen Stanley and walk the Kokoda Track including school children from my area and others that are interested in the, in, in that, and three are sister city trips, just to break it down so it’s understood.

THE COMMISSIONER: To have lived through those years that you have spoken about you had all those trips and having regard to those you say you made a financial contribution, and bearing in mind all your living expenses and having regard to the salary of a mayor, you must have been throughout

that period under enormous financial stress if you had no other source of income. Isn't that the case?---No, Commissioner.

Was it the case?---No, Commissioner.

It wasn't the case.---A lot of those trips have - - -

So some, sorry.---A lot of those trips were paid upfront and there was no expenses on the trip and - - -

10

Paid upfront by whom?---Pardon?

Paid upfront by - - -?---Oh, as you, as you pay from Australia.

No, I haven't finished. I haven't finished. Paid upfront by whom?---Me.

And that's why I'm putting to you that on a mayor's salary to be able to service or pay for a lifestyle that included travel whilst you're mayor internationally, frequently, paying all your living expenses, including later, later years, the rental on your premises. Must have put you under enormous financial stress. But you say it didn't?---On occasions I was.

20

Well, how many occasions?---I can't recall.

Okay, but only a few occasions or any occasions?---I can't recall. I can't recall.

What I'm putting to you is that when you look at it overall, you must have been, if you didn't have any other source of income than your salary as a mayor, and taking into account the amount you got in superannuation from Canterbury Council, all of that, you must have been under enormous financial stress if, as you claim, you had no other source of income other than your mayor's salary.---No, I disagree with that.

30

You disagree with that?---Yes.

Not under stress?---No.

Not under financial stress?---No.

40

How could you do it?---As the mayor, I get invited out. I've got a lot of friends. My living expenses are quite normal. And I was hardly at home. Functions, you know, council meetings provide dinners and so forth. So I wasn't, I was living by my means.

10 So if it was put that you couldn't have done all the things you did, travel and living expenses I've been through, with the financial resources that were available to you, based on your mayor's salary and the Canterbury Council termination payments, superannuation, you just simply couldn't have done it unless you had some other supplementary source of income, what would you say if that proposition was put against you?---I wouldn't accept that proposition, no.

You would reject it, would you?---Yes.

20 And once again I put it to you, how did you do it, afford all this financially, if you didn't have any other supplementary source of income or assets, cash assets as we've discussed? How did you do it?---Living habits and changing my lifestyle to suit.

How did you change your lifestyle?---By making sure that I was, you know, able to sustain myself.

30 But how did you do that? How did you adjust your lifestyle so that you could afford all of the lifestyle which has been the subject of evidence? ---Living by my means. I think I tried to explain that there were a lot of years that I didn't go out. There was times when things were better, when I got the mayor's job and I was doing my mayor's role. There's certainly a lot of things that changed throughout the, that period of time.

There's no other explanation you can offer other than the one you've just stated?---Yes, Commissioner.

Yes, Mr Leggat.

40 MR LEGGAT: Thank you, Chief Commissioner. Mr Tsirekas, I was asking you about the omission in supplying ICAC with the travel itinerary. Part of the context is that, as I understand it, correct me if I'm wrong, is that you provided ICAC with your passport, which showed the trips that you had omitted to put on the document that you prepared for the ICAC, is that -- have I understood that correctly?---Yes. Yes, correct.

Is it the case, and correct me if I'm wrong, that you did not deliberately withhold or seek to withhold that information in the travel itinerary from the ICAC?---Correct.

10 Move to another topic. Mr Jacob and the mayor's Christmas party, Pierre Jacob. What can you tell us about your usual practice over the years in relation to inviting people to the mayor's Christmas party?---The practice would be to include community people that, in one way or another, are part of our, our area in respect to their position of, whether it's in a school or church or sporting group, people that have supported our community in one way or the other or been part of, you know, my mayor's golf day charity days, where I, I would put people on the invitation list. And I think Pierre Jacob at some stage or on occasion did play in the mayor's golf day. I think they also supported one of the local sporting groups.

20 When you were asked about that topic you gave evidence to the effect of, people would sometimes invite themselves, what did you mean by that, how had they in the past?---I think on occasion people were left off the list they'd ring up and see why they weren't invited, and on occasions people who heard about the party would ring up and say, "Can I get an invitation?" That would happen as well.

