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20 MR DARAMS: We will now proceed back to the public hearing and call Ms Li to continue. There are, I have a couple of questions for her and I know there are some cross-examination of Ms Li. We can open up and allow everyone back.

THE COMMISSIONER: All right. We'll have Ms Li back. I presume some message was given to Mr Moses that we might be - - -

MR DARAMS: Yes. He should be here.

30 THE COMMISSIONER: Do you have any further evidence for Ms Li or not?

MR DARAMS: I've got a couple of very short questions for Ms Li.

MR MOSES: Chief Commissioner, are we permitted back in the room? Yes.

THE COMMISSIONER: Ms Li, you took an affirmation to tell the truth before lunch.

40 MS LI: Yes.

THE COMMISSIONER: That affirmation continues to apply to you.

MS LI: Yes.

THE COMMISSIONER: Thank you. Yes, Mr Darams.

MR DARAMS: Could Ms Li be shown volume 6.11, page 105. Ms Li, do you recognise this document here?---Yep.

What is this document?---My diary.

10

Could I ask that you be shown the next page. It's a continuation of your diary, is it?---Yep.

Could I ask you be shown the next page as well. It's a continuation of your diary?---Ah hmm.

Is that right?---Yep.

20 Could the witness then be shown page 108. Ms Li, this is an English translation of your diary.---Ah hmm.

There's one part of the translation I wanted to ask you some questions about. It's not on this page, but I just wanted to give you a chance to look at this page.---Ah hmm.

If we go over to the next page. The second paragraph there says, "In August I took the mayor to China." Do you see that?---Ah hmm.

30 This is a reference, I want to suggest to you, to August 2016.---I can't remember.

Do you remember when you took the mayor to China?---I can't remember.

Did you take Mr – when you referred to the mayor to China, you're referring to Mr Tsirekas, right?---Yep.

What if it was suggested that the trip you went or took Mr Tsirekas to China on was the one in August 2016?---I can't remember.

You can't remember. How many other trips in August of a year did you go to China with Mr Tsirekas?---I can't remember. You can, you can check my diary date. I can't remember.

We know that you were in China in August 2016, Ms Li. We've got some photos from your phone. For instance, if I could just show you page 611104. This is a photo extracted from your phone, Ms Li.---Ah hmm.

10 I want to suggest that you took this photo. Would that be right if it was on your phone, Ms Li?---If it's from my phone, possible.

Can you remember this, seeing this photo now, does this assist you with your recollection of the trip to China?---No, sorry.

THE COMMISSIONER: Do you recall where this photograph was taken? ---Where this photo take, can't remember. Somewhere, somewhere like in the tea place or something.

20 MR DARAMS: If we go back to page 109, please, of volume 6.11. Just back to the paragraph that says, "In August I took the mayor to China." What if it was suggested that when you were writing the reference to taking the mayor to China, that what you were indicating was that you paid for Mr Tsirekas' travel to China on that occasion. Would that be an accurate description of what you were saying there?---No.

Well, what description would you or do you say that that reference to taking the mayor to China means?---Can you show my Chinese?

30 Sure.---'Cause I'm not trust your translation, sorry.

Sure.---All the time it's all different meaning.

THE COMMISSIONER: When you wrote in August – sorry.---Okay, so which - - -

Just go back, just go back to the page.---Oh, okay, yep.

At the beginning of the second paragraph.---Yeah, I didn't say "I take".

In August, then in brackets it appears to be “I took the mayor to China.”
Am I right in saying that the August you’re referring to is August 2016?---I
can’t remember the date.

I see.---I can’t remember the year, sorry.

In any event - - -?---And in Chinese I didn’t say “I”. You translate, put “I”.
So, yeah, the translation is not right.

10 What do you say you wrote in your diary?---I mean, “The mayor went to
China.”

No, no, just a minute. Can we go back to the page again, please. What did
you write in that first paragraph? What did you say? “In August” – what
did you write?---I said in August that the mayor went to China.

That refers to Mr Tsirekas?---Yes.

20 Are you saying the word “took” is not correct?---What?

The word “took”, is that an accurate translation?---Um - - -

“In August,” something, “took the mayor to China”? Is that a correct
translation?---Correct translation, it should be “the mayor in China”, yeah.

No, is - - -?---It’s not “I took”, no.

30 Well, leave the “I” out for the moment. Are the words “took the mayor to
China” what you wrote?---You can translate in this way, yes.

Yeah, okay.

MR DARAMS: Yes. No, just in relation to that, taking the mayor to China,
what if it was suggested that when you wrote you took the mayor to China
what you were indicating is that you paid for Mr - - -

MR LEGGAT: I object to that. We’ve just clarified that she didn’t take the
mayor to China.

40 THE COMMISSIONER: Put it in a non-leading fashion.

MR DARAMS: On the August 2016 trip to China did you pay for Mr Tsirekas' travel expenses?---No.

Do you know who did?---I don't know.

THE COMMISSIONER: If the letter in brackets is "I", could that refer to I-Prosperity? Could that be a reference to I-Prosperity?---That's your translation, I didn't translate.

10 No, no, I'm asking you. There is a letter, sorry, is it "I" or "L"?---(NO AUDIBLE REPLY)

You don't know. Was it - -?---In my diary there is no "I" and there is no I-Prosperity, it's a translator who added it in, so that's why I am asking you to show my diary and, and I can tell you exactly what I am writing. So here the translation is wrong.

Okay. Well, go back to the diary in that you wrote. Do you see it now on the screen?---Yeah.

20

MR DARAMS: Is this the right page?---Yep.

So what did you write?---I said, "In August the mayor went to China."

Okay. Could the witness be shown volume 6.11, page 123? So this is a WeChat group between you, Harry Huang and Michael Gu, is that right? ---Yeah.

You started the group, is that correct?---I don't know.

30

Well, just look at the first entry. You invited Michael, Haz, to join the group.---Where is, where is start?

Just there.---I invited Michael and Harry join the group with who? With myself?

Yeah.---Oh, okay. Then yes.

40 Then the next message down, this is in April 2017, "Election in September." You're referring to the local government, local council election, aren't you, in 2017?

THE COMMISSIONER: Which local government?

THE WITNESS: Which local government?

MR DARAMS: Yeah. So, that's what I'm suggesting to you, the Canada Bay Council election in 2017, correct?---I can't remember the conversation.

10 Okay. Could we go over to the next page? This is a message from you to the group members, "Angelo has to go back again." So this is the message immediately after the text message I just took you to. Does that help you with your recollection, Ms Li?---I can't remember this conversation at all.

Well, what if it was suggested to you that you knew from about this time, that is April 2017, that Angelo was going to run for the local council in Canada Bay again in the elections that year? Would that be an accurate statement?---I can't remember exact year.

20 So this is 2017, Ms Li.---I can't remember when is the last time election.

Well, you can take it from me the election for the local government council area of Canada Bay was in September 2017. What I'm putting to you is that what if it was suggested that you knew by this stage that Mr Tsirekas was proposing to run again in those elections. What would you say about that? ---I have no idea.

If the witness could be shown page 127. Again, this is a WeChat exchange between you, Michael Gu and Harry Huang. Do you see that?---Ah hmm.

30 The first message on the page, this is a message from you to those other two individuals, Michael Gu and Harry Huang, "Mayor returns to the position. Let's catch up soon as you come back." So, are you suggesting to Michael Gu and Harry Huang that they should catch up with you and Mr Tsirekas as soon as they are back in Australia, is that right?---I can't remember.

If we go over the page. Start from the top. So Mr Huang replies, "Great. Very goose." He corrects it to be "very good".

40 THE COMMISSIONER: Who is that from?

MR DARAMS: That's from Mr Huang. Does that accord with your recollection of the circumstances at the – Ms Li, I haven't finished my question.---I can't remember at all.

Well, I was going to suggest to you does it accord with your recollection at the time that Mr Huang was quite happy or very happy that Mr Tsirekas had been elected mayor again?---From the word, yes.

10 But does that accord with your recollection or you don't have any recollection now?---No.

Then he says, Mr Huang says, "Target 400 units." That's obviously a reference, isn't it, to the I-Prosperity development in Rhodes West? ---Seriously I can't remember.

20 Well, it's not likely that you're referring in this text exchange with Mr Huang and Mr Gu about Mr Tsirekas being elected mayor again that's going to have reference to anything other than the proposed development in Rhodes West, is it?---I don't know. What do you mean?

THE COMMISSIONER: What's being put is that when you look at these messages it's all about the result in the election where Mr Tsirekas gets re-elected and that's said to be good. Then the next message very shortly after, a matter of seconds later is "Target 400 units." The reference to units and 400 units would be consistent I take it with a reference to the proposal that I-Prosperity was working on at that time. Is that right?---I can't remember.

30 No, it's not a question of remembering. It's looking at it as you understood it when you received it. Did you understand that the reference to 400 units was referring to the proposed development at Rhodes West?---I can't remember. Because Rhodes West we also target something like 45 storeys something. 400, 400. This one is not unit. This translation is like rooms. It's like hotel.

MR DARAMS: 400 units.---The translation is units.

Sure.---But what he writing is rooms.

40 So room/unit interchangeable. We'll take that. So if that word was rooms then you would agree with the translation?---Yeah.

Yeah. Just read the rest of the page to yourself. Have you read that now, Ms Li?---Ah hmm.

Could I show you the next page. Your message at the top there “workshop on 10/10” that’s a reference to a workshop in relation to this planning proposal on 10 October, 2017, isn’t it?---Workshop on 10 October, 2017. I can’t remember. If I’m writing there that should be.

10 Yeah. And you say down a bit lower, you say to Mr Huang and Mr Gu, “We should go higher. Fuck. Why should we be lower than Billbergia?” It’s clear, if it wasn’t to your understanding before it’s clear at this stage you’re really talking about your I-Prosperty development in Rhodes West. Correct?---I’m talking about Rhodes.

You are?---Yeah.

Yeah.---I’m talking about Rhodes. That’s what I can confirm.

20 THE COMMISSIONER: Just go back to the previous page.---Yeah, I am talking about Rhodes. What about him talking about looks like rooms and I was talking about height. I’m not calculating numbers because it’s not - - -

You see in the earlier message it’s referring to Mr Tsirekas having been returned as mayor and there’s a message down the bottom, “Let’s catch up with a meal to congratulate him next week.” Is that - - -?---That’s Michael.

Who is saying that?---That’s Michael.

30 Michael. Did you catch up - - -?---I can’t remember.

- - - with a meal to congratulate Mr Tsirekas?---I can’t remember.

MR DARAMS: In terms of arranging meetings, catching up with Mr Tsirekas, whether it be for a meal, whether it be for a meeting, to talk to him with yourself and Mr Furlong, you were engaging Mr Chidiac to do that, weren’t you?---I didn’t engage Joseph.

40 Well, I-Prosperty engaged Joseph, that’s right?---Yeah, but did you ask me?

Sorry, I'll do it in a different way. If you wanted to arrange a meeting with Mr Tsirekas you would ask Joseph to arrange that, wouldn't you?
---Sometimes.

Well, that's how you were arranging meetings with Mr Tsirekas, weren't you, you were going to Joseph and seeing whether Angelo would be available on this date or available on that date or available at that time and Mr Chidiac would come back to you and say "Yes, he's not available" or "Yes, he is available. This is where we're going to have the meeting" and the like? That's the type of exchange you had with Mr Chidiac, wasn't it?
10 ---It's depends. If sometime I need to ring council, I ring council directly.

Well, just focusing on trying to get a meeting with Mr Tsirekas, you would go to Mr Chidiac to do that, didn't you?---Not only.

Not only.

THE COMMISSIONER: Did you sometimes directly contact or communicate with Mr Tsirekas is you wanted to organise a meeting?---Yep.
20 Or call his assistant to organise a meeting.

MR DARAMS: Would you say, "It's Belinda Li here," when you ring his assistants?---Yeah, of course.

Okay. So he could know who's calling to try and catch up with him?
---Yeah.

Just if we go to page 130. You say down the bottom here, "When will you guys be free next week? How about meeting up with Angelo?" Just follow
30 it from there and then go over to the next page. Just read this to yourself.
---Ah hmm, yep.

I want to come back and ask you about a couple of messages on this page.
---Ah hmm.

Have you read that, Ms Li?---Yep.

Just the entry on 7 October, 2017 at 1.51 you say, "When agreed Angelo also needs time to do the councillor's work too," What were you saying in
40 that message to Mr Huang and Mr Gu?---Can't remember.

Clearly it was something related to the development proposal or proposed development at Rhodes West, wasn't it?---I think it is saying "catch-up", right?

Don't worry about the catch-up because you deal with that in the next message, but this message where you write "When agreed Angelo also needs time to do the councillor's work too."---No, I think I was, from that conversation, the translation is about he get, he get back to his position, he must be, and I was trying to catch up a day and Harry is saying he is busy and I said, I say Angelo back to the mayor's position, he must be busy with his council works.

Sorry, you're saying there that Angelo is busy because he's working and he's back in the position and you need to work around his timing, is that what you're saying?---Yeah, yes. And that he can - - -

And then you say, "Angelo can do lunch at 1.30 tomorrow." Do you know whether you arranged that or do you know whether Mr Chidiac arranged that?---I can't remember.

Okay. Those are all the questions I have for Ms Li.

THE COMMISSIONER: Yes. All right. Anybody got any questions?

MR LEGGAT: Yes, thank you, Chief Commissioner.

THE COMMISSIONER: Yes.

MR LEGGAT: I wonder if we might have on the screen the English translation of Ms Li's diary, please? Thank you. Ms Li, the last paragraph on that page, line 3 says this "I was said to have psychological issues, said to love to show off." During this period do you think you loved to show off things like your knowledge of the Australian planning system, as an example of a matter you liked to show off?---I have to look at my diary because the translation is so poor, I'm sorry. Most of the time it's not right. I need to look at my diary, what did I write it. Oh, that's, that's an argument between me and my father. It's not related to Australia at all.

I see. So the loving to show off wasn't trying to show the extent of influence that you had in Australia, trying to big note yourself in terms of

what you could achieve politically in terms of developments?---That's some conversation between me and my father about some issues. So it's not related to Australia at all.

Very well. Let me move on.---Yeah, nothing about.

Thank you. Could we, so Chief Commissioner's leave, have the photograph at volume 6.7, page 32 displayed, please. That's, Ms Li, this is not the right photograph. I will – the correct photograph is on the screen but it's not the one we want. I'll give a page reference in a moment. Perhaps - - -

THE COMMISSIONER: Which one did you want?

MR LEGGAT: It's a photo, Chief Commissioner, of Ms Li, Mr Tsirekas at the venue known as Le Montage.

THE COMMISSIONER: There's a photograph at page 109, I think it was, 1.1. I don't know if that's the one you're after?

20 MR LEGGAT: Well, no, there may be some confusion at my end. Let me deal with it this way. You can recall some evidence, Ms Li, about yourself attending Le Montage at some stage, you can remember that?---(NO AUDIBLE REPLY)

You have to answer the question. I can't hear you.---Sorry, what's your question?

The question was can you recall giving evidence about attending Le Montage?---Sorry, what's it regarding to?

