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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC  
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 23 MAY, 2022

AT 10.00AM

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THE COMMISSIONER: Mr Darams.

MR DARAMS: May it please, Chief Commissioner. We'll continue this morning with the examination of Mr John Kinsella. So I'll call Mr Kinsella to the witness box.

THE COMMISSIONER: All right. Mr Kinsella. Yes. Just take a seat there, Mr Kinsella. Mr Cheshire, you appear for Mr Kinsella?

10 MR CHESHIRE: I do, yes, Commissioner,

THE COMMISSIONER: Yes. I have granted leave. Mr Kinsella, do you take an oath or an affirmation?

MR KINSELLA: Affirmation, sir.

THE COMMISSIONER: Affirmation?

MR KINSELLA: Affirmation, yes.

20

THE COMMISSIONER: Yes. My associate will administer the affirmation, if you wouldn't mind standing, please.

THE COMMISSIONER: Thank you. Just take a seat.

MR DARAMS: Mr Kinsella, Brendan Cronin is a contractor to Billbergia, is that correct?---That is correct.

10 THE COMMISSIONER: Sorry. Just before you get launched, Mr Cheshire, you have spoken to your client about giving evidence? Do you make an application to - - -

MR CHESHIRE: Commissioner, you've already made a direction at the beginning of his evidence.

THE COMMISSIONER: Oh, I'll just make it clear that that direction previously made continues. Yes.

20 MR CHESHIRE: I'm grateful, thank you.

THE COMMISSIONER: On the previous occasion Mr Kinsella gave evidence I made a declaration under section 38 of the Independent Commission Against Corruption Act. That declaration will continue to apply to Mr Kinsella's evidence given today. Yes, Mr Darams.

MR DARAMS: Mr Kinsella, Brendan Cronin is a contractor to Billbergia? ---Yes, Mr Darams.

30 He's been a contractor, to your understanding, through his company Ballyfore Engineering and Excavations, is that correct?---Yes.

Is it the case that he has contracted or provided his services to Billbergia for over 15 years?---Yes, sir.

Did you say yes?---Yes.

Mr Craig Stubbs, he is still employed by Billbergia, is that right?---That's right.

40 How long has he been employed by Billbergia for?---I'm not sure but probably eight to 10 years.

Do you understand the role that he is employed in with Billbergia?---Yeah, yeah.

Is he an accountant, is he?---I believe so.

Just back to Mr Cronin, did you introduce Mr Cronin to Mr Tsirekas at any stage?---I don't recall ever introducing him.

10 Could you think of a reason why you might introduce Mr Cronin to Mr Tsirekas?---I certainly can't recall it, no.

The question I asked you was can you think of a reason why you might introduce Mr Tsirekas to Mr Cronin?---No.

Did you ever introduce Mr Cronin to Mr Chidiac?---I don't believe so.

Can you think of a reason why you might have introduced Mr Chidiac to Mr Cronin?---Not at this stage.

20

Did you introduce Mr Stubbs to Mr Tsirekas?---I don't believe so.

Can you think of a reason why you might have introduced Mr Stubbs to Mr Tsirekas?---No.

Did you introduce Mr Stubbs to Mr Chidiac?---I don't believe so.

Can you think of a reason why you might have introduced Mr Stubbs to Mr Chidiac?---No.

30

Do you know whether Mr Cronin, through his company, Ballyfore Engineering and Excavations, donated to Mr Tsirekas' election campaign for the federal seat of Reid in 2016?---Don't know.

Did you ask Mr Cronin, either on your behalf or on behalf of Billbergia, to donate to Mr Tsirekas' campaign in 2016?---No.

40 Did you ever either personally or through Billbergia reimburse Mr Cronin or his company for any donation they might have made to Mr Tsirekas's campaign in 2016?---No.

Do you know whether Mr Stubbs donated to Mr Tsirekas's federal election campaign in 2016?---I don't know.

Did you ask Mr Stubbs to donate to Mr Tsirekas's federal election campaign in 2016?---No.

Did you either personally or through Billbergia reimburse Mr Stubbs for any donation that he might have made to Mr Tsirekas' election campaign?---No.

- 10 Have you asked anyone – sorry, I withdraw that. Did you ask anyone either on your behalf or on behalf of Billbergia to donate to Mr Tsirekas's federal election campaign in 2016?---No.

Do you know whether anyone donated to Mr Tsirekas's federal election campaign in 2016 either on your behalf or on behalf of Billbergia?---No.

- 20 Could I ask that the witness be shown volume 6.10, page 30? Mr Kinsella, could you just have a look at these entries on this page? I can tell you that these are entries from a calendar or diary that have been extracted from your phone that has been seized by the Commission in these proceedings. Have you had the chance to read that, Mr Kinsella?---Can you tell me what am I supposed to be reading? I just see "johnkinsella@billbergia, pauladdison@billbergia". What do you want me to read?

Sure. So in that column there, you'll see at the top of the column, it says "calendar entry"?---Yeah.

Do you see below, it says "Subject: JV agreement BBG\Prolet"?---Yeah.

- 30 I suggest to you BBG is shorthand for Billbergia?---Yeah.

Prolet is obviously the company associated with the Jacobs brothers?  
---That's right.

You'll see under that, it's got "attendees"?---Attendees, mmm.

Yeah, then there's Mr Joseph Jacob, yourself, Mr Addison. Who's Mr Addison?---He was commercial manager for Billbergia.