Another topic. When I was taking you through the photos of the Formosa Street car park I didn't ask you to indicate where the Jacob's Prolet office was. Do any of those photos show the location of the Prolet office?---Yes it does. The one looking down east down the street - - -

30 Just pausing there. I wonder if we might have those displayed please and Mr Tsirekas - - - ?---It was one of the last photos I think that.

40 Thank you. Just wait until the photos come up and if you could identify which photo it is that you're referring to please.---Next, just stop there, sorry. At the edge of that my building, that's my building with the glass balustrades. The next attached building is the Prolet building. That's the, from the looking west, so if we keep going I can show you the back of that, keep going, stop there, sorry. That building, if I can get the hand just to go down towards, down the other way, going down and just up a bit, just down a bit. That's the Prolet building [REDACTED].

Another topic. Your daughter living with you [REDACTED]
[REDACTED] not in the family home.---Yes.

10 You've indicated that she would buy staples, I think is the word that you used. What did you mean by that, what is that your daughter would purchase and what was her source of money to make such purchases?---She works for a living. She doesn't pay rent. I don't eat much at home, my fridge doesn't have, hold much food and she would buy food for herself or staples like milk, bread, eggs, cereal that we'd consume.

In relation to your spending habits, in relation to food, what can you tell us about your usual practice concerning food that might be available to you at council functions or at council on days when there are meetings held or where you're attending at the council office?---The normal practice is when we have workshops or meetings there'd be a supper provided. To add onto that, I was hardly at home having dinner, I'd frequently be out at community events, rotary events, there'd be a very busy itinerary and that's the mayor's role. So I'd be out frequently during the week and weekends.

20 And what's the relevance of that in relation to consuming food?---Well, I didn't need to buy or stock up on things because they'd be thrown out. My daughter would buy her own food and we'd share the staples if, if there was occasion when I was home.

You present as a relatively lithe, l-i-t-h-e, man. Is your present physical state similar to how it's been or not over the past dozen years or so?---Sorry, when you say "lithe" - - -

30 I'm just trying to understand how much you eat is the short point.---Oh, yeah, no, I, I'm a, yeah, I don't, I don't eat much. I don't eat much. I think even you would say that I don't eat much 'cause I don't have lunch. I have a small breakfast and a, and a dinner. I'm very light on with, and I try to look after my weight a bit.

40 Let's move to another topic. Nino Panuccio paying you an amount, by recollection, \$7,040, asking you to hold the money for him. Can you explain your perspective on what was happening there, please?---Yes, Mr Panuccio was going to Italy around that time. I know Mr Panuccio. I've known him for a while. He'd asked me to hold the money for him. He did say that he didn't want to spend it or lose it. I was under the impression that

he was going to take it with him overseas and that's what I expected him to do. Also, Mr Panuccio and I – look, I don't want to say that, but he might have had an issue with spending that money in, in other places rather than taking it away from him, and I think he was concerned that he was going to lose it or spend it prior to going overseas.

Well, unfortunately we need more detail, so I'm going to press you on that. How was it that he could lose the money if it wasn't being held by you on his behalf?---Oh, look, I, I don't want to – look, he does like to gamble. He does, he, I've seen him at the club, I've seen him spend it on horses, I've
10 seen him spend it on the poker machines. But I, I just didn't want to say too much about other people because this is going out live, he's got children, other people are hearing it, so I just would like to keep it at that.

THE COMMISSIONER: But you didn't ask him to explain why he couldn't look after the money himself or didn't trust himself? You didn't ask him why?---I, no, he did say that he didn't want to spend it or lose it.

No, but he didn't say why?---No. No.
20

But we're talking large sums of money, so what – he handed the money. Did you count it on the spot or later - - -?---No.

- - - and then sort of make a note or give him - - -?---I didn't even count it.

- - - give him an invoice or whatever?---No.

Well, how would he know whether, how much he's given you and how much you would know how he's given so that you can securely place it in a safe or in some safe custody? How does that work? Just explain it to me.
30 Somebody comes along the street, large sum of money. We're talking about thousands, aren't we?---7,000.