30 Okay. No, just can you recall – let me do it another way. Do you know a venue called Le Montage?---No, I don't know.

Do you know The Bay Run?---No.

Do you know where West Tigers home ground is at Leichhardt?---No idea.

40 All right. Could we go, please, to volume 6.8, page 274, please. Let's do it this way. Ms Li, can you recall at any time attending a Cambodian refugee fundraiser at the invitation of John Kinsella?---No.

Let me go to something else. Chief Commissioner, might page 224 of the transcript please be displayed?

THE COMMISSIONER: That's 224 of - - -

MR LEGGAT: 224.

THE COMMISSIONER: Of what transcript?

10 MR LEGGAT: This is the transcript in the current public hearing. Thank
you. Yes. Thank you. Now, Ms Li, have a look at the last four lines on that
page. So the question I asked, I'll just draw your attention again, these are
messages in March 2016. You say "Stephen wants a meeting with State
Planning Department because David is very conservative." And the
question is, by my learned friend Mr Darams to you, "Do you see David?
That's a reference to Mr Furlong, is that right?" You say "Mmm." So what
is written there is that in your view David Furlong is very conservative and
that Stephen wants a meeting with the State Planning Department. Have I
understood that correctly?---Are, are, are you translating or what's this
20 about?

No. I'm asking you if the reference to David Furlong being conservative
was a view that you held at that time?---You ask my opinion? I, I think, I
think so.

What did you mean by that, conservative in what way?---Conservative on
the planning. He is planner.

30 THE COMMISSIONER: Conservative what, sorry?---Conservative on the
way, doing the planning.

MR LEGGAT: What do you mean by that?---Conservative on the planning.
What do you mean by - - -

What does "Conservative on the way, doing the planning" mean?---I'm just
comments, what I think.

40 Yes. We know that's what you said. What does it mean? Conservative in
what manner? How did the conservatism manifest in your opinion?---In my
opinion it's some of the design on the merit can be argued or can be

proposed in a better way but I think David is very conservative, strict, to what the book saying.

I see. Am I right in understanding it this way, that you wanted a large number of storeys and David was suggesting to you that it would be appropriate to have a lesser number of storeys and that was why you were considering that he was conservative?---He generally just base on what the rules saying, like the DCP or LEP saying but we are, I mean, we're growing up in China so with the, this kind of planning everywhere, so we're thinking it's normal. In Australia they thinking it's always too big, it's too high, it's just too much.

So that's what's being pointed out to you at that time, that in March of 2016 your view was that David was not asking for a sufficiently high building at Rhodes on your behalf?---I can't remember but from this wording, if it's, if I am saying conservative, it must means I am not satisfied with argument of the planning. Yeah.

Yeah. So "Stephen wants a meeting with State Planning Department because David is very conservative", that's a reference, I suggest to you, to the well-regarded architect, Stephen Bower, who had been retained to act for I-Prosperty at the relevant time. Do you agree with that?---Yeah, that's right.

What you're suggesting there is that Stephen wants to go straight to State Planning, that is over the head of the council, because he thinks that David is taking a too conservative approach in relation to the height of Stephen's planned building. Is that as you understand it?---I think it's different. Just want to get a full opinion because for rezoning it's not about council issue. At the end it's a state gazettal, so state have to agree with this kind of proposal and the reason behind. So I think Stephen at the time is want to get a more general opinion from all the department what's their feedback is instead of having only one opinion.

Thank you. So in March 2016, it was your understanding that in order for a large building to be approved, there needed to be a rezoning carried out by the State Government before such a building could be approved. Was that your state of knowledge as at March 2016?---That's right.

And in order to have the State Government rezone the property in order to make permissible the height of the building that I-Prosperty wished,

Stephen Bowers was telling you that that would have to be done at the State Government level. That was your understanding in March 2016, was it?
---Yeah, because in 2015, when we bought the site, the site is already having height and the extra floor space. It's just that because there is one more unit isolated. So when we bought and we purchased the isolated one, there is nothing much can discuss. We just should go to the state.

10 Yes. Just tell me if I'm wrong, this is what I understood you to say, words to this effect, that there was one unit that was isolated. What you meant by that was the property at 1 Marquet Street needed to be added into the I-Prosperty landholdings in order to be able to achieve, at the State Government level, a re-establishment of the height limit for that consolidated set of lots. Have I understood that correctly?---That's right. That's right.

20 Thank you. Now, Mr Furlong, David Furlong, the conservative planner, he was a planner that Mr Tsirekas had identified to you as being one of three town planners who might be able to assist I-Prosperty with his project in Rhodes, is that correct?---We got, we got two, three planner came through. Yeah, David is suggested by Angelo for us.

I'm suggesting to you that Mr Tsirekas would have identified three planners, one of whom was David Furlong, and you ended up with two or three planners as part of your I-Prosperty team. That's right, isn't it?
---Yeah, that's right.

The other, will you jog my memory, the other planners that you had - - -?
---Brett Daintry.

30 Sorry, who?---Brett Daintry.

Brett Daintry, D-a-i-n-t-r-y. Yes.

THE COMMISSIONER: What were the names of the other two town planners? It was put to you that Mr Tsirekas - - -?---Aaron.

- - - gave you three names.---Aaron Sutherland.

40 What were the names - - -?---Aaron.

We've got David Furlong.---Aaron Sutherland.

Do you remember the names of any others that Mr Tsirekas put forward or recommended?---Aaron Sutherland and - - -

Sorry, who?---Aaron Sutherland and Brett Daintry. Aaron Sutherland and Brett Daintry.

Eric Sutherland.---Yeah.

10 You say Mr Tsirekas - - -?---Planning Ingenuity.

- - - recommended them?---Yes.

Anyone else?---Brett Daintry. I talked, I talked before Brett Daintry it's because I worked with him. So they say there is no issue as well, and he got some background on the planning as well.

You knew him?---I knew him. This one, I knew. Brett Daintry.

20 How did you know him?---I know him long time ago, in 2014 when I go Land Environment Court.

I see.

MR LEGGAT: So as I understand your evidence, and correct me if I'm wrong, is that Mr Tsirekas suggested to you that David Furlong, Brett Daintry and Aaron Sutherland may be appropriate planners for you to interview and see whether or not they would be suitable for I-Prosperity's purposes, have I understood that correctly?---Yeah, that's right.

30

Let me move on. If the Chief Commissioner is ready, go to page 220 of the transcript, please. See the number on the left-hand side of the page? See number 30?---Yep.

Now, a question was asked of you, "Mr Tsirekas wanted you to buy number 1?" You answer, "Yeah. Because they had a council meeting before we purchased the site. They want to, whoever to purchase this option to buy the corner block in case for the isolation." Now, what you're referring to there, the council meeting before you purchase the site, was something that
40 you read on the council website which recorded a council meeting where that ambition or intention of council was set out on the council website.

Have I understood that correctly?---I think I attend that meeting as well because plan to buy the site, at that time was five lot in auction and then there is a council meeting result in saying the Number 1-9 and Number 4 Marquet Street, no 4 Mary Street didn't went to state gazettal is because Number 1 is, Number 1 Marquet Street is, was isolated. So I, I hear what the council require, so that's the reason we, I wanted to purchase.

10 Yes. And when you say you hear what the council required, that's not something you heard from Mr Tsirekas, that was something that you heard at a council meeting or read on the website, being the minutes of a council meeting? Have I understood that correctly?---Yeah, that's right. I didn't say it's Angelo saying.

Thank you.

THE COMMISSIONER: Mr Leggat, could I just interrupt you so you can give me some estimate of time?

20 MR LEGGAT: Yes, certainly. Chief Commissioner, approximately 30 minutes more.

THE COMMISSIONER: Approximately what?

MR LEGGAT: 30 minutes more. I'll finish before, it's not 3.02, I'll aim to finish by 3.30 if that's convenient. If I can do it more quickly than that I certainly will.

30 THE COMMISSIONER: Yes, all right. I'll just ask Mr Moses. I can't see, is Mr Moses still there?

MR MOSES: Yes, Chief Commissioner.

THE COMMISSIONER: Oh, Mr Moses. How long do you think you might be, Mr Moses?

MR MOSES: 20 to 30 minutes.

THE COMMISSIONER: Sorry?

40 MR MOSES: 20 to 30 minutes with Mr Chidiac, I think, Chief Commissioner. Yes. Not with this witness.

THE COMMISSIONER: I can't hear you with the microphone. About 20 minutes, did you say?

MR MOSES: 20 to 30 minutes maximum.

THE COMMISSIONER: Yeah. Well, what we'll do is we'll go through to 3.30 so Mr Leggat, he's indicated to try and get through before then and then we'll go straight to you, Mr Moses.

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MR MOSES: Please the Commission.

MR DARAMS: Sorry. I think I understood Mr Moses to say that he only wanted to examine Mr Chidiac.

MR MOSES: That is correct.

MR DARAMS: Mr Chidiac hasn't quite finished. There's a couple of questions I need to put to him before Mr Moses can question Mr Chidiac.

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MR MOSES: Mr Darams is correct.

THE COMMISSIONER: All right. Okay. Mr Leggat, you go.

MR LEGGAT: Chief Commissioner, if it suits the Commission, I'm more than happy to pause the cross-examination of Ms Li and come back to that.

THE COMMISSIONER: Yeah. I think we should finish Ms Li. There have been personal reasons why she, I think, would prefer to be released.

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MR LEGGAT: Very well, thank you.

THE COMMISSIONER: Thanks for the offer.

MR LEGGAT: Let me try to be brisk about this then. Transcript page 209, please, 2-0-9. Line 10, your answer following that, "No, I'm just polite. If they're foreign in Shanghai and I am there and the people they know is there, I just politely ask 'Do you want to come to dinner or do you want to come have fun with us?'" Can you explain what you mean by that, please, Ms Li?---No, what I mean it's under, I'm the Chinese, and if you coming to my country as a visitor by yourself or along with your friends, and I will

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say, “Hi,” and “Do you need help?” Or in the Chinese culture we will invite you dinner, and if we go have fun, we will call you together.

Is there anything in the Chinese culture about who would pay in such circumstances?---In Chinese culture of course we pay. We never let the client pay or visitors pay.

If we go, with Chief Commissioner’s leave, page 204, please. Now, if we can just go to the page before so you can see the question that preceded this.
10 See at the foot of page 203, Ms Li. “Why would Chun pay for them personally?” Answer, “Because sometime when we go karaoke he pay by himself. He - - -” “Pay for everyone?” Sorry, the question is “He pay for everyone?” “He has, he has, I think he got some VIP or some investment there. I don’t know. Maybe he got a big discount. Sometimes we go he, always he pay.” What do you mean by “I think he’s got some VIP or some investment there” in reference to the Linx establishment?---It’s like when you, we always go somewhere, the people give you the promotion and you got discount or – I’m not sure if he invested. You can ask him when he come back.

20 Let’s move to page 194, please. You see at about line 20 you give this answer, “Excuse me. You see the first one, lunch with Angelo, Joseph” – I’m sorry, it’s a question. “You see the first one, lunch with Angelo, Joseph, Lu Shan Wa. Do you recognise that person?” You say, “It’s a supplier for carpet.” Question, “When you say ‘supplier for carpet’ is that someone who supplies carpet to I-Prosperty?” Your answer, “No. Supply to my construction company.” Why was it that Lu Shan Wa was at that lunch that you were having with Mr Tsirekas and Mr Chidiac?---I think that was the lunch as opposed I have with my, with my supplier together. And
30 because Angelo and Joseph, it’s a foreigner, and we’re just invite them together.

So that’s another example of this Chinese custom of hospitality, is that what you’re saying? Have I understood that correctly?---Mmm, it’s more like you got some visitors and they can’t speak Chinese, and you can’t just leave them somewhere by themselves. If you go lunch, then take them together.

Thank you. If we could go to page 165 of the transcript, please. Now, about five lines before the number 20 you’re asked this question. “So this is
40 a message from Mr Chidiac to you. On 10 December, 2015 Mr Chidiac says to you, ‘I think it would be a good idea if we catch up with Angelo and

you brief him on how our meeting went with John. Council would be encouraged that we could work together with” - - -

THE COMMISSIONER: Sorry, just whereabouts is this on the page?

MR LEGGAT: I’m sorry. It’s about line 15.

THE COMMISSIONER: All right.

10 MR LEGGAT: ““Council would be encouraged that we could work together with Billbergia.”” And then you provide an answer, “Maybe the laneway.” Then you say, this is line 21, “In the planning they require a linkage between Billbergia site to our site. About the laneway. But the construction time frame it would be much different, so their laneway would not be able to linked to our old houses. I think that might be something we want to meet with Billbergia.” Can you provide a little bit more detail? What’s the topic that’s being discussed with, what’s the topic that you’re describing there, please?---I think it’s they ask me what’s the introduction meeting? I think probably for the laneway, so I don’t have much deal with
20 Billbergia’s to do. Looks, the only links between Billbergia and us, it’s a laneway and following the anchor.

When you say following the anchor, correct me if I’m wrong, is that Billbergia and I-Prosperity had parcels of land that shared a boundary, and in order for I-Prosperity to do some construction they needed the permit to sink rock anchors into the Billbergia site next door, is that right?---No, Billbergia need to seek anchor permission from I-Prosperity - - -

30 Oh, the other way round.---And the laneway is, yes, because of construction time frame different, then we don’t want to Billbergia block that laneway, then the population flow would be blocked, then the business on the ground floor of I-Prosperity site would be wasted. So that’s probably the only thing I can think between Billbergia and I-Prosperity.

Thank you. In relation to the rock anchor, can you remember a time when Mr Chidiac got you at a table with Billbergia and other people and sat around and attempted to act as an intermediary to negotiate a good outcome for everybody in relation to rock anchors?---I can’t remember but it take
40 long time.

There were negotiations about the rock anchors between Billbergia and I-Prosperty though, weren't there?---Yes, it was, it was long time, yes, negotiating.

And Mr Chidiac helped in those negotiations, is that right or not?---Yeah, Chidiac involved as well.

Right. And that was something that, as you understood it, Billbergia and I-Prosperty were paying Mr Chidiac to solve problems like that from time to time, is that right?---I know, I know they're paying him, yes.

Let me move on, page 161 of the transcript, please. Yes, I was going to take you to the middle of the page there when you spoke about Billbergia with some anchor issues, that's about line 26, but we've dealt with that so let me jump to something else. 157, please. Now, you'll see at the top of the page question, "Mr Daintry came back and was involved in that process," then you answer, "Mr Daintry coming back with more about the feedback to the State Government's results," that's a reference to Brett Daintry, one of the planners that was recommended to you by Mr Tsirekas and a planner who I-Prosperty engaged, that's correct, isn't it?---Yeah.

The view that you formed was that Mr Daintry had an expertise in negotiating with the New South Wales Planning Department as we see at the top of the page, have I understood that correctly?---Mr Daintry is more professional in the Land and Environment Court, so it depends on which states we submit the planning. If the council can work hard with us we not necessary to be aggressive to go to Land and Environment Court, we're most likely using someone more gentle. It's about strategy, how you using people.