- 40 He worked for Billbergia- - -?---That's right.

- - - in June 2018. Is that right?---Yeah.

Then there's Assunta Maude?---Yeah, she's legal, she's retired now but she was legal.

A legal employee or legal officer with - - -?---That's right. Solicitor, yeah.

Employed by Billbergia?---That's right.

10 Then there's Pierre Jacob and Mr Frank Bruzzano?---Yeah.

In June 2018, was it your practice to insert your own diary or calendar entries into your diary or was that done by administrative assistants on your behalf?---Yeah. Yeah. Yeah, I, I generally wouldn't do it.

So this refers to, just going on the subject matter, it appears to be a meeting held in relation to a proposed or actual joint venture between Billbergia and Prolet?---Yeah, it, it looks like that. I, I can't recall but it certainly looks like that on, on the invitation, it looks - - -

20

It's the case, isn't it, that there were discussions between Billbergia and Prolet over a or in relation to a potential joint venture?---Obviously, yeah. I, I didn't remember but obviously there was. There was so many machinations. Sorry, I don't want to give a speech.

No, that's fine. I'm not asking you, just, you say obviously it was, I'm just asking you now whether you now recall that there were meetings on behalf of Billbergia and Prolet where the parties were discussing a potential joint venture. That accords with your recollection, though, doesn't it?---Well,

30

there certainly was discussions about a lot of things, yes.

Can you recall when those discussions commenced? And what I'm wanting to ask you is that that document indicates that there was this, this meeting, if it occurred, but in any event it looks like a meeting was intended to take place in June 2018, do you see that?---Yep.

Does that accord, that period of time, accord with your recollection as to when these discussions between the parties commenced?---I would say talk would have been going on a long time before that, talk of possible joint ventures or, rather, selling, buying, that kind of - - -

40

So these are talks between you and the Jacobs brothers, is it?---Certainly that's what it looks like.

No, just go back. What I'm asking you is that talks were going on before this period of time about I think you said selling property but you also indicated joint venture. Were those discussions before this period of time between you and the Jacobs brothers, is that right?---Yeah, I would say there probably were.

10 Are you then able to assist us, though, about why this meeting at least was planned, whether it proceeded or not? Is it the case that things, in my terminology, got more serious at this stage in terms of this proposed joint venture?---It's difficult to say. By the way, if I could ask who actually invited, do you know who invited this meeting, who invited the (not transcribable)

That was one of the questions I was going to ask you.---Oh.

So you can take it that I - - -?---Sorry.

20

- - - I can't tell from this document.---Okay.

And I'm not suggesting one way or the other, but this is a record from your, your phone in relation to a - - -?---From the diary, is it?

From the diary maintained on the phone or accessible from the phone.

There's a record of this meeting.---Yeah. Like, I know the meeting took place, but certainly we had, we had certainly talks on lots of different things, including possible joint ventures on parts of the sites and whatever. Certain we had that.

30

Just back to whether the meeting proceeded. Can I ask you whether it was your recollection in 2018 that if, general recollection, that if you had a meeting in your diary, it generally went ahead?---Not necessarily. There was often meetings. Some were called off. Some were meetings, at other times I might have a meeting in the city and, so they didn't always go ahead because there's lots and lots of meetings called but they kept doubling up and pricking up.

40 Was it your practice at the time, though, to try and avoid double-ups, et cetera, so that when a diary entry was put in for a proposed meeting, was

your intention at the time to attend that meeting if it was put in your diary?  
---Yes. I, I don't recall this particular meeting but I do recall lots of  
discussions about the topic, so it could very well have taken place.

Could I just ask that you be shown page 32. This is another extract from  
what I'm going to suggest is your electronic diary, Mr Kinsella.---Yep.

Now, Mr Kinsella, you can see from the subject of this calendar meeting it  
says "Joint JV agreement Rhodes".---Yeah.

10

Just going down with the attendee list, Mr Sakaris from – I'll suggest to you  
that's a firm of solicitors called Sparke Helmore.---That's right.

Was Mr Sakaris a lawyer that was advising Billbergia?---Yes, Sparke  
Helmore does a lot of work for – yes.

So Mr Sakaris and his firm, or Mr Sakaris' firm has provided legal services  
to Billbergia?---That's right.

20

If we go down the page to the bottom, not to the bottom but the last  
attendee, Mr Vale, do you see that?---Yep.

Did you understand that to be a lawyer who was engaged on behalf of  
Prolet?---That's right.

Had you had any dealings with Mr Vale before this point in time, that is  
July 2018?---I recall meeting Mr Vale once but I don't recall actually being  
in a meeting with him but I recall meeting him once. I think on the corridor  
when they were going to a meeting or something.

30

Corridor where?---Possibly in our office.

Your office?---Possibly.

Just back to this entry. The date of this entry, which I'll suggest to you is an  
entry for a meeting on 4 July, 2018, do you recall whether that meeting took  
place?---I wasn't at that meeting but it may have taken place.

40

So when you say you weren't at that meeting, can you tell us why you know  
you weren't at this meeting?---Because I've never been at a meeting, a  
formal meeting with Greg Vale at the meeting.

Is that the only basis that you now say that you didn't attend this meeting, because you've never been at a meeting with Mr Vale?---That's right.

Well, what if Mr Vale didn't attend the meeting? Do you recall - - -?  
---Well, that's a possibility but I don't recall being at this meeting in