And he doesn't explain really why he's giving you this money other than he doesn't want to lose it. He doesn't count it for you. You don't count it. Is that right?---That's right.

You don't create a note - - -?---No.

40 - - - recording how much is in the bundles, is that right?---No.

He doesn't record, he hasn't recorded it either as to how much is, he's handing over to you, is that right?---I don't know.

Well - - -?---I can't answer for him.

You don't know, he didn't say, "Look, I've made a record. This is \$10,000 or whatever it is."---Yeah.

You didn't suggest he'd done that?---No.

10

No.---I can't, can't recall.

But this is, I mean, if it was 50 or \$70 or something, I can understand people say, "Just hold this for me." You don't need to have an accounting system to make sure that the money's been safely handled and will be accounted for. We're talking about a large sum of money. I just don't get it. Can you explain? You know, a man comes along. You say he wasn't a friend, I think, didn't you?---No, I said he was a friend.

20 He was a friend. Okay. He's a friend.---Mmm.

There's no record being kept, so you don't know whether he would come back and say, "I didn't give you 10,000. I gave you 20,000." You'd then be in a position saying, "No, I remember you gave me a bundle of money, it was that big and it was about 10,000." I mean, it's nonsense, isn't it?---No, Commissioner.

It's total nonsense, isn't it?---No, Commissioner.

30 MR LEGGAT: Chief Commissioner, my understanding of the evidence is it's \$7,040 but I'm sure that Mr Tsirekas understood you to be referring to that amount.

THE COMMISSIONER: I'm sorry?

MR LEGGAT: My recollection of the evidence is that it was \$7,040 that Mr Tsirekas I think - - -

THE COMMISSIONER: Well, whatever it was. I forgot. 7,000.

40

MR LEGGAT: - - - yes, was referring to. I'm sure he understood that.

THE COMMISSIONER: All right. Okay. I correct what I've said about 10,000. We're talking about a mere 7,000 in cash. The same situation. There's no accounting for it. You don't make a note. You don't count it. ---No, Commissioner.

Did you give it back to him in cash?---Did I give it back to him?

Mmm.---No. It's, it's still with the Commission, it's still with ICAC.

10

I see. This was seized under the warrant.---Seized amount, yes.

Yeah.---Yes.

And in any event the only reason he gave is he was concerned he might lose it. Is that right?---Lose it or spend it, yeah.

Or spend it.---Mmm.

20 Okay. Okay.

MR LEGGAT: Thank you. Chief Commissioner, I wonder if might be displayed the photo of the Nield Park café that we have provided. There might be a number of photos that we've taken of the Nield Park café. Yes, that one on the screen there. Mr Tsirekas, this is a photo that you took. ---Yes, Mr Leggat.

Approximately when did you take it?---About a week or a week and a half ago.

30

And what is it we see in the photograph relevantly for present purposes?

---Okay. To the right of that ice cream machine there's a return. That return there you can see two tables to the left. Those are normally the, the seats that we, we sit on on a Friday morning when we have a catch-up coffee.

And this is the same place where the photographs that we've already seen of you with the envelope in your hand on either Australia Day or the day before Australia Day. Is that right?---Correct.

40

And what do we see outside? What's the green we see there?---That's Nield Park. It's a couple of soccer fields to the, to the right.

Now, I won't go over this but you heard the evidence of Mr Sawyer that my learned friend Mr Lloyd took Mr Sawyer through in terms of the access that the public has to that particular space and opportunities for surveillance by the public. Do you disagree with anything that you heard Mr Sawyer say in his description to those questions?---No, I, I agree with the descriptions that were previously given.

10

The next photograph please. This again was taken by you on the same day, was it?---The same day, yes, and looking at that return from the rear of the room so basically it's, it's open to, the front of the coffee shop there displays how, again on the right of this along that wall with the timber is where we normally sit.

So if I can understand it, the layout that's represented in the photo is with a table with four chairs.---Yes.

20 The other photos that we've seen from the Australia Day, if I might call that, those photos there was a longer table or tables were put together where I think six or eight of you were sitting. Is that, have I understood that correctly?---Correct. You can see the table against the wall and to the right you can see a chair. Well, those two tables are normally just put together.