Thank you. Let me move on. 144, please, of the transcript. You see the foot of the page, a note from Mr Darams he asked you this question, I just want to understand the role you say Mr Chidiac played in the purchase of the sixth lot, being 1 Marquet Street. Does that make sense? I want to understand the role. Then you answer this, "Then what's happened is, we need to approach the number six, which is 1 Marquet Street, and Joseph did contact the owner and introduced the shareholder behind this owner group and then we negotiate with them to purchase." Now, my understanding, correct me if I'm wrong, is that it was very, very important to I-Prosperty's plans for the development of Rhodes to become the owner of 1 Marquet

Street for reasons that you've given already, is that right?---Yeah, that's right.

So Mr Chidiac contacting the owner, introducing the shareholder behind the owner and then you being able to negotiate with them to purchase 1 Marquet Street, that was a very valuable contribution that Mr Chidiac provided to I-Prosperity, have I understood that correctly?---I think so, yes.

10 All right. Would you be able to quantify approximately how much value Mr Chidiac added to the I-Prosperity Group in terms of potential profit for I-Prosperity - - -

THE COMMISSIONER: Mr Leggat, Mr Leggat, really - - -

MR LEGGAT: All right, I'll leave that. Let me move on. If we could go to page 115, please. I'll give you the line in just a moment, Ms Li. Yes, at line 20. The question is "That represented your view if the mayor, Mr Tsirekas, attended Mr Huang's wedding it would be a grand wedding?" "That's right." Question, "Well, why did you deny that proposition when I put it to you a short time ago?" Answer, "Because they end up come without the name of a mayor." Question, "Sorry, I didn't quite understand that." "Because they come at the end without a title of mayor. No-one knew." Now, just pausing there. What you're endeavouring to convey there is that in the Chinese culture if someone associated with a wedding can bring someone to the wedding who is a foreign person with the title of mayor, that would be beneficial to the people holding the wedding. It would be good fortune or considered to be prosperous. Have I understood that correctly? ---Yep.

30 But when someone turns up and they don't have the title mayor and no one knows, then that's not as good a position as it could be if everyone knew that there was going to be a mayor there. Is that right?---Mmm, sorry, what's your question again?

It was a clumsy question. Let me approach it in another direction. Are there any mayors in China or what's the equivalent in China of a mayor? ---The mayor in China is not equivalent the mayor here.

40 Right. What is the equivalent in China of a mayor?---What's equivalent in China of a mayor in Australia?

Yes. Is it like a general in the army or something like that?---No, cannot compare at all.

No? What's the answer?

THE COMMISSIONER: Mr Leggat, I think she's saying there's not a comparison.

10 MR LEGGAT: No, the general in the army is not a comparison I think was the rebuff.

THE COMMISSIONER: No, but I understood that she's struggling - - -

THE WITNESS: It's hard to compare. It's very hard to compare. The mayor in China you will having also (not transcribable). It's one person say yes or no, all right.

20 MR LEGGAT: That's very different from Australia, isn't it?---Very, very different. Very different.

Yes, yes.

THE COMMISSIONER: One-stop shop, I think.

MR LEGGAT: Yes.---Yeah, one-stop, that's right.

THE COMMISSIONER: China operates on different rules to we do.---Very different.

30 MR LEGGAT: Yes, yes. Let me move on. 105, please. Now about line 18. Question from my learned friend Mr Darams, "Then Mr Zhou comes in with a response in English, 'Who pay?' You then respond, 'He said that they would pay for their air tickets themselves.' Now, is that translation I've read accurate?" "Yes."---Ah hmm.

Now, the "they would pay for their air tickets", that is a reference to Mr Tsirekas and Mr Chidiac, isn't it?---You mean who is refer to "they"?

40 Yes.---Yeah, that's right.

Thank you. And “pay for their air tickets”, that’s a reference to air tickets from Australia to China and return, is that right?---That’s right.

Okay. Page 103, please. Now, you will see at about line 30, there was a translation of something that Mr Gu had either written or said, “It’s gone too far.” You say, “No, the translation is wrong.” And then at about line 40 you say, “By the way, ‘It’s gone too far’, the translation is not exactly.” So you firstly said the translation is wrong, then you said it’s not exactly. What is a more accurate translation?---I can’t, I can’t remember that, I can’t
10 remember that conversation what did Michael say but a lot of the thing Michael saying is just, the way he talk is not about mean anything, do you understand what I am saying? Sometime I, I get my way to talk, I didn’t, I didn’t mean anything.

I don’t quite follow you. Could you help me out a bit more, can you put that another way?---What did Michael say? I can’t remember what this - - -

All right. Let me move on.---- - -conversation about.

20 No, look, it doesn’t warrant the time. Page 74, please, of the transcript. So you’re being asked here by my learned friend, Mr Darams, about the afterparty for Harry Huang’s wedding and the dinner and then the question is “The dinner was smaller?” You say “No. The dinner is not smaller. The dinner is bigger. The dinner got more than, I think, more than 300 people.” Now, you’re referring there, are you, to 300 people attending the dinner for the Harry Huang wedding in January of 2016. Is that right?---Yeah. I think so.

30 And approximately how many of those 300 people went onto the afterparty at the Linx?---I can’t remember. Because a lot of people I don’t know as well.

THE COMMISSIONER: That’s a tough question.

MR LEGGAT: When you say there was a lot of people, do you think it was in fact more than the number of people at the dinner or about the same number or slightly less? This is at the afterparty, I’m referring to now.

40 THE COMMISSIONER: Do you know?

MR LEGGAT: Well, you were there, weren't you? You were at the afterparty?---(NO AUDIBLE REPLY)

THE COMMISSIONER: You're shaking your head.---Yeah. I, I was there but I only know couple of people.

MR LEGGAT: All right.---It's from the company of I-Prosperity. So when we going to the club, it's very dark. Even if you need to go to toilet, you need someone to hold you. So, so, I can't - - -

10

THE COMMISSIONER: Mr Leggat, I don't think this line's helping me at all.

MR LEGGAT: Yes, yes. Ms Li, this is the last topic. You have what I might describe as a delightfully honest way of communicating. You're very frank in the English language.

THE COMMISSIONER: Oh, Mr Leggat, please. That's not an appropriate way to put a question to a witness.

20

MR LEGGAT: All right. I see. Can I take you, please, Commissioner, this is volume 6.8 at page 154. Yes. Now, Ms Li - - -

THE COMMISSIONER: Can we have that enlarged slightly? Thank you.

MR LEGGAT: So if we can go to the top of the page, you say, "They should go, retire now." You're referring to the councillors of the Canada Bay Council, aren't you? I think you might need to see the page. Ask me if you need to see some earlier text in order to understand the context.---I can't

30

remember who I'm referring to. But, but should be council but - - -

Yes, thank you.--- - - - I don't know which council.

I think it becomes apparent if we go down about four entries. You'll see you've written the words "shit council". You see that?---Yep.

That was a view that you were expressing as to the regard in which you held the councillors of the council at the relevant time, wasn't it?---Possible.

The reason why you needed someone like Mr Chidiac to negotiate for you was that he was far more diplomatic than you, do you agree with that?---Oh, of course.

Thank you. Chief Commissioner, those are the questions. Thank you.

THE COMMISSIONER: Yes, thank you, Mr Leggat. Any re-examination?

MR DARAMS: No, nothing arising.

10

THE COMMISSIONER: Thank you, Ms Li. You may, you're excused.
---Thank you.

Thank you for your attendance.

THE WITNESS EXCUSED

[3.26pm]

20 MR DARAMS: We'll ask Mr Chidiac to return.

THE COMMISSIONER: Now, Mr Darams, you've got some further questions?

MR DARAMS: Just a couple of questions. I won't be any longer, hopefully, than, say, five, six minutes with Mr Chidiac, and then Mr - - -

MS LI: I have a question. When can you return my computer?

30 THE COMMISSIONER: I'm sorry?

MS LI: When can you return my computer, laptop?

THE COMMISSIONER: Your laptop.

MS LI: 'Cause I, I checked, no one use it. If you don't need it, can you return it to me?

40 THE COMMISSIONER: Oh, okay. The officers of the Commission will speak to you about that.

MS LI: Yeah, you can keep the other devices. I'm, I'm okay.

THE COMMISSIONER: Okay.

MS LI: Thank you.

THE COMMISSIONER: We'll make contact with you about that.

MS LI: Okay, thanks.

10

MR DARAMS: I think I'll be six or seven minutes with Mr Chidiac and then Mr Moses can continue.

THE COMMISSIONER: Thank you, Mr Chidiac. You're still on the oath you took earlier, you understand?

MR CHIDIAC: Thank you, Commissioner. Yes, I do.

MR DARAMS: Mr Chidiac, what if it was – I want to ask that you be shown volume 6.2, page 340. This is a photo extracted from your device, Mr Chidiac, that you sent to Mr – well, you sent to Sid.---That’s correct, yes.

Did you take this photo?---I can’t recall.

10

You don’t recall taking a photo of what seems to be a large amount of cash?---I’ve got a lot of photos of cash on my phone and my devices, Mr Darams.

THE COMMISSIONER: That’s not an answer to the question. It was put to you it was a large amount of cash. Is that right?---There’s a large amount of cash there, yes

MR DARAMS: Was this your cash?---No, absolutely not.

20

Whose cash is it?---I can’t recall.

THE COMMISSIONER: Where did you take the photo?---I can’t recall that photo, Mr Darams.

Why did you take the photo?---I can’t recall taking that photo.

Why did you take it?---I can’t recall taking that photo, Commissioner.

30 Well, you’d agree that there had to be a reason or purpose behind taking a photograph of bundles of hundred-dollar notes. Have you any idea what that purpose or reason was?---I don’t, Commissioner.

Mmm. Do you do that often?---I’ve got, I do, Commissioner.

Why do you – what, boxes of cash such as we see here in this photograph? ---Why do I take photos?

40 No, no, is it customary for you to take photographs of cash in boxes?---It’s customary of me taking photos of multiple, multiple things.

Multiple things?---Yes.

I'm not talking about multiple things, I'm talking about bundles of cash such as you see in that photograph.---I can't recall taking that photo.

Is it usual for you or do you have a practice of photographing bundles of cash such as we see in this photograph?---No, I don't, Commissioner.

10 Right. So would this be a usual or unusual thing for you to do, to take a photograph of this box of hundred dollar notes?---I'd say unusual, Commissioner.

Right. Unusual. Well, do you, you must have some recollection of the circumstances, then, that induced you to do something unusual such as photographing a very large sum of money in \$100 notes. You must have some idea of why you did this unusual thing.---I've got no idea, Commissioner. Can you tell me where it was taken?

20 You have no idea?--- I wouldn't have a clue.

Don't ask questions, please. I've reprimanded you several times.---Sorry, Commissioner.

I'll go over it again. We ask questions, you give answers, you don't ask questions. Do you understand that?---I do, Commissioner.

Got it?---Yeah.

30 Please don't do it again.---My apologies, Commissioner.

MR DARAMS: Was this cash given to you by someone on behalf of I-Prosperty?---Absolutely not.

Could the witness be shown volume 6 point - - -

THE COMMISSIONER: What did you do with the bundle of cash that we see in this photograph?---I can't remember the cash, Commissioner.

40 Did you ever give it to Mr Tsirekas?---Absolutely not. Never had it.

Did you ever give it to anyone?---Absolutely not.

MR DARAMS: Just see whether this assists your memory. So volume 6.2, page 61. Just that text message, that message there. So this is, you send this photo to Sid on 12 December, 2016. Does that assist you with our recollection?---No, it doesn't but - - -

THE COMMISSIONER: Sorry, sent the photo to?

MR DARAMS: Sid, his - - -

10

THE COMMISSIONER: Sid.

THE WITNESS: Relative.

MR DARAMS: Your relative. This is after the I-Prosperity Christmas party in December 2016, isn't it?---I can't, look, I'd have to look at the, when the photo was taken.

20 Well, which photo are you talking about?---Well, the photo you showed me.

Well, this photo was taken or sent on 12 December, 2016.---It doesn't say when it was taken, it just shows when it was sent.

Yes, and what I'm suggesting to you, you sent this photo to Sid after the I-Prosperity Christmas party.---Which Christmas, which year is that, Mr Darams?

30 The one in December 2016 that we took you to yesterday that you attended with Mr Tsirekas.---I didn't admit to going to a Christmas party, no.

You may not have admitted it but the evidence overwhelming demonstrates that you did attend the Christmas party of I-Prosperity. You took photos of you and Mr Tsirekas on that occasion and you sent the photos to your relative. So, whether you admit it or not, the proposition I'm putting to you is that the evidence demonstrates you did and what I'm now suggesting to you is you sent this photo of the cash after that particular date of the Christmas party.---The next day, is that what you're saying?

40 Not the next day. You sent this on 12 December, 2016.---And when was the Christmas party on?

7 December, 2016.---Yeah.

Well, I'm suggesting to you this cash came from I-Prosperty. Did they give you that cash?---Absolutely not.

Why did you sent the photo of this cash to your relative?---I send a lot of photos of cash to my relatives.

10 Why did you send this photo to Sid?---I can't recall sending that photo to Sid.

Well, the text message here - - -?---It says Sid, that's right, yeah, yeah.

But why would you send something like that to Sid?---I send a lot of photos of a lot of things.

Why would you send him a photo of cash?---Why not?

20 So this suggests that you've got access to large amounts of cash, would you agree with that?---Not that I've got a large amount of cash, it's a photo of a large amount of cash.

Well, I suggest to you that you took this photo of the cash.---I disagree with you.

Who sent the photo to you then?---I can't recall.

30 Who might send you a photo of this large amount of cash?---Well, if you look at my phone there's a lot of photos - - -

Who might have sent this to you?---I wouldn't have a clue, Mr Darams. You're asking me to guess and I'm not going to do that, Mr Darams. My apologies.

See, what I would suggest is that this is a photo of cash that you took and sent to your relative and it was the cash that you had access to at that particular time. What would you say about that?---No. Totally disagree.

40 What if it was suggested to you, Mr Chidiac, that the benefits you provided to Mr Tsirekas in relation to his travel expenses, so you paid for his travel expenses to Shanghai and Lebanon, what if it was suggested that you did

that in order to have Mr Tsirekas exercise his functions, his functions as a mayor, in favour of your clients?---Well, if that was my intention, it failed miserably.

What if it was suggested to you that's what you were doing?---Absolutely not, Mr Darams.

10 What if it was suggested to you that you gave Mr Tsirekas cash from time to time in order that Mr Tsirekas might exercise his functions as a mayor in favour of your particular clients?---Absolutely not. I disagree, I totally disagree.

Did you ever give cash to Mr Tsirekas in order to help him sustain his lifestyle?---Absolutely not.

Did you give cash to Mr Tsirekas to assist him with his travel expenses overseas?---Absolutely not.

20 Did you provide any other benefits to Mr Tsirekas as a reward for him exercising his functions as mayor in favour of your clients?---Absolutely not.

Did you give him any benefits or, in terms of cash or any other travel related expenses, to exercise his powers and functions as a mayor in favour of anyone else?---Absolutely not.

Just in relation to your commercial clients, you refer to them as being Billbergia and Prolet et cetera, that's right?---And B1.

30 And B1.---And Andrew Ferguson, yes.

Andrew Ferguson was one of your commercial clients was he?---Well, he used to want me to negotiate on behalf of B1.

Andrew Ferguson was one of your commercial clients. Are you saying, under oath, that you had a commercial agreement with Andrew Ferguson? ---I had a verbal agreement.

40 Did you have a commercial agreement, were you charging Andrew Ferguson fees were you?---I was charging B1 - - -

Were you charging Mr Ferguson fees?---No.

Well, put Mr Ferguson aside, please. So you identified in your evidence to this public enquiry, you had Prolet was a commercial client?---They were yeah, non-paying.

Well, you've got a dispute with them about what they owe you.---My apologies, yeah. Yeah, yeah.

10 Billbergia was a commercial client?---It was.

Mr Bruzzano, was he a commercial client?---Absolutely not.

Well, in terms of Billbergia and Prolet, I've shown you some text messages and exchanges demonstrating how you acted for your commercial client I-Prosperty in terms of arranging meetings with Mr Tsirekas, that's right? You accept that - - - ?---And arranging meetings with a lot of professionals.

20 Well, including Mr Tsirekas, they're the ones I've been taking you to over the last day and a bit, do you remember that?---And others, yes.

Well, no, I haven't taken you to arranging them for any other client other than I-Prosperty, correct?---Like today, yes and yesterday.

And yesterday as well.---Yeah, yeah.

30 But on a number of occasions in answer to questions you said, tried to make a distinction, sorry. When asking you questions about whether this was demonstrating the services that you were providing to I-Prosperty, you would say, "This is the way I'd act for all my commercial clients." Do you recall giving evidence to that effect?---I don't remember exactly what I said but I take your word for it Mr Darams.

MR LEGGAT: Chief Commissioner, may I rise. My recollection of the evidence was not, "This is the way I act for all my commercial clients," but "This is the way I act for people, including mum and dad developers" that was my note of the width of it.

40 THE COMMISSIONER: I think he added mum and dad, yes.

MR LEGGAT: He had, you might recollect, Chief Commissioner - - -

THE COMMISSIONER: He did identify a cluster of commercial clients as Billbergia, Prolet, I-Prosperity and there might have been one other.

THE WITNESS: PIA, Commissioner.

MR DARAMS: PIA.

THE COMMISSIONER: Hmm?

10

MR DARAMS: PIA.

THE WITNESS: PIA, Commissioner. That's - - -

MR DARAMS: So let's just focus in relation to Billbergia and Prolet and let's focus on your engagement or contact with Mr Tsirekas on their behalf. Did you do similar things in relation to those clients, Billbergia and Prolet, that you did in relation to I-Prosperity or what you did for I-Prosperity?---I did that for Prolet, yes.

20

Did you do that Billbergia?---No, not Billbergia, Billbergia didn't need me to do that.

Right.

THE COMMISSIONER: In the period you were working for I-Prosperity and you earned something like \$1.3 million, you also for a period were being paid by Billbergia weren't you?---Billbergia and others, yes.

30

You were paid about 300,000-odd dollars, in the period you were also receiving funds from I-Prosperity.---I think it was closer to half a million dollars, Commissioner.

MR DARAMS: Could the witness in that regard be shown volume 3C, page 1. It says, Mr Chidiac, if you see the table in the corner there, that's identifying the invoices you issued to Billbergia and that were paid by Billbergia, that's right?---Yes, I see that, yes.

40

These amounts were paid to you by Billbergia, what, you say for sourcing properties on their behalf?---We've been through this, Mr Darams, but we'll go over it again - - -

Is that what you say?--- - - - but also negotiating a dispute that he had with IPC over anchor access where I saved him over \$2 million in legal costs.

When you say “him”, you mean John Kinsella?---I mean Billbergia, yes.

So that’s the one that you’re talking about, the invoice, 23 July, 2018, is that right?---The \$220,000 invoice, yes.

10 The one there on 23 July?---Yes, yes.

2018. Otherwise the \$330,000 you say they were in relation to sourcing properties on their behalf?---That, yeah, that’s right, yeah.

Yeah.---If, if I may, I sourced about six, six properties.

THE COMMISSIONER: No, just a moment. You’ve answered the question.---Sorry, Commissioner. My apologies, Commissioner.

20 MR DARAMS: I don’t have any further questions for Mr Chidiac.

THE COMMISSIONER: Yes.

MR DARAMS: Sorry, sorry, there is one thing. Sorry, I’m reminded. My apologies for this.---No, you’re right, Mr Darams.

It’s been a long time. It’s the case, isn’t it, after you were the subject of the execution of the search warrant by this Commission that you went and informed Mr Joseph Jacobs and Mr John Kinsella that you had been the
30 subject of a, the execution of a search warrant, that’s right?---That’s correct, yes.

Why did you do that?---Why not?

Well, why did you do it? Don’t worry about why not. Why did you?---I asked your staff on the ground for permission and they gave me the go-ahead that I could.

Sure.

40

THE COMMISSIONER: Mr – I’ve told you so many times to listen to the question and answer the point of the question. Why did you meet with the Jacobs brothers or one of the Jacobs brothers to tell them or him that you’ve been raided, to use your word, by - - -?---I never used the word “raid”.

Meaning a search warrant had been executed? Why did you go and tell Mr Jacob that that had happened?---I don’t have a particular reason. I told a lot of people.

10 Were you trying to warn him?---Absolutely not, Commissioner.

Did you suggest to him that he might be involved in the investigation that ICAC was conducting?---I tried to get a copy of - - -

No, please, did you?---I did, yeah, yeah, yeah, I did, absolutely. Yes.

And you were concerned, weren’t you, after the search warrant had been executed on your premises that ICAC might also execute a search or start investigating Mr Jacobs?---No, I had no concern whatsoever.

20

Well, why were you warning him?---I wasn’t warning him.

You were putting him on notice that ICAC was investigating - - -?---I wasn’t putting him on notice.

That ICAC was investigating matters that could involve him, didn’t you? ---He asked me if he was mentioned and I showed him a copy of the actual search warrant. And it was never a raid. It was a visit. I wouldn’t have used the term “raid”. I know it’s been used in this Commission on a couple of occasions.

30

Yeah, that’s all right. That’s enough. That’s enough. That’s enough.

MR DARAMS: And did you tell him the things that the ICAC had seized under the warrant?---I did, yeah, absolutely.

Did you refer to the agreement between you and his companies?---I did.

40 Did you tell, say the same thing to Mr Kinsella, tell him what ICAC had seized?---I did. He was, he was present.

Yeah, did you tell them to delete the messages between you and them?
---Absolutely not.

Did you have some discussion about deleting the text messages between - - -
?---Absolutely not. I would have deleted my own messages if I wanted to.

Well, you couldn't delete your messages at this stage 'cause your phones
had been seized, correct?---I could have accessed my email address and
deleted everything if I wanted to.

10

Well, we're talking about your phones. I wasn't talking about your email.
---Well, email's just my phone. I use my phone for my emails. I don't have
a computer.

So did you have a discussion about suggesting maybe they might remove
your messages between you and them?---Absolutely not. Mr, Mr Darams,
we knew - - -

THE COMMISSIONER: No, no. Please.

20

MR DARAMS: Did you - - -?--- - - - knew ICAC was investigating
beforehand.

THE COMMISSIONER: Mr Chidiac.---Yes, sorry, Commissioner.

Answer the question.---Sorry, Commissioner. My apologies,
Commissioner.

MR DARAMS: Did you, after that first meeting with Mr Kinsella and Mr
30 Joseph Jacob, did you return to Mr Jacobs' office the next day?---I did, yes.

What was the purpose of returning the next day?---Just a casual visit.

Well, but you spoke to him on the next day about the execution of the
search warrant again, that's right?---I did, yeah, absolutely.

Why did you do that?---Why not?

Well, don't - let me finish.---It was a hot, it was a hot - - -

THE COMMISSIONER: Mr Chidiac, I've told you not to ask questions. Why did you go the next day and discuss the search warrant with him?---It was a hot topic at the time for me.

Why was it a hot topic? Were you anxious to try and minimise any damage to yourself?---Well, no, Commissioner, it's not something that happens every day.

10 MR DARAMS: Were you returning to Mr Jacobs to - - -

THE COMMISSIONER: Mr Darams, I think I'll interrupt at this stage, and if there's anything further you want to pursue with this witness - - -

MR DARAMS: No, that was the last - - -

THE COMMISSIONER: - - - I think I should let Mr Moses I think have the balance of the time.

20 MR DARAMS: Yep, will do. I think we noted we might be sitting till 4.30 as well.

THE COMMISSIONER: I'm sorry?

MR DARAMS: I thought we indicated before we might be sitting till 4.30 today as well, so - - -

THE COMMISSIONER: Yes, yes, I'm happy to do that, but - - -

30 MR DARAMS: Yes. But that was the last question I had for Mr Chidiac.

THE COMMISSIONER: What I'm suggesting is you come back and do anything else.

THE WITNESS: Thank you, Mr Darams.

THE COMMISSIONER: Mr Moses, if you could just use the microphone it's sometimes hard to get the voice to carry.

40 MR MOSES: Yes, thank you. Mr Chidiac, I'm appearing for the City of Canada Bay Council. The purpose of my questions is just to clarify a few

issues and to ask you about a few matters. You've accepted in this public hearing that you were friends with Mr Tsirekas, correct?---That's correct.

In fact a close friend?---Very close friend.

Yes. And you've known each other for over 10 years?---Can you speak up a little bit louder Mr Moses.

10 You have known each other for over 10 years, correct?---That's affirmative, yes.

And you've travelled overseas with Mr Tsirekas, correct?---Mr Tsirekas, yes.

Can I just clarify this, you say that you paid, at times, for some of his travel costs but it was always, as far as you were concerned, a loan, correct?
---That's affirmative, yes.

20 And that you, in effect, were owed money by him between the period 2016 to 2020 when you say he paid it back, correct?---That's affirmative.

And you told the Chief Commissioner, that you were provided this money via a transfer into your bank account, correct?---One of the payments, Mr Moses.

But for that entire four-year period, as far as you were concerned, Mr Tsirekas owed you a liability in respect of a loan, correct? Yes?---Yeah, he owed me, yes, it was a loan, yeah, for travel expenses.

30 And did you keep a record of how much money he had borrowed from you?
---Not a written record, no.

How much money did he pay you back?---Nine plus three years, that's 12, approximately 12,000, Mr Moses.

Thank you. Now your close friendship with Mr Tsirekas gave you access to him, correct?---Access for what purpose?

40 In his capacity as mayor of the council, that close friendship gave you access to him, correct?---That's correct, yes.

And you were able to use that relationship to benefit companies who you provide services to, correct?---No, I disagree with that.

Well, I'll come back to that in a moment. You didn't have a planning background you told the Chief Commissioner that yesterday, correct?
---That's correct.

Part of the services you provided to companies was to provide access to him as the mayor, correct?---No, disagree with you.

10

You were able to have him change his schedule to attend meetings with representatives of companies who you were doing work for, correct?---You could never change Angelo's schedule.

Well, sorry, are you having trouble understanding the question?---No, I'm not, Mr Moses.

20 Yesterday you were questioned about this by the Chief Commissioner and you agreed that one of the services was getting him to reschedule his appointments. Do you recall yesterday agreeing with that proposition from the Chief Commissioner?---No, I can't recall that.

MR LEGGAT: Chief Commissioner, might I rise to object, I wonder if my learned friend might go to the transcript, please, because that's not my recollection.

MR MOSES: The transcript is not up but I'll tell you what the file note says.

30 THE COMMISSIONER: I think it is.

MR MOSES: If my friend disagrees with it, then he can say that he disagrees with it. He's been here. The question by the Chief Commissioner was, "One of your services is getting Mr Tsirekas to reschedule his appointments, that's one of the services you could provide?" You said, "That was part of my role." Chief Commissioner, "Is that right?" You said, "Yes." Do you recall that questioning yesterday?---No, I don't recall, Mr Moses.

40 Do you deny that part of the services you could provide was to get him to reschedule his appointments?---I totally deny that.

Yesterday you told the Chief Commissioner that there were parts of your representations to Ms Li about getting Mr Tsirekas to change his schedule, that you were exaggerating your ability to have meetings scheduled with him. Do you recall giving that evidence?---I can't remember using the word "exaggeration", "exaggerating".

You don't?---Maybe "self-promoting" a better choice of words, Mr Moses.

10 So you were self-promoting by saying that you could get him to reschedule his diary?---That's what I'd say, yes, Mr Moses.

Now, and the reason you were self-promoting was because you knew that was a valuable thing you could sell to your clients that you had that close access to him, correct?---I wouldn't agree with that, Mr Moses.

Let's be realistic here, Mr Chidiac, you're giving evidence under oath. You accept, don't you, that that was something you were selling to him, correct? ---Selling to who?

20

To, let's for an example, Ms Li, you were telling her you could get him to change his schedule, correct?---You mean Mrs Li?

No, sorry, are you trying to be smart?---No, I'm not.

Well, focus on the question you're not proving yourself to be a hero here. Just focus on the question.---I'm very focused, Mr Moses.

30 Yeah, thank you. Now, do you accept that you were promoting yourself to her as being somebody who'd get a mayor to reschedule his appointments. Correct?---That's what I'd say, yes.

Yeah.---Self-promote, self-promoting.

Thank you.

40 THE COMMISSIONER: And in promoting yourself in that way you were successful to get Mr Tsirekas from time to time to reschedule his commitments to meet with representatives of I-Prosperty. That's right, isn't it?---No, Commissioner.

MR MOSES: Did you ever tell Mr Tsirekas why you were arranging meetings with him for instance with people such as Ms Li?---You mean Mr Tsirekas?

Yes. You know who I'm referring to. Don't worry about the pronunciation. Do you accept that?---Can you ask that question again, Mr Moses.

Did you ever tell him why you were arranging meetings with him with Ms Li?---No, I didn't.

10

No. What, so you would just call him up and say, "Angelo, I'd like you to meet this lady." Correct?---I'd say, "Angelo, let's catch up for coffee or dinner."

And you wouldn't tell him that you were acting as a service provider to Ms Li. Correct?---I've never told him I was acting, providing a service to Ms Li.

Never?---Never.

20

Never. You never told him what you did for her?---Never.

No. Okay. I'll come back to that. Now, is this the position, are you saying that in all your conversations with Mr Tsirekas you have never told him what work you do for a living?---No, I've never told him what I did, no.

You never told him what our job was?---Never.

Never. Ah hmm. You never told him that you acted for corporate developers?---Never.

30

Never. You never told him that you received large sums of money from I-Prosperty?---Never.

Never. Ah hmm. Okay. Now, can I ask you some questions about I-Prosperty. You provided services to I-Prosperty, yes?---That's affirmative.

You also provided services to Billbergia.---That's affirmative.

40

Ah hmm. You were paid a fee by each of I-Prosperity and Billbergia for providing those services.---I was.

Ah hmm. How did you calculate the fees you charged to I-Prosperity?
---It's just a rate that I had. That was the market value at the time that from some people that I was told were charging, the fee they were charging.

What was your hourly rate?---I didn't have an hourly rate.