And on the other side of the handrail and the balcony what is it that's being displayed in the photograph there? It's not very clear from - - -?---On, on the foreground it's, that's the Iron Cove Bay and there's the Bay run and there's the, the street Henley Marine Drive. Very, very busy walk and a lot
30 of people, you know, use it frequently. It's an open floorplan, chairs and tables are everywhere.

The next photograph, please.---We saw that one.

We've seen that one. What do we see there?---So that's the sort of foreground view. If you see the lady to the far left, that's the return. That's the area we sit in. It's just to give you an idea of how open the floor plan is for the café, with the entrance to your right, with chairs outside the café under the umbrella. That's the basic layout from that view.

40

Next photograph, please. That's the collection of photographs, is it?---That, yeah, and that's the two tables that we joined together.

I see. That is a different photograph, is it? Yes, it is.---Yeah, so they're the two tables we joined together, with chairs and tables on the other side as well.

Right. All right. Thank you. Is there another photograph, one that we haven't seen? And what about – what's this one just depicting?---That's, sorry, that's just the view from sitting at the table, what you would see, the park. So it's, it's, again it's Nield Park open.

And correct me if I'm wrong, but the glass isn't one-way reflective mirror type glass which only permits people to see out and not in, is that right or not right?---It's, it's a plastic curtain, it's rolled up and down.

Thank you. Another topic, please. Could I ask, Chief Commissioner, with your leave, the photograph taken at Made in Italy on the 9th of – taken at Made in Italy, I think it's volume 3.5, page 184. This is January 2019, I understand. Yes, thank you, that'll be fine. So, Mr Tsirekas, I'd like you to assume that this is the 25th of January, 2019, that is Australia Day 2019. Can I suggest this to you, and correct me if I'm wrong, at or around that date the fundamental incompatibility between the planning approaches propounded by council on the one hand and by the Jacobs' interest on the other had become incompatible and irreconcilable, and Mr Chidiac was performing something of a mediation role between yourself and the Jacob interests. How do you respond to that proposition?---(NO AUDIBLE REPLY)

Feel free to reject it.---Oh, yes, look, I agree. The fact that Mr Chidiac's there, the timing of that get-together was around that period where there was fundamental differences between the approach of submissions to, to the government. Basically because the outcomes that we wanted were, were different. They were more on developing an infrastructure plan that included schools and wharves. Council was developing a submission that included public benefits not including school but including parks and open space, affordable housing, and better community outcomes within the local area. And Mr Chidiac was there and certainly I'd agree he did (not transcribable) on other occasions was there to, to mediate. It's not unusual for me to have a phone call from Mr Chidiac, who was well known in the area, to, to follow up on things. Not only with these gentleman but others

locally that people would go to him for whatever reason to follow up on things and he'd pass those on.

THE COMMISSIONER: What was he well known for, what was Mr Chidiac well known for?---To be a person locally that would know a lot of people. I don't know what he was well known for.

But I thought you just said something, he was well known?---I think for being a mediator, trying to help.

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Mediator?---Yes, he would on occasions ring me about a number of other issues he was - - -

What sort of issues?---Well, there'd be trucks parking in the street, there'd be people that had problems with complaints, neighbours. On occasions ask me what's happening with this gentleman's development application, he hasn't heard. It's not unusual for him to do that, like others that would ring me enquiries about DAs. During this enquiry I think we've had a number of emails that have come up about these specific personnel that we see here but if you look at all my emails over the years that I've been mayor, you would have thousands of emails that I have passed on because of complaints that were brought to me about DA problems - - -

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Just stop there. As a mediator, what was he known for, what was his speciality?---I've got no idea.

Is that a serious answer?---Yes.

You'd see him very frequently, you go on trips overseas with him and so on and you say you don't know what he does?---No, I don't.

30

Yes Mr Leggat.

MR LEGGAT: Yes, Chief Commissioner. I wonder if the transcript at page 2059 might be displayed, please. Mr Tsirekas, there's a question here about what you've described as your practice as providing three names, three town planners if you were asked to indicate a recommendation for a town planner. I'm just going to put a proposition to you and tell me if this is, if this is accurate or not accurate. Is there a benefit to council in having a competent planner acting for a developer in making a planning proposal or development application to council where that competent planner has

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knowledge of council's Local Environmental Plan, council's Development Control Plans and the way that council approaches those planning instruments?---Yes, there is and certainly it makes life easier for our town planners. There is someone that understands planning and can liaise with, and certainly at any level whether it's the high end or low end, it makes it a much better process for all that are involved.