10 Ah hmm. How did you calculate the fees you charged to Billbergia?---Just what I thought was a fair, fair amount to charge.

Right. You described yourself yesterday to the Chief Commissioner as an intermediary. Correct?---That's affirmative, yes.

Can you define what you understand to be an intermediary?---Get people around a table to resolve whatever issue they have.

20 Were you acting as an intermediary between I-Prosperity and the Mayor of Canada Bay Council?---No, I wasn't, Mr Moses.

Well, when you were organising meetings with him and representatives of I-Prosperity what were you doing?---I was getting two individuals or three individuals around the table to discuss whatever issues a certain individual had.

In order to resolve those issues?---Or to get some advice on those issues.

30 Ah hmm. Well, you were acting as an intermediary.---I was acting as an intermediary, yes.

Yeah. Thank you. Now, you accepted yesterday that the services you provided including getting the mayor to attend a meeting with Ms Li. Correct?---I can't recall saying that.

Well, you told the Chief Commissioner, "I managed to get Angelo Tsirekas around a table where she complained about the actual process." Do you recall that?---I don't, but I'll take your word for it, Mr Moses.

40 Ah hmm. Sorry, do you have a problem with your memory?---(NO AUDIBLE REPLY)

Do you recall saying that to the Chief - - -?---Are you trying to insult me, Mr Moses?

No. Sir - - -

THE COMMISSIONER: Please, Mr Chidiac.

10 MR MOSES: Do you recall saying that to the Chief Commissioner yesterday?

THE COMMISSIONER: Just a moment. Mr Chidiac, I've told you many times it is not a province for witnesses to make statements and certainly not to make pejorative statements. Do you understand what I'm saying?---I do, Commissioner. Apologies.

20 Well, you must understand because I've told you now so many times you are wilfully breaching the rules I made and conveyed to you. You keep doing it. I don't know why but it's not impressing me I can assure you. ---It's not intentional, Commissioner. I'm trying to do my best here.

Yes. Yes, Mr Moses.

MR MOSES: Thank you, Chief Commissioner. Do you accept, Mr Chidiac, that one of the services you could provide to Ms Li was to provide access to the mayor. Correct?---No.

30 Ah hmm. You knew Ms Li wanted to meet with the mayor to discuss planning matters. Correct?---She wanted to discuss her site at Rhodes, yes.

Do you accept that she wanted to meet with the mayor to discuss planning matters?---It wasn't always planning.

Well, what other issues were there?---Oh, she had multiple issues.

Concerning her dealings with the council.---Multiple issues.

40 THE COMMISSIONER: What were the main issues she raised?---Her being bullied by a certain individual on council and - - -

I thought it was implicit in the question. What were the matters concerning the planning proposal, the main matters that she was wanting to take up with council?---Take up with the council.

About the project.---Yeah, yeah. She just wanted to be treated fairly.

No, no.---She felt that she'd been - - -

I'm asking you to detail - - -?--- - - - treated unfairly.

10

I'm asking you to detail the nature of the issues that she raised concerning the I-Prosperity planning proposal and future development.---Well, she, she, felt that there was a obstacle put in front of her and her company by a number of individuals and she just wanted to be treated fairly.

Which individuals?---Andrew Ferguson, Neil Kenzler on council.

I'm talking about the matters that were before council concerning the planning process. What were the issues she wanted you to raise and have Mr Tsirekas assist on?---The process was very slow. That's what she was concerned about.

20

What else?---Mainly the process was very slow.

Yes, Mr Moses, when you're ready.

MR MOSES: Yes, thank you. Mr Chidiac, yesterday you gave evidence about a meeting which you attended with Ms Li and the mayor and you I think in your capacity as a consultant for I-Prosperity. Do you recall being asked some questions about that yesterday?---I don't, Mr Moses.

30

I just want to ask you, when, I just want to ask you this question, when you say you arranged these meetings with Mr Tsirekas as the mayor, did you do these meetings through his office or through him directly?---No, through him directly.

Ah hmm. And the meetings were ordinarily held, were they, in a coffee shop?---Coffee shops, yeah.

They weren't held at the council premises.---I can't recall, no, having a meeting at - - -

40

And when you asked him to attend these meetings would you tell him the reason for the meeting?---No.

No. And you wouldn't, would you tell him that you were a consultant to I-Prosperity?---No.

No. And would he ask you what you were doing at the meeting?---Never.

10 Never. So you would sit there for the meeting which Ms Li was present and there would be discussions about council business and he would never ask you what you were doing there. Correct?---There'd be, multiple issues were discussed outside that individual being present, the local, local politics, state politics, federal politics.

Yeah, but I'm just focusing on when Ms Li was present and you arranged a meeting for her in your capacity as a consultant to I-Prosperity. Did he ever say to you, that is the mayor ever say to you what are you doing at this meeting?---No.

20

He never asked you why it is that you had arranged the meeting with Ms Li?---No.

No. And it was never something discussed between the both of you.
---Sorry, can you speak a bit louder, Mr Moses.

And that was never something that was discussed between the both of you.
---That was never discussed.

30 Ah hmm. Was that because you didn't want him to know that you were in fact receiving money from the developers?---No. Because I had a confidential agreement with the client to keep it, or I had legal arrangements to keep, to keep that confidential.

What, that they were a client of yours?---That's right.

Right. Ah hmm. And you say that he was a close friend of yours.---Yeah, close friend, yes.

40 Ah hmm. And did you ever stop to think that you were putting him in a compromising position by arranging these meetings?---Not at all.

No. Ah hmm. Okay. Well, can I then ask you this, did you tell Mr Tsirekas who you were coming to the meeting with?---On occasions. Not all occasions.

And when you told him that for instance Ms Li was coming he would never ask you what is this about?---No, he never did.

Ah hmm.---I can't recall, he never asked me, no.

10

Okay. Is it possible that he did?---I, I don't want to assume, no, Mr Moses.

Okay.---It's unfair - - -

Thank you.--- - - - of me to assume.

Okay. Can I now go to a different topic, the Jacobs and Prolet and associated companies. You had a signed agreement with the companies associated with the Jacobs brothers, correct?---I have a signed agreement with a company that's associated with Prolet, yes.

20

That's right, yep.---That's what you mean.

Yeah. And, Chief Commissioner, with your leave, can I have Exhibit 89, pages 55 to 65 put on the screen?

THE COMMISSIONER: Yes, thank you.

MR MOSES: I just want to ask the witness some questions about aspects of this agreement. And I'll come back to deal with this issue, Your Honour, because we've received some correspondence from the lawyers acting for the Jacobs and Prolet, making a number of assertions which I will deal with when finished with this witness. Just some aspects of this agreement, Mr Chidiac. First of all, in relation to what appears at page 56 of the agreement, you will see that there is the definition of "Retainer". "Retainer" means an amount of \$120,000 per annum, exclusive of GST for the period, from the commencement date being 23 June, 2014 and expiry date, 23 June, 2019." Do you see that?---I see that, yes.

30

And if you then go to, if the Commission could please indulge me by taking the witness to page 65, 64 first, of the document, then 65. There are a number of signatures that appear at page 64. Do you see that?---I do, yeah.

And then 65, the document purports to be witnessed in front of Frank Bruzzano on 13 July, 2016. Do you see that?---I do, yeah.

Is there a reason why this document, in effect, is retrospective in its operations, that is from the date that it was signed that it covers work that
10 you were said to be owed a retainer for a period starting from 23 June, 2014 until 23 June, 2019? Is there a reason why it's dated after the date you commenced providing services?---Yeah. They took forever to sign the, sign the agreement.

Okay. And your position is, isn't it, Mr Chidiac, to be fair to you, you say that you provided services to the Jacobs brothers or companies associated with them in accordance with this agreement, correct?---That's correct.

Yep. And they owe you the money, which is said to be payable under this
20 agreement, correct?---That's correct, yeah.

And in fact I think you said yesterday that you've made a demand – sorry – you said on 17 June, which was Friday, that you've made a demand for that money to be paid to you, correct?---(NO AUDIBLE REPLY)

Yes?---I wouldn't say a demand. I don't know if I - - -

You asked for an amount?---No, I didn't ask for an amount at all.

30 Well, what did you ask, tell me?---As, as explained to the Commission, it came to my attention that I think what they called block A and block B, part of the agreement had, had been sold. I had, had a meeting at my accountant office, I ran into Frank Bruzzano, run into him, I walked into his office, I've told him what I heard. I said "Look, I'm disappointed that no-one has mentioned to me that you sold the property and I've got a signed contract. You owe me some, I'm owed some fees."

Yeah.---He disagreed and walked straight out.

40 Yeah. But as far as you're concerned, you had an agreement with the Jacobs brothers or associated companies with them that they were to pay

you the retainer, correct, yes?---I, I can't recall the actual agreement in itself but, yeah, but that was, that was a section of the agreement.

And the reason why you were providing services to them was because you expected to be paid, correct?---That's correct, yeah.

And part of your services were consulting services, is that right?---That's, oh, that was one of the, one of the services, yes.

10 Yeah. And part of the services, of course, do you accept, was to lobby the mayor on Joseph Jacob's behalf, correct?---No.

No. Well, you knew that was Mr Jacob's expectation, wasn't it?---I didn't know that, no.

You didn't know that?---No.

20 No. Okay. Well, are you aware of evidence that Mr Joseph Jacobs has given in these proceedings at transcript page 1432 where he was asked "Mr Chidiac was going to lobby Mr Tsirekas on your behalf?" "I knew they were, I knew they knew each other and - - -" "The answer is yes, isn't it?" Answer, "Yes." You weren't aware of that evidence in these proceedings? ---Oh, I can't recall reading that, that transcripts, no.

Okay. Well, part of the role you played, is this right, was to organise meetings with the mayor, correct?---For which entity are we talking about here?

30 For the Jacobs brothers or companies associated with them.---No. They knew the mayor before I did.

Oh, okay. So when you arranged meetings with the mayor, that was something that you were doing why, if they knew him?---Sorry, Mr Moses, I missed that.

Did you arrange a meeting between the Jacobs brothers and the mayor in 2019?---2019? Possibly.

40 Yeah. Well, did you?---I can't recall. That was three years ago, two years ago.

Okay. Well, you attended a meeting around 25 or 26 January, 2019 with the Jacobs brothers and Mr Tsirekas, correct?---What was that again? What was that date, sorry, Mr Moses?

25 or 26 January. Do you - - -?---I can't recall the exact date, Mr Moses.

Okay. Well, did you arrange that meeting?---I can't recall, Mr Moses, but I'm sure it would be in my email or my text messages that the Commission has access to.

10

Well, were you present at such a meeting?---Oh, Mr Moses, I can't recall what I, which meeting I was at in 2019.

Well, did you ever attend a meeting with the Jacobs brothers and Mr Tsirekas?---I did, yes.

Yep. And the purpose of the meeting was what, the meeting that you can recall?---There was plenty, a lot of purposes.

20

Do you accept that the purpose of the meetings was to discuss matters relating to the City of Canada Bay Council?---Well, every time Joseph Jacob had an opportunity to discuss the matter with Angelo, he, he made the most of that.

Yep. And what matter are you referring to?---What matter? The, the, that, where he had his properties in Rhodes.

30

Yep. And that was the matter which you just told the Chief Commissioner about a short while ago that you expected to be paid some money as a result of learning some information about that property recently, correct?---I missed that, Mr Moses. You just need to be a bit louder, I'm sorry.

That was what you told the Chief Commissioner about just moments ago that you raised recently concerning wanting to be paid because you'd learnt that they'd done something in respect of that property at Rhodes, correct? ---No. That's not correct.

40

So what was it was that you heard recently that caused you to raise the fact that you were owed money under an agreement?---I heard they sold one of the blocks they had in Rhodes East. They had three blocks, block A, block B, block C. It came to my attention that block A was sold.

Yes.---And the reason they weren't ever to meet my, or pay my fees is that he always complained, Joseph always complained that he never had money. So now that I saw that he had money, good time to go and collect it.

Okay, thank you. And I just want to ask you this, though. You said that every time there was an opportunity to raise issues with the mayor about Rhodes they did, was that Joseph Jacobs you were referring to there?

---That's Joseph, yes, yes.

10

And what was it about Rhodes that he wanted to raise with the mayor?---He had multiple issues, Mr Moses.

Such as?---He complained about everybody, complained about his neighbours, he's complained about the council process, he complained about the local member, he complained about, complained about everyone, the investors that he had with him, he just complained about everyone.

20 But he complained about the council process, correct?---Oh, absolutely, yeah.

Yep. And he wanted the mayor to do something about it?---He did. He wanted everyone to do something about it.

Okay, thank you. Now, can I just go back, if I can? The basis of the fee of 120,000 per annum that they were willing to pay you under this agreement, and promised they'd pay you, how did you calculate that retainer at 120,000 per annum?---He made that, I think I asked for more but he, he made that, he came up with that amount. We both agreed.

30

Okay. Who came up with that amount?---Joseph and, from memory, with, he'd spoken to his brother and come back and said, "Look, this is all we are willing to pay at the moment."

Okay. And you signed off on that, correct?---I signed off on it in 2016, I think it was, yes.

Yep. And it was always your expectation that you would be paid, correct? ---Absolutely, and I still do.

40

Yep, thank you. Have they explained to you why they're not going to pay you?---I haven't spoken to them since, since ICAC officers paid me a visit at home in 2019.

Yep. You said that - - -?---Oh, well, I spoke to him two days after that, sorry, Mr Darams.

10 You said that one of the reasons was because you were told by one of the Jacobs brothers that they didn't have money, correct?---That's, that's one of the reasons, yeah.

Yeah. Was there any other reasons they weren't going to pay you the money at that stage?---No.

No.---Not that I was aware of.

Thank you. But just to be clear, you always regarded that to be a debt which they owe you, correct?---Absolutely. It's a contract.

20 Thank you. Now just in relation to, if I can, this meeting that was held in January 2019. I just want to see if I can prompt your memory about this. Do you recall speaking to the Jacobs brothers and Mr Tsirekas at this meeting or hearing them discuss any proposals about an infrastructure at East Rhodes?---I've heard that on plenty of occasions, yeah.

Okay. And did you tell – sorry, do you have any recollection of telling Mr Tsirekas at any time that the Jacobs brothers or associated companies of theirs were clients of yours?---Never.

30 Okay. You never told them?---Never.

Okay. Now I just want to go back, if I can, to evidence you gave to the Chief Commissioner earlier today about money which you say Mr Tsirekas paid back to you as a result of him owing you money. You mentioned in respect of travel expenses to trips to China that – and you said this in your evidence, but please correct me if I'm wrong – that I-Prosperty didn't pay for anything because you and Mr Tsirekas were clear that you didn't want developers paying for anything.---That's correct, yes.

40 Yep. Was that a discussion you had with him?---That, that, yes, that would have been a discussion that I had with him that, yeah.

When you say “would have been a discussion”, do you actually recall having such a discussion?---No, I don’t, Mr Moses.

No, that – you’re speculating on that, correct?---I wouldn’t use the word “speculating”.

You’re making an assumption you had that discussion.---I’m assuming.

10 Yeah. You’re making that assumption because you’re trying to come up with an explanation to try and protect your close friend Mr Tsirekas, correct?---No, he’s big enough to protect himself, Mr Moses.

Well, can I just put this to you. You were somebody who was receiving substantial amounts of money from I-Prosperity, correct? Yes?---Well, depends who you ask, Mr Moses.

Well, I think you told the Chief Commissioner, you accept that you got paid at least 1.3 million.---I do accept that, yes.

20

And they were a major client of yours, correct?---They were a client.

A significant client of yours?---They were, yes, yes.

And you were using money, weren’t you, income that you were getting from developers such as I-Prosperity, to provide benefits to Mr Tsirekas, correct?---No, I was well-resourced, Mr Moses.

30 Well, you were well-resourced because you were undertaking work for developers who undertook work in the City of Canada Bay, correct?---No, I was a successful businessman prior to taking up the current work that I’m doing at the moment.

Yeah, okay, thank you. Chief Commissioner, those are my questions. I apologise for going a bit over time. But they’re the questions of Mr Chidiac. Thank you, Mr Chidiac.

THE COMMISSIONER: Yes, thank you, Mr Moses. Mr Darams, is there anything else you - - -

40

MR MOSES: Yes, there is one issue Mr Chidiac, only after Mr Darams has completed his issue. There's an issue that has been raised by lawyers acting for the Jacobs brothers and companies associated with them. I'm not sure why they're not down here to do it, but I'll deal with it, thank you, when it's convenient. Probably not with the witness present.

THE COMMISSIONER: Very well. Thank you.

10 MR DARAMS: I don't have any re-examination or any other questions for
- - -

THE COMMISSIONER: Sorry?

MR DARAMS: I don't have any re-examination or questions for Mr - - -

MR LEGGAT: I have cross-examination.

THE COMMISSIONER: Yes. Right, how long will you be?

20 MR LEGGAT: The written estimate was 30 minutes, and I've indicated if
we started at 4.00 I can finish by 4.30.

THE COMMISSIONER: All right. Well - - -

MR LEGGAT: I note it's now 4.15.

30 THE COMMISSIONER: Okay. We're going to take a short break then,
five minutes, something else I've got to deal with before 4.30, and then
we'll resume. Mr Darams, it seems to me desirable to sit on and finish the
evidence of this witness.

MR DARAMS: I think it is if we can do. I've got another professional
commitment at 5.00pm but - - -

THE COMMISSIONER: Well, we'll finish – if we resume in five minutes
we should be finished well before then.

MR DARAMS: Yes. May it please.

40

SHORT ADJOURNMENT

[4.14pm]

THE COMMISSIONER: Yes, Mr Leggat.

MR LEGGAT: Thank you, Chief Commissioner. Mr Chidiac, I just want to confirm that I understood you correctly in relation to some answer that you gave to my learned friend, Mr Moses. Now, am I right to understand that you never told Mr Tsirekas that you had an agreement with I-Prosperity?---That's correct.

10

Am I right to understand that you never told Mr Tsirekas that you were receiving payments from I-Prosperity?---That's correct.

Am I right to understand that Mr Tsirekas didn't know that you were receiving payments from I-Prosperity?---Well, I never told him.

Yep. In relation to - - -

20 THE COMMISSIONER: It would have been apparent though, wouldn't it, that you were working with I-Prosperity? It would have been apparent to anyone I'm suggesting.---I don't know if it was apparent or not, Commissioner.

Well, if he was, if you were obviously making arrangements on behalf of I-Prosperity with him, he would understand that you've got some arrangement with I-Prosperity. Would you not agree? I mean it would be obvious, would it not?---No, it wouldn't. Not in my circumstances, no.

30 So I put it to you if on multiple occasions you were contacting him to make arrangements to see I-Prosperity people that those activities in themselves would convey to anyone, I'm suggesting to Mr Tsirekas, that you've got some arrangement whereby you're working on behalf of I-Prosperity.---I don't know what Mr Tsirekas was thinking, no, Commissioner.

I'm putting that it was apparent because you were speaking to him about I-Prosperity in terms of making arrangements for you, for him and you to see them in conference.---I made the same - - -

40 What I'm saying is the mere fact that you were the go-between making arrangements between I-Prosperity and Mr Tsirekas that it would have been

obvious to anyone that you had some arrangement with I-Prosperity.---I would disagree with that.

Pardon?---I disagree with that, Commissioner.

Disagree with that. So what are you - - -?---I do, Commissioner.

10 What are you saying, that it would be open to the construction that you are just doing charitable work trying to bring people together. Is that what you're suggesting?---I did a lot of that as well, Commissioner.

No, no. I'm talking about all the arrangements made over time between you and Mr Tsirekas to meet with I-Prosperity. Are you suggesting that the reasonable bystander watching all this happen would just conclude that you're doing it for some generous charitable purpose?---I don't know what that person would be thinking, Commissioner.

Yes, Mr Leggat.

20 MR LEGGAT: Thank you, Chief Commissioner.

THE COMMISSIONER: Mr Leggat, you're not putting the proposition, are you, on your instructions that it was not apparent to Mr Tsirekas that Mr Chidiac was acting on behalf of I-Prosperity over the years that the meetings were being arranged with Mr Tsirekas?

MR LEGGAT: Yes, that's our positive case. That's our affirmative case.

30 THE COMMISSIONER: Are you saying that's your instructions?

MR LEGGAT: Yes, it is.

THE COMMISSIONER: Well, it's contrary to his evidence. How can you be putting it on instructions? He's given evidence that he came to understand that there was some arrangement whereby this witness was doing work for I-Prosperity, did he not?

MR LEGGAT: I can't recall the evidence.

40 THE COMMISSIONER: Sorry?

MR LEGGAT: I can't recall the evidence precisely, Chief Commissioner.

THE COMMISSIONER: Well, I thought you would have remembered that.

MR LEGGAT: We're in a very nuanced area.

THE COMMISSIONER: That's right at the heart of the case that there was an arrangement - - -

10 MR LEGGAT: The transcript will speak for itself.

THE COMMISSIONER: I'm suggesting it was right at the heart of the matter if it was apparent that he was working on behalf of I-Prosperity and I thought Mr Chidiac at the end of the day – sorry, Mr Tsirekas at the end of the day accepted that he knew that much but what he didn't know was whether he was under contract, whether he was being paid. Is that not the evidence?

20 MR LEGGAT: Chief Commissioner, I think it is not the evidence - - -

THE COMMISSIONER: Mr Leggat, please.

MR LEGGAT: - - - but I think there is some evidence that at a point in time that became apparent. As to when that point in time was, I don't, I can't recall as I stand here.

THE COMMISSIONER: Well, at any point in time, at any point in time so long as he's ongoing providing services as he puts it.

30 MR LEGGAT: No, look - - -

THE COMMISSIONER: How can you have instructions to say that he was unaware at any time that there was a working arrangement of some kind between this man and I-Prosperity?

MR LEGGAT: Chief Commissioner, I put the question based on my instructions and the transcript will speak for itself if there is - - -

40 THE COMMISSIONER: But how can you be putting these things on instructions - - -

MR LEGGAT: Yes.

THE COMMISSIONER: - - - if it's your position that there was no appreciation at any point in time? I mean it would defy common sense anyway to be even putting that. Of course he was working on behalf of I-Prosperity and he made that admission. You'd have to be the proverbial blind Freddy not to work that out one out, wouldn't you, on the evidence? I'm just testing it. Here they are regularly ringing each other, sitting down with I-Prosperity people. Isn't it the position that, as I said, proverbial blind
10 Freddy or perhaps the proverbial reasonable man or woman would draw one and one together and come up with two. I just don't want these proceedings, Mr Leggat, to be run on a spurious basis. Well, what do I make of your silence?

MR LEGGAT: Chief Commissioner, I'm waiting for a question, with respect. I'm listening politely to your comments.

THE COMMISSIONER: No, no. I'm just making it clear, what are you doing here in this regard, putting to this witness? I appreciate you're
20 entitled to put to him he didn't know, that Mr Tsirekas didn't know he was under contract, didn't know he's being paid, that's Mr Tsirekas's case. Has to be assessed on all of the evidence of course. So what do you want to put to this witness, that there was no, that - - -

MR LEGGAT: I'll ask the next, I'll ask the next question if you like.

THE COMMISSIONER: About what, what aspect?

MR LEGGAT: About, well, shall I ask the question?
30

THE COMMISSIONER: Pardon?

MR LEGGAT: Shall I ask the question?

THE COMMISSIONER: No, you tell me. What is the subject matter that you want to know? Do you want to continue to probe this question?

MR LEGGAT: Yes.

40 THE COMMISSIONER: And put this to this witness?

MR LEGGAT: Yes.

THE COMMISSIONER: All right. Let's see what the next question is.

MR LEGGAT: Mr Chidiac, you never told Mr Tsirekas that you had an agreement with Prolet. Is that right?---That's correct, Mr Leggat.

You never told Mr Tsirekas that you had an agreement with Billbergia. Is that right?---That's correct, yes.

10

You never told Mr Tsirekas that you had an agreement with the Jacob brothers. Is that right?---That's correct.

THE COMMISSIONER: Mr Leggat, just one matter. Insofar as you extract from a witness who is in the same camp as in this case Mr Tsirekas, you can put leading questions as you have just done in those last three questions, but commissions of inquiry, though they permit that to occur, always warn that the value of the evidence is diminished by the fact that it's all been put into the mouths of the witness by way of leading questions.

20

You do it if you want to, but that's a well-recognised principle that the value of the evidence depends upon how the evidence is adduced. In some cases and in this case you're dealing with the close friend of Mr Tsirekas. Keep doing it if you wish but I just make, I think you would be aware of that principle.

MR LEGGAT: Yes. Thank you, Chief Commissioner.

THE COMMISSIONER: But I just want to say it doesn't help me necessarily if I have evidence that's just drawn out of a witness in this situation. But you go ahead.

30

MR LEGGAT: Thank you. Mr Chidiac, you never told Mr Tsirekas that you had an agreement with John Kinsella, did you?---I never did, no.

You never told Mr Tsirekas that you were receiving payments from Prolet. Is that right?---I never received any payments from Prolet.

You never told Mr Tsirekas that you were entitled to payments from Prolet, is that correct?---That's, I never told him that, no.

40

You never told Mr Tsirekas that you were receiving payments from the Jacob – sorry, that you anticipated receiving payments from the Jacobs brothers, is that correct?---Never told him, no.

Did you ever tell Mr Tsirekas that you were receiving payments from Billbergia?---Never did, no.

Did you ever tell Mr Tsirekas that you were receiving payments from John Kinsella?---I thought, I think you've already asked me that question.

10

Did I ask you? No, I was - - -?---Yeah, no, no. The answer is no, Mr Leggat. No.

We covered that there was no agreement with Mr Kinsella.---Yeah.

I've now gone to a slightly different question, which is never told Mr Tsirekas that you were receiving payments from Kinsella.---My apologies, Mr Leggat.

20 You may be right.---Yeah, my apologies. No.

Let me move on. Chief Commissioner, I wonder if we might have volume 1.1, page 132 displayed, please. Mr Chidiac, you were asked some questions about whether you had any correspondence from or on behalf of I-Prosperty in relation to West Tigers and sponsorship. Can you recall being asked questions about that topic?---Sorry, Mr Leggat, can you just ask that question again?

30 Certainly. You were asked questions about whether or not you had any correspondence about West Tigers possible sponsorship by I-Prosperty. Do you remember that topic being the subject of questions?---I can't recall that, no. Can't recall being asked that.

All right. I direct your attention to this document, volume 1.1, page 132. And you'll see that this is a letter from Peter Thornton of the I-Prosperty Group. You've met Mr Thornton, haven't you?---I have.

40 And you'll see this letter is dated 8 October, 2015. And Mr Thornton writes to Mr Tsirekas. Second sentence, "We have been a sponsor of Wet Tigers over the last couple of years." Can I ask you to assume that that's a typographical error and it should be a reference to a sponsor of West Tigers.

Do you understand the assumption I'm asking you to make?---I do. I do, Mr Leggat.

“Over the last couple of years in our own right and through one of our telco assets, the Planet Tel Group, which was the sponsor of the grand final luncheon where we met.” Now, at some stage did it become apparent to you that Peter Thornton and the I-Prosperity Group might be able to assist you with the West Tigers sponsorship at some stage in the future?---That was always my goal, to get them to sponsor, yeah, sponsor the West Tigers, that's how it all started.

Chief Commissioner, I wonder if the page before that might be displayed, please. This is page 131. And you'll see what's occurring here, Mr Chidiac, is that Mr Thornton is writing to Mr Gu and he says something like this to the mayor, “Can you add the magic dust?” Dear so-and-so. And then there's a reference to I-Prosperity Group with significant investments into property. So you see that there is a draft letter that Mr Thornton is putting to Mr Gu.---That's what I see, yes.

20 So now if you can hold that in your mind and go to the very next page, please. And what we see there is that, I think Mr Thornton said the magic dust on there. What's been added into the draft letter is the West Tigers magic dust. Do you understand what I'm suggesting to you?---I don't, Mr Leggat, no.

All right. It was apparent to you, wasn't it, that there was the possibility of the interest that I-Prosperity had in sponsoring the West Tigers coming to fruition if you were able to speak to I-Prosperity Group members about the West Tigers and the possible sponsorship. It wasn't a fanciful proposition. This was a real proposition, wasn't it, that I-Prosperity might sponsor the West Tigers?---Yes, yes. Yes.

And you were aware of that from late 2015, early 2016, is that right? ---That's, that's correct, Mr Leggat.

Let me move to something else. If the Chief Commissioner, with your leave, the ICAC financial analysis, which I'll describe as the 1.32 million spreadsheet analysis. I don't know if there was a page number or exhibit number, but I hope that those - - -

40

MR DARAMS: 1B. 1B.

MR LEGGAT: There we go. Thank you very much. Now, you were asked some questions about whether or not, as at 12 December 2018, when, in session 1302, the telephone call between yourself and Mr Tsirekas was played, which included the statement “We should go regardless whether they’re there or not.” You were asked some questions by the Chief Commissioner about whether you were working for I-Prosperity at the time of this telephone conversation of 12 December, and you said, “I’d need to see my records.” Now, I can’t show your records, but I can show you the
10 ICAC summary, which suggests that, to use the vernacular, you were off the payroll by 22 October, 2018. Does that accord with your recollection?
---No, I’ll have to take your word for that, Mr Leggat. I can’t, I can’t give you a date when payment ceased.

It seems from this ICAC summary that the last payment was in relation to an invoice for 22 October, 2018. Do you see that item number 32?---I, I do see that, yes.

So if this document’s correct, that would suggest, wouldn’t it, that you
20 rendered no invoices after 22 October, 2018.---Well, if this document is correct, it proves that there’s no other payments been made after that last entry, entry number 32.

Does that cast any light on the statement in the recorded telephone conversation “We should go regardless whether they’re there or not”?---No, I don’t think it does.

Thank you. You heard some evidence from Ms Li this afternoon about rock anchors and the laneway and sitting down with Billbergia and someone
30 from I-Prosperity and seeking to resolve the rock anchor problem that had arisen?---I do, yes.