10 Thank you, Chief Commissioner. I wonder if we might have page 2093 displayed, please. Around line 21 you disagree with a proposition that's put to you, just giving you an opportunity now to read to yourself the question, read to yourself your answer and if you could indicate your reasoning processes to the idea that you said - - - ?---What line was it?

You'll see your answer's at 21.---21, sorry.

20 So "No, I disagree with that." Just read the question to yourself, look at your answer, read as much of the page as you need to understand the context and just explain to us why it is that you disagreed with that question please. ---Yes I did change the view of my relationship with Mr Kinsella and I wanted to correct the evidence that I had given and the mistake that I had made. Mr Kinsella, I had no relationship with Mr Kinsella, he is not a friend, he is one of many people that have interests in Rhodes that were pursuing their agenda but I had no relationship with Mr Kinsella and I wanted to correct that evidence.

Chief Commissioner, page 2109 please, 2109. Just excuse me for a moment. I'll direct your attention shortly Mr Tsirekas to part of the page. ---Sorry.

30 We may have dealt with this but you'll see the second answer that you've given there, this is about the Christmas party and you say "a lot of them would invite themselves". You've answered that already I believe. Let me go to something else. No, in that context could I do this, please. Chief Commissioner, could we have volume 3.2, page 19 displayed, please.

THE COMMISSIONER: Yes, I'm sorry, 3.2 page 19. Mr Leggat, just in relation to the Christmas function?

40 MR LEGGAT: Yes.

THE COMMISSIONER: I think the evidence of Mr Tsirekas is he was shown some photographs and he couldn't recall whether the occasion on a boat there was a Christmas party, he couldn't remember anything about it, I think was the effect of his evidence.

MR LEGGAT: Yes. Chief Commissioner, I - - -

THE COMMISSIONER: I think, Mr Darams, The Commission does have material as to what that function was about and who organised it so that
10 there's no mystery about it.

MR DARAMS: That's correct, we do have and there was some questions I asked Mr Chidiac in relation to that, but I think Mr Leggat, as I understand his questioning, I think Mr Leggat's are more directed at this stage to the mayor's Christmas party or Christmas function?

THE COMMISSIONER: I'm getting Christmas functions mixed up.

MR DARAMS: I think that was my understanding.
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THE COMMISSIONER: I'm getting the Christmas functions mixed up.

MR DARAMS: I think that's where Mr Leggat, and that's only arisen because I've now seen the document he wanted brought up and it's about the mayor's Christmas function.

THE COMMISSIONER: Yes, thank you.

MR LEGGAT: So we have on screen volume 3.2, page 19. We see that
30 Belinda Gibson, who is the administration officer at Canada Bay, sending you an email 29 October, Christmas invitation list. It says the above names are on the waitlist on 2013 are all invited came last year, are you happy for them to be invited again. So, we see Anna Kelly, do you know who Anna Kelly is?---No, not really.

Do you know who this Susan Alley is?---Not really no.

Do you know Ulrike Eichmeyer?---No.

40 Right. You see underneath that box there are words in capital letters and then it says Katherine Zerk, see the Arts and Culture 2013, should she be

invited. Do you know who Katherine Zerk is?---I do know a Katherine Zerk, yes.

This process of Miss Gibson passing names onto you and asking for your view on whether or not that person should be invited or not, was that usual practice or not usual practice?---The list was refreshed every year and we certainly add or subtract names from the list.

10 Thank you let me move on. Chief Commissioner, if page 2115 might be displayed, please. Mr Tsirekas, you'll see between lines 10 and 20 you're asked questions about a meeting with Joseph Jacobs and Billbergia, and your answer is "Well, I was the mayor back then. This is the biggest, largest project in my area. They were putting forward their proposal. So of course I had an interest in finding out what was happening in the local area." What did you mean by "They were putting forward their proposal"?---That, that was a period where we were, if I can just put it in perspective, just hang on a tick, I wasn't on council but I was interested to find out what was
20 happening in the largest priority precinct, strategic planning program that council was involved in, and certainly there was a lot of needs of the community that we were putting forward, and I was hoping that they were going to be fulfilled with discussions with proponents that were, were putting forward their submissions. And I think was that – that was, that may have been exactly the time that there was the first proposal for East Rhodes that had come out from the government, and there was questions being asked about infrastructure and transport that council were concerned with, and the other proponents may have had their own concerns as well.