Was that part of the services that you were providing to both I-Prosperity and Billbergia at that time?---That’s, and other services, yes.

When you were providing services, you gave us some evidence about services you provided in relation to Blacktown Council. That was for I-Prosperity, was it, from recollection? I don’t think it was Billbergia, it was I-Prosperity, was it, in Blacktown Council?---From memory, I think Belinda
40 asked if I knew someone on Blacktown Council.

Yes. Was that an example of a service that you were, a kind of service that you were providing to I-Prosperty?---That's correct, yes.

At one stage you spoke about receiving \$77,000 from Titan Global. Is Titan Global a commercial client for whom you were providing services during this relevant period?---Yes, they're a real estate agent, if that answers your question.

10 Thank you. And what were the nature of the services that you were providing to Titan Global during this period?---I've introduced them to a, to a client. And in, in return, Titan managed to buy quite a few properties for that client and Titan offered to give me a commission and the commission was 77,000 in total, on that payment but there was other payments as well.

Was the \$77,000 that was paid by Titan Global calculated on the basis of an hourly rate or some other basis?---No, it's a percentage they would have decided to reward me.

20 Is it the date that from time to time the type of services that you render, you would leave it to the commercial client to determine how much to pay and in fact that can work out to your financial advantage, rather than by you suggesting a figure?---On occasions, yes.

You spoke about engaging the local mayor in Ryde. Can you recall who that was on behalf of?---I-Prosperty.

30 All right. And what was the nature of the service that you were seeking to – I withdraw that. What was it – I withdraw that. You'll have to bear with me, Mr Chidiac. We started at 9.30 this morning, it's nearly 5 o'clock, we had 45 minutes for lunch, I'm doing the best I can. The heat is probably about 36 degrees in here as well, so - - -?---You're doing well, Mr Leggat.

40 Thank you. Thank you, I appreciate that. Let me move to – you said that, my note is, "I saved I-Prosperty millions of dollars." I've one example, the \$8.2 million price that I-Prosperty was prepared to pay, the 6.2 was that was paid. Is there something else that you are seeking to refer to beyond that \$2 million saving when you said, "I saved I-Prosperty millions of dollars during the time that I was providing services to I-Prosperty"?---Mr Leggat, I also resolved, as I mentioned on numerous occasion, the dispute that I-Prosperty and Billbergia had over that anchor, anchor issues and it, it did get it up in court and then I intervened. So my response is not only

saved Billbergia \$2 million plus, according to him and his team, I also saved I-Prosperity a lot of money in legal fees. And also we were, I was negotiating on their, on I-Prosperity's behalf to share what they called a heliostat, which Billbergia ended up putting up at the cost approximately of \$12 million and if, if I-Prosperity managed to get the, the, the, the DA there we were chasing, I'm told they, they were required to use a heliostat as well. So I was attempting to get Billbergia and I-Prosperity to share one heliostat so you could save both, both entities a large amount of money.

- 10 Thank you. Chief Commissioner, I wonder if we might have volume 5A, page 1, please? This is a travel summary prepared by the Commission. Mr Chidiac, you were asked some questions about trip nine, which shows no payments and a number of possibilities were put to you as to why there may be no payments shown for trip nine. I just want to, in the same vein, explore other theoretical possibilities for your consideration. One possibility is that ICAC, through human error, has overlooked one of your bank statements. Would you agree with that?---I've got no explanation, Mr Leggat. I've honestly got no recollection of that trip whatsoever. That's a possibility, of those, this Commission omitted a couple, a couple of things and wrongly
20 labelled a few things as well.

- Is another possibility that the Westpac account which you described as an old account relating to the records held in the Burwood Road, Burwood branch of Westpac, were possibly not the subject of the ICAC investigation because you hadn't previously, that is prior to yesterday, nominated the old account at Westpac as being an account that you used from time to time. Is that another possibility?---It's, it's, it's unlikely that I would have used Westpac. I don't even know if it's still current or not, to be quite honest with you. I could have used an ANZ account that's not current as well. I'm
30 only speculating here, Mr Leggat. I'm only speculating.

Of course trip nine is August of 2016, so it's six years ago we're talking about.---Is that when Mr Tsirekas was a private citizen, Mr - - -

Correct.---Okay.

Yes.---Yeah.

- 40 Still in this regard, you gave some evidence that Mr Tsirekas' father had said, words to the effect, "He's in a dark spot. Get him out of Sydney and

take him on a trip.” Can you recall giving evidence to that effect?---To that effect, Mr Leggat, yes.

Yeah. Another theoretical possibility is that Mr Tsirekas Senior gave you some money to take Mr Tsirekas out of Sydney on a trip. That’s a possibility, isn’t it?---No. That would be unlikely, Mr Leggat.

Unlikely.---I would, I would remember that if that was the case.

10 Very well. Thank you. We have seen on numerous occasions you seeking to have Mr Tsirekas attend meetings with Ms Li, but we haven’t seen evidence of all of those meetings actually taking place. What’s your recollection as to how successful you were in having Mr Tsirekas attend the meetings that Ms Li sought?

THE COMMISSIONER: Mr Leggat, you need to be precise. You can’t just bundle it up in all meetings over years. If you want to put specific meetings and whether they occurred, you’re entitled to do that.

20 THE WITNESS: Do you want me to answer that, Mr Leggat?

THE COMMISSIONER: No, just a moment, Mr - - -?---My apologies, Commissioner.

MR LEGGAT: Commissioner, I note the time. I’m just trying to deal with it globally before going to that level of precision.

THE COMMISSIONER: Well, the problem with that is you’re asking him to give evidence as to whether something occurred or not and you’re trying
30 to do it in one question over, what have we got, three years, ‘16, ‘17, ‘18.

MR LEGGAT: Yes. That was only a starting point, just your impression, Mr Chidiac, as to - - -

THE COMMISSIONER: No, no, no, no. No, no. Not that way. If there is some particular meetings you want to put to him, well, you can ask him if he’s aware of any particular meetings that didn’t take place. Perhaps you could approach it from that angle.

40 MR LEGGAT: All right. Thank you. Could you address the Commissioner’s question, please?---Yeah. Angelo was notorious at times

for pulling the pin from turning up for whatever, whatever, whether it's a social event, whether it's a political event, whether it's a social luncheon et cetera. He was very notorious for that. Normally his excuse, "I slept in." "I had some issues at home" or "Had to go see Mum and Dad, they're not well." Yes, at the, yeah.

In relation to Mr Tsirekas' diary, it's the case, isn't it, that you have never had access to his diary to be able to either take out meetings or put in meetings?---Never.

10

Thank you. I have a note of some evidence that you gave concerning texts between yourself and Belinda Li, 9 April, 2017 and 24 April, 2017 and you said, "I gave Belinda what she asked for but that service was no different to the service that I provide to non-paying customers." What did you mean by that?---Mr Leggat, I spent most of my life growing up in, in Canada Bay. We had multiple family businesses and we still have multiple family businesses in the area. You get to know a lot of people. I employed a lot of people from that, that precinct. People knew that I was a member of the Labor Party and an active member of the Labor Party. I knew I had, I, I
20 knew I had access to, you know, councillors and the mayor. So they'd come to me for all type of issues, whether it's your mum and dad, whether it's your neighbour who's put an application in for a duplex and et cetera, et cetera. So, and I tried to cater for everybody. And as I stated earlier, Angelo had an open-door policy, so he would try to accommodate, you know, regardless who it is, whether it's, you know, a member of the Liberal Party or a member of the Labor Party or just a, you know, an old resident. So he was pretty, he was pretty good like that and he was well-respected for sort of having that attitude.

30

Thank you. You were asked some questions about volume 1.2, page 77, which is the circumstance around 23 July, 2016 regarding airfares, and you said, "I want to make it very clear. I always made it very clear to Mr Tsirekas that I'm paying for the trip." Why was it that you wanted to make it very clear? What did you mean by that?---Because he would make it very clear that no one else is allowed to pay for my trip.

40

You spoke about the services that you provided to commercial clients as getting people around a table to discuss issues. Were you ever able to get council staff around a table to discuss any planning issues for any of your commercial clients?---I never attempted to, Mr Leggat.

Were you ever able to get state officials around the table so that your commercial clients could speak with them?---I never attempted but I would have had the ability to do it if I wanted to, yeah.

Did you ever seek to get the council town planner, either direct or a town, council town planners to sit down with your commercial clients?---I don't think I ever met them.

10 I want to spend a little bit of time on the \$3,000 credit card entry. I think 3,337 or some figure like that.---3,600.

Thank you, 3,600 it was, wasn't it, 666, wasn't it?---Yeah.

Now, Chief Commissioner, I wonder if we might have that put on the screen, please. I'm not – I don't immediately have a reference to it but I'm sure those with better memories than me will be able to find it.

THE WITNESS: Mr Darams, Mr Darams, can I get a water, please?

20 MR LEGGAT: I'll move on from that. I may or may not come back to that. Can we go to another one, please, which is the Christmas party, the I-Prosperty Christmas party, and there's an email sent out to people who were attending the Christmas party. I think it's volume 1.2, page 108. I'm not certain about that. That's not the one I had in mind but it's probably around there. I think it was – oh, there we go. Yes, thank you, thank you. Now, Mr Chidiac, the email from Irem Oksuz says, "Attention to those who will join the boat party on Wednesday." Now, your name is not on there. Do any of those addresses, are those aliases that you might have or could any of the emails addressed to those people who are joining the boat party
30 have been intended to be sent to you?---No, I'm not familiar with those email addresses, Mr Leggat.

Does that document suggest that you may not have been on the Christmas party yacht in 2016?---Well, there's no evidence there that shows that I attended.

Let me move on. You gave an answer to the effect that you were, from time to time, self-promoting and bragging. What did you mean by that?---Well, I tend to self-promote on occasion. I think I probably overdo it, especially
40 when I've had a few drinks or so. I mean, I do self-promote sometimes unfortunately. I overdo it, yes, yes.

You also indicated words to the effect “She overestimated my ability,” that was referring to Ms Li. Tell me if I’m wrong about this, but there seems to be a link to those two, that where Ms Li may be overestimating your ability, you’re not talking her out of her overestimation of you. Is that fair to say?
---Well, they, they, they couldn’t comprehend that things are done differently in, in, in Australia to China. I mean, she, she’d make different requests at different times and where I had to tell her, look, that’s not possible. I’m not capable of, you know, to deliver what you’re asking.

10

What do you say to this proposition. Feel free to disagree with it. But it was in your financial self-interest to not correct her, that is Ms Li’s, misunderstanding of your ability to achieve things at a planning level.
---Sorry, say that again, Mr Leggat, my apologies.

I’m exploring whether or not it was in your financial self-interest not to correct Ms Li’s misunderstanding as to what you could and couldn’t do on I-Prosperty’s behalf in relation to planning matters.---Well, technically it’s not in my interests to correct, but I, I would, I would on occasion, I mean,
20 she’d come to me for migration issues and federal issues and then she’d come to me on state issues and, you know, local issues and occasionally I’d say, look, you know, being unrealistic.

All right. My impression is, and again correct me if I’m wrong, that from time to time you would let her believe that you had a sphere of influence that in fact you didn’t have. Is that fair or not fair?---Yeah, I did that. I would have done that on occasions, Mr Leggat, and I still do that at times.

At one stage you were asked questions about how it was that a person with
30 no qualifications could be paid such vast sums of money, and you said, “They could see talent in me and I had my track record for previous projects.” What did you mean about your “track record for previous projects”?---Okay, if, in Rhodes in approximately 2015, B1 had an option on four or five properties in Mary Street and, yeah, I think Mary Street and Marquet Street, which Rhodes, which B1, which I-Prosperty ended up buying. They were faced with a dilemma. Council wanted them to pick up 1 Marquet Street and no one was able to pick that property up for years. Andrew Ferguson and, on behalf of B1, engaged me to attempt to pick up that property, which we were, event which I was with that agent successful
40 at picking that property up. So word, word would have got out that I did the impossible on that site. Yeah.

Thank you.---Mr Leggat, if I can add, myself and a couple of the agents to pick up that property we charge approximately \$475,000. That's, that's what we would have charged to pick up a property. Billbergia were charged 3 to 400,000 for picking up about six properties for them. So Billbergia received a discount and so was Prolet.

10 Have any of your commercial clients ever cavilled or quibbled with you as to the reasonableness of the price that you've asked to be paid for the services that you've rendered?---Never. Mr Leggat, if I can add, the clients that I had outside Rhodes I was charging them a lot more than what I was charging I-Prosperity, Billbergia and, and B1.

20 Thank you. Could you provide a little bit of detail as to what you meant by that?---Well, I, I, I was engaged by PIA and eventually had to end up getting a contract from PIA to solve a simple issue for, issue regarding a number they, they were, an address they had at Olympic Park and the authority there wanted to take I think it was number 2 away from them and give them another number and that was a no-no in the Chinese tradition of things, of their numbers. Engaged me. I managed to get the number back for them and I can't recall what I charged them but it was a large amount. And there's another example of that where I charged them about \$150,000 to get some advice for them, a project they had in Wolli Creek.

The amount of time that you would have spent in order to do that, if that was charged at an hourly rate how many thousands or hundreds of thousands of dollars an hour would you have been - - -?---I would have never - - -

30 - - - charging for such work?---Sorry, Mr Leggat to speak over you. I would, I would never calculate on an hourly rate.

No, I understand that, but what I'm trying to understand is whether or not a person who provides your types of services, when one looks at the actual hours put in and does that artificial calculation, the hourly rate can seem rather generous for those of us who are on a far lesser hourly rate. I'm just exploring that topic for your consideration.---Well, some, some, some issues took longer than others. Some issues that I solved in a month or so. Some issues that went on for a couple of years. It just depended on the issue and
40 how complex it was and how many entities involved.

Let me move on. Sid in Lebanon, we know that Mr Tsirekas holidayed with you in Lebanon. Is or is not Sid someone that Mr Tsirekas may have met in Lebanon?---Mr Tsirekas, yes, he has met, yeah, he has met Sid, yeah.

Providing Sid - - -?---And there's, there's photo, sorry, there's photos that shows that he's met, yeah. I've got evidence that would show that he met Sid, yes.

10 All right. So providing photos to Sid of yourself and Mr Tsirekas, Sid would recognise who the person is in the photograph with you?
---Absolutely, yes, yes.

THE COMMISSIONER: How is this helping me, Mr Leggat?

MR LEGGAT: There's a suggestion - - -

THE COMMISSIONER: What issue does it go to?

20 MR LEGGAT: It relates to - - -

THE COMMISSIONER: Sid. I'm talking about Sid and dealings with Sid.

MR LEGGAT: Yes.

THE COMMISSIONER: What issue does that go to?

MR LEGGAT: It goes to the closeness of the relationship between Mr Tsirekas and Mr Chidiac and - - -

30 THE COMMISSIONER: He's already given evidence about that. He's says he's a very close friend and been a friend for 10 years plus.

MR LEGGAT: All right, let me move on.

THE COMMISSIONER: I think I've got that picture.

MR LEGGAT: Excellent. Thank you.

40 THE COMMISSIONER: Just while I've interrupted you, I know Mr Darams said he had some other professional commitment at 5.00. If we're going to keep going I think I should at least allow him the opportunity

of getting a message through. Could you indicate how much longer you think you might be?

MR LEGGAT: Less than 10 minutes.

THE COMMISSIONER: Right. Mr Darams, what - - -

MR DARAMS: I've already pushed it back.

10 THE COMMISSIONER: Oh, you have.

MR DARAMS: I'll keep pushing it back.

THE COMMISSIONER: Okay. All right. You go ahead, Mr Leggat.

MR LEGGAT: Thank you, Chief Commissioner. Before Mr Tsirekas was separated from his now ex-wife, you were aware that he was receiving an income both from Canterbury Council and from Canada Bay City Council. That's right, isn't it?---I knew he was employed by both councils. That's
20 correct, yeah.

Yeah. At some stage after his separation you became aware that he no longer had a source of income from those two councils. Is that right?---I wasn't sure on the time frame or the time or date that Mr Tsirekas was separated. Like I said in previous evidence he's a very private individual. I found out from his mum and dad I think from memory or from his current partner or - - -

30 Prior to Mr Tsirekas resigning from his two jobs he had never asked you for any financial assistance. Is that right?---He never asked me for any money, no.

All right. When he no longer had jobs you offered to take him on holidays, didn't you?---I offered, I offered for him and I to get away for a while. He suggested we go out camping five or six days. I said, "I'm not going to do that." So we decided on going to, going to China. That was the closest country that I've been to and, and enjoyed going to.

40 And the arrangement, correct me if I'm wrong, is that you ask Mr Tsirekas to go on holidays with you. Mr Tsirekas made it a condition of that very generous offer that he would repay you after his divorce settlement came

through. Have I understood that correctly?---Yeah. He was hesitant in going in the first place because he said to me he didn't have the financial means and then when I volunteer to pick up expenses he said, "On, on these conditions that I pay you back once I settle my property."

10 And the expectation at the time of that conversation was that the divorce settlement would likely occur within about 12 months but in fact stretched out to about five years. Have I understood that correctly?---I don't have the timeline, Mr Leggat. I'm not going to, I'm not going to guess, but from memory his complaint it was dragging on and it was a slow process.

Thank you. In relation to the, in relation to weddings in China, can you recall a conversation with Mr Tsirekas where you said to him words to the effect of, "I want to take you on a holiday and as part of the holiday we will be going to a wedding." And he said, "I'm not going to a wedding, one I haven't been invited to." Can you remember a conversation to that effect? ---I don't remember the exact conversation but that's his standard operating procedures. I've invited him to many weddings and many events and his response was, "I'm not going unless I've got an invitation." I've taken him 20 to a funeral where, you know, he didn't know the deceased person or didn't know their family. Yeah, just a part of campaigning. A part of getting out to know the community - - -

And as a consequence - - -?--- - - - local business people.

I'm sorry. No, you go on, you finish.---Yes, sorry, Mr Leggat. I'm just carrying on.

30 And as a consequence of Mr Tsirekas telling you that did you then ask Belinda Li to obtain a wedding invitation for Mr Tsirekas?---I think evidence in my email, the text message that I've seen somewhere along the line would suggest that, yes, I would have done that or gone to Belinda or I could have, yeah, I would have gone to Belinda, yes.

Finally, the private investigator's licence that you hold, when did you first, when were you first issued with that approximately?---Honestly, Mr Leggat, I'd be guessing. It was a long time ago. I've had it since, I've got multiple licences and can't remember which one was issued when.

40 I call it a private investigation licence. Have I got the name right or is it - - - ?---Private inquiry.

Private inquiry. Thank you. Have you held that private inquiry licence continuously since obtaining it?---I have, I have, from memory, Mr Leggat, yes.

Right.---From memory, yes.

Is it renewed annually or how frequently is it renewed if renewed at all?---I, I, I can't remember the actual process but from other, other licences that I
10 have it's normally one year, two years, five years, I think from memory. I, I don't know. I'm only guessing.

Is it reasonably important to you to hold a private inquiry licence?---It is very important to me.

If you were found to have acted corruptly, would that jeopardise your private inquiry licence? What I'm seeking to enquire into is how likely it is that you would put on the line your private inquiry licence, that's the topic I'm asking you to address.---Not only would it affect my private inquiry
20 licence, it would affect my master, master licence, my security master licence, my individual security licence and I'm already damaged through this process as it is. It's going to take me a long time to recover and if I'm ever found guilty, yeah, I think I would be in trouble financially and personally.

In terms of an incentive to behave in a corrupt manner, can you put that incentive in perspective in light of the benefit to you of being able to continue to hold a PI licence?

30 THE COMMISSIONER: I reject that question.

MR LEGGAT: May it please the court. May it please the Commission. Yes. No further questions. Thank you, Chief Commissioner.

THE COMMISSIONER: Thank you. Mr Chidiac, you may step down and you're excused.---Thank you, Commissioner.

MR DARAMS: Sorry - - -

40 THE COMMISSIONER: No reason - - -

MR DARAMS: Only if Mr Stanton has any questions of his client.

THE COMMISSIONER: Pardon?

MR DARAMS: Whether Mr Stanton has any questions for his client.

THE COMMISSIONER: I'm sorry. Is Mr Stanton there?

MR STANTON: Well, I note the time, Commissioner.

10

THE COMMISSIONER: Sorry. Mr Stanton, I didn't mean to overlook you.

MR STANTON: No, no, not at all.

THE COMMISSIONER: Apologies for that. Have you got any questions for Mr Chidiac?

MR STANTON: I haven't, Commissioner, but if I do I'll give notice. I
20 know Mr Darams is shaking his head but - - -

THE COMMISSIONER: No, no. I think it's best done now if you want to. I'm not urging you to, but if you feel there's a need to put any questions to him.

MR STANTON: No. At this stage, no, Commissioner but if I, bearing in mind the time, it's twenty past 5.00 and if I have certain topics that I really need to put, I can certainly give them to you by next week.

30 THE COMMISSIONER: No, no.

MR STANTON: Okay. Well, Commissioner, I - - -

THE COMMISSIONER: Look, Mr Stanton, if there's anything you want to raise that comes to mind now, raise it with Mr Chidiac while he's here, and then if you want to make some representations or submissions about something, it's always open to you to do so.

MR STANTON: I've got nothing to raise at this stage, thank you,
40 Commissioner, and I note the ability to make representations in the future.

THE COMMISSIONER: Well, Mr Stanton, I don't want to mislead you.

MR STANTON: No, no.

THE COMMISSIONER: The prospects of me having this witness recalled so that you can ask him, as it were, any re-examination questions is not high. So if you want anything from him now you should make the most of the opportunity now. I just don't want to mislead you or lead you up the garden path about that because, nothing to do with you or your client, but
10 it's just not done in the Commission - - -

MR STANTON: No. I appreciate that, Commissioner.

THE COMMISSIONER: - - - in any other inquiry that I've had any association with.

MR STANTON: I won't exercise that right, Commissioner.

THE COMMISSIONER: I'm sorry?
20

MR STANTON: I will not exercise the right, thank you, Commissioner.

THE COMMISSIONER: All right, okay. Thanks, Mr Stanton. Thanks, Mr Chidiac, you may step down. You're excused.

THE WITNESS EXCUSED

[5.23pm]

30 THE COMMISSIONER: Mr Darams, before I - - -

MR MOSES: Oh, Commissioner, there was a matter that I - - -

THE COMMISSIONER: Yes, I'm sorry, Mr Moses. I just - - -

MR MOSES: - - - said I wanted to raise. It relates to some correspondence received on the - - -

THE COMMISSIONER: Sorry, Mr Moses.
40

MR MOSES: I'll try and get that - yeah.

THE COMMISSIONER: Thank you. That's better.

MR MOSES: There was some correspondence received on 16 June late in the afternoon following my cross-examination of Mr Tsirekas by lawyers you said they were acting for Prolet Constructions, Joseph Jacob and Pierre Jacob and it related to a question that was put at page 2289, lines 22 to 28 on Thursday, 16 June, where it was put to Mr Tsirekas that "You knew that
10 Mr Chidiac was a person who was being paid money to lobby on behalf of Prolet, correct?" He said "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." Now, the lawyers acting for Prolet, Mr Joseph Jacob and Pierre Jacob have taken issue with that question. They say that on their instructions there is no evidence presently before the Commission that any money, any large – I withdraw that – that large sums of money were paid to Mr Chidiac by their clients. So they've put that in a letter and I just want to put this position. It is the position that the present state of the evidence before the Commission
20 is that there was an agreement between companies associated with the Jacobs brothers and a company of Mr Chidiac which provided for the payment of the service fee to Mr Chidiac. That's Exhibit 89. The agreement included an service fee payable to Mr Chidiac of some \$120,000 per annum. The definition of a retainer is at page 56. Joseph Jacobs was shown an unsigned copy of agreements between the companies associated with the Jacob brothers and Mr Chidiac for consulting services, but not a signed copy, as I understand the evidence as it's been relayed to me. The current state of the evidence is that they say that there was no service fee paid to him. Mr Chidiac says that he is owed those moneys and that they
30 are debts payable to him.

So in relation to the question that was put at 2289, lines 22 to 28, the question should have been "Was Mr Tsirekas aware that Mr Chidiac had entered into a service agreement with the company or companies associated with the Jacob brothers or Prolet in order to receive large sums of money exchanged for providing services to them?" rather than the question that was put, and that is was he aware that they had paid large sums of money to them. That's the issue that I wanted to correct and clarify on the record. I don't think it needs to result in Mr Tsirekas to be recalled in respect of that
40 because the ramifications for him are still the same in respect of this issue concerning he and Mr Chidiac.

And just another issue, which is unrelated to this, Chief Commissioner, you were right in your observations to Mr Chidiac. It's the evidence at page 2285, lines 30 to 40 of 16 June, when I was cross-examining Mr Chidiac. I think you asked questions which he ultimately accepted that he was aware, that is Ms Tsirekas was aware, sorry, when I was questioning Mr Tsirekas, that Mr Tsirekas was aware that Mr Chidiac was providing services to I-Prosperty while they had matters before the council and he gave evidence as to what he understood those services to be. So it's not just a proposition of wilful blindness, but actual acceptance by him that he was aware of that issue. Thank you.

THE COMMISSIONER: All right. Thank you, Mr Moses, for that. Mr Leggat, is there anything you want to raise in relation to the two matters Mr Moses has raised?

MR LEGGAT: The first matter, I have nothing to say. In relation to the second matter, I will need to have a look at the transcript and that will be the subject of the written submissions in due course.

20

THE COMMISSIONER: The transcript speaks for itself.

MR LEGGAT: Thank you. Indeed, yes.

THE COMMISSIONER: All right. Anything else?

MR DARAMS: Yeah. Just one matter. I know Mr Moses referred to the questioning of Mr Joseph Jacobs in relation to the signed agreement. The Commission wasn't in possession of the signed agreement at the time that Mr Jacobs was asked the questions, so there wasn't a deliberate or unconscious or decision not to Mr Jacobs about that matter.

30

THE COMMISSIONER: I understand. That signed agreement has not yet found its way into evidence. Is that right?

MR DARAMS: It has.

THE COMMISSIONER: It has, I'm sorry, okay.

40 MR DARAMS: It has in the version of 3E.

THE COMMISSIONER: And has Mr Joseph Jacobs been informed or his lawyers informed of the tender of that document?

MR DARAMS: Yes. The Commission's officers and Commission's solicitor have been in correspondence with Mr Jacob's solicitors about this matter.

MR MOSES: I'm grateful for Mr Darams' confirmation of that because the letter that we received didn't refer to that agreement. It made a number of
10 assertions.

THE COMMISSIONER: Yes.

MR MOSES: It would have been helpful had they informed is that they were aware of the existence of that signed agreement but that's fine.

THE COMMISSIONER: Yes, indeed.

MR DARAMS: Just so I'm clear, sorry to do all this, just to make sure that
20 – the correspondence from the Commission's solicitors has gone today so they may not, that is Mr Jacob's solicitors, may not be aware if they corresponded yesterday about that.

MR MOSES: I'm grateful again to Mr Darams. That may explain why they sent the letter that they did because it didn't refer to that issue, but I'm grateful.

THE COMMISSIONER: Mr Moses, if there's any aspect about this you need clarification about, if you would speak to Mr Darams about it. There
30 has been - - -

MR MOSES: Oh, no, no. It's fine. I just wanted to clarify on the record as a result of the letter that we received from Bridges Lawyers purporting to set out a number of issues and that's fine. I've sought to clarify what I wanted to clarify.

THE COMMISSIONER: Thank you. Thank you.

MR MOSES: It's a matter for them if they want to take the issue any
40 further here. Thank you.

THE COMMISSIONER: Thank you. Thank you for that. I thank members of the - - -

MR RILEY: Chief Commissioner, may I address you remotely? This is Riley.

THE COMMISSIONER: Oh, I'm sorry. Yes, I'm sorry.

MR RILEY: Chief Commissioner, this is James Riley acting as solicitor for Mr Sawyer.

THE COMMISSIONER: Sorry, acting for?

MR DARAMS: Mr Sawyer.

MR RILEY: Mr Sawyer.

THE COMMISSIONER: Mr Sawyer, yes.

MR RILEY: Gary Sawyer.

THE COMMISSIONER: Yes.

MR RILEY: Chief Commissioner, if this is the last opportunity for documents to be tendered, I wish to raise outstanding correspondence with the Commission, my letter of 15 June, 2022 regarding the partial tendering of a sequence of photographs involving Mr Sawyer at the Nield Park café, which was the subject of submissions from Senior Counsel Mr Lloyd on 18 May.

30

THE COMMISSIONER: Yes. Perhaps if I just get Mr Darams to address that.

MR DARAMS: Yes. So could we do this, Chief Commissioner, could I tender pages 167 and 168 of volume 3.5?

THE COMMISSIONER: 167 and 168.

MR DARAMS: Which will complete the series of questions that Mr Sawyer's solicitors have been asking about.

40

THE COMMISSIONER: Sorry, it was volume, which volume?

MR DARAMS: 3.5.

THE COMMISSIONER: 167 and 168, very well.

MR DARAMS: That will be Exhibit 94.

10 THE COMMISSIONER: Yes. Volume 3.5, pages 167 and 168 will be admitted and become Exhibit 94.

**#EXH-094 – SURVEILLANCE PHOTOGRAPHS X2 FROM 25
JANUARY 2019**

MR DARAMS: And could I just add just before we adjourn that the

20 Commission will have to find another day over the next week or so in order to just finalise the evidence so there will be further documents to be tendered.

THE COMMISSIONER: Yes, all right. I understand this would be a half-day exercise?

MR DARAMS: Not more than that, not more than that. It might be a couple of hours at most.

30 THE COMMISSIONER: The Commission will no doubt advise everyone as to what the program is and what witnesses will be called.

MR DARAMS: We will do that.

THE COMMISSIONER: Yes, very good. All right. Nothing else?

MR DARAMS: Nothing further.

40 THE COMMISSIONER: I thank members of the profession for sitting on, and their clients. I'll adjourn.

AT 5.32PM THE MATTER WAS ADJOURNED ACCORDINGLY

[5.32pm]