30 So you use the words there "of course I had interest in finding out what was happening in the local area". What was that interest and why was it obvious to you by the use of the words that you needed to find out what was happening?---Again, this was the largest precinct planning, strategic plan that was going forward in the, our area. It, it had been worked on for many years. There was master plans being put forward and other plans. We were very keen to get the best outcome for our local community and the new community that was going to live there. There was priorities for council, and that was, you know, basic infrastructure, improvements in transport, open space, affordable housing, and I was very keen to make sure that that was still a priority, and that view was expressed to people and proponents that were putting forward their proposals.

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Chief Commissioner, page 2129, if that might be displayed, please. Mr Tsirekas, you'll see around line 20 you gave an answer, "I still withdraw cash sometimes to pay for things," and then at about line 38, "I was still withdrawing cash at stages." That line 20, what do you mean "withdraw cash sometimes to pay for things"? What are you referring to there in that answer?---Just let me, what line is that, sorry?

20.---Okay.

10 Then you return to it at about 38.---Well, at that stage I think, again, as I expressed there, that I was using electronic means of payment, and I wasn't doing that before. I just started to use it, the Apple, and the, the way that you use your tap on and go. You know, I was using it more and more. Just habits changed.

If we could go to the next page, Chief Commissioner, with your leave, 2130. You'll see at about line 8, "They did take my living expenses that I had in the bag with them." What are you meaning by that?---Well, when the Commission raided the house they took the money that I had in, in my
20 shoebox and in the travelling bag that I was using for holidays and, and living expenses.

If we go to page 2141 with the Chief Commissioner's leave. Now, you can see at the top of the page you're referring to there was an understanding between yourself and Frank that any money owing would be repaid on settlement. Unfortunately the Family proceedings took five years not two or one or three or four or five. What was the basis of the understanding that you're referring to there?---Mr Colacicco knew, knew my circumstances. He was there when he saw me in those moments and he understood my
30 circumstances. I was hoping that my Family settlement would have proceeded much quicker than taking six years. I did ask him for money and it was a loan and our understanding was that following the Family Law Court settlement those payments would be repaid and unfortunately they took much longer than I expected. But when it did happen Frank's, Frank's loan, the money that he put in the bank and the cash amounts were, were repaid.

Thank you. Page 2142 please. Mr Tsirekas, you'll see there at the top of the page you're speaking about developing a plan to upgrade Concord Oval
40 with funds received from the State Government and then there's a question about this study tour, the one with West Tigers and about line 19 you say

you went with Mr Chidiac and you say “with a number of people.” This is the West Tigers study tour that seems to be connected in some way with the upgrade to Concord Oval. Approximately how many people when on that trip?---Around eight approximately.

Can you identify some of the names of the other people who accompanied you?---Oh, the CEO was there.

The CEO of what?---Of the Tigers.

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Yes.---And 2CIO was there, he was administrative officer, and some others that were linked with sponsoring the Tigers.

About how much money out of your own pocket did you spend on that trip?---Look, I, I can’t recall. It was an expensive trip paid upfront and a lot of it was already paid for, accommodation, food, transport.

Why did you choose to spend your money on that trip?---I thought it was a worthwhile exercise to be on that trip, to gauge and to understand the public private partnerships with sporting complexes and the way that other municipalities deal with infrastructure around large sporting complexes.

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If we could go to page 2151 please. You’ll see at around line – I’m sorry, I’ll wait. Around line 30 you say, your attention was being directed to cash withdrawals in 2013 and you say, “But we don’t go back to 2013 or 2012 or 2011 when I was having issues, family issues.” And the question I’m just focusing on answer, “But I started saving before that anyway.” What are you referring to there in your reference to “2013, 2012, 2011 when I was having issues, family issues” and “saving before that”?---Well, I was having marital problems, problems back then, and I, I was withdrawing money and just saving it. I was just concerned about what was going to happen and that’s what I was doing.

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Okay, if we could go to page 2156, please. You’ll see at about line 19, this is the shoebox. You say, “I might have had my passport or papers in there or something. At occasions I did.” What papers is it that you’re referring to?---I, I had my passport in there, I had some denominations that I would keep in there, the different currencies. The papers would be just travelling papers that I would like to keep that, you know, would, would remind me of the trip. It was a box that I’d just throw cash in, odd denominations, and

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Australian cash that I'd keep in the, in the, in the shoebox or in the travelling bag.

Thank you. Page 2172, please. Excuse me a moment. The foot of the page, you're answering some questions about your relationship with Mr Panuccio, who, as we know from evidence that you gave before morning tea, gave you a sum of \$7,040 to hold for him so that he wouldn't spend it or lose it. That's my note of what you said. You say there, at about line 38, "He's a close friend." And 39 you're questioned, "He's always been a close
10 friend?" And answer, "Over the years where he's helped me with my campaign, so forth, he's become a close friend. I've stayed at his holiday house." So this is the man who you're holding the money for so he won't spend it or lose it. How's he helped you with your campaigns and when did, what did you mean by that?---Mr Panuccio is a well-known figure as well locally. Certainly a large family, large Italian community. He has helped me on a number of occasions with making sure that I can get, you know, help from others in regards to helping on election day or helping with putting posters up in peoples yards, helping to get people to, if I had a fundraiser, he would help as well. So he'd be very helpful and useful during
20 campaigns.

You say that he became a close friend and stayed at his holiday house. What can you tell us about the general location of that holiday house, how frequently you stayed there, whether he was there at the time you were staying there, those sorts of details?---He was always there. Basically it would be in line with our sister city trips, Canada Bay has a sister city in San Fele and the sister city in Lipari, his village is in between, so on my way to those sister cities I'd stay with Mr Panuccio and his family.

30 When you say and his family, his family were in the holiday house living under the roof with you, is that right?---Yes, he has family that lives there and his family would go there as well.

Thank you. Page 2187, please. You see the further page you've given the answer that "Joseph Chidiac would send me other messages about other issues in the local area," it's about line 38, can you see that?---Yes.

Just read yourself into the context there and once you've done that, if you'd explain to me, explain to Chief Commissioner what you mean by send you
40 other, that Joseph Chidiac would send you other messages about other issues in the local area?---I may have said it before but it's not unusual for

Mr Chidiac to send me messages on behalf of others, but that's not unusual because other people would do it as well. In context to my job, I get these requests all the time and if you do look at my email records it would show thousands of requests that I get, and the way I'd deal with it would be to send it through to my PA, the general manager or directors that are involved to follow up on issues of the local community. That's the role of the mayor, that's the role of me being part or listening to the community and helping the community.

- 10 Chief Commissioner, I note the time. Unfortunately, I haven't finished. I would, if you were kind enough to grant me an extension, I'm happy to have a guillotine order at 2.30 and I will sit down, come what may.

THE COMMISSIONER: How much longer do you think?

MR LEGGAT: Thirty minutes.

THE COMMISSIONER: Pardon?

- 20 MR LEGGAT: Thirty.

THE COMMISSIONER: Thirty minutes?

MR LEGGAT: Yes.

THE COMMISSIONER: Yes, all right. I think 30 minutes we can rearrange things to fit in with the program so you can assume then that we'll resume at about 2 o'clock. You'll have another 30 minutes.

- 30 MR LEGGAT: Chief Commissioner, if it's more convenient to The Commission, I'm happy for Mr Chidiac to give his evidence and I can return to Mr Tsirekas at another time.

THE COMMISSIONER: We'll finish Mr Tsirekas before we call Mr Chidiac.

MR LEGGAT: Yes. Mr Tsirekas, won't be finished today as I understand it from my discussions with Mr Darams in that the planning document that's been provided may be, may need to be the subject of some short questions.

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THE COMMISSIONER: In any event, as it may, I'll use the 30 minutes then after we return.

MR LEGGAT: Thank you. Yes I'll do that, thank you.

THE COMMISSIONER: I'll adjourn.

LUNCHEON ADJOURNMENT

[1.03pm]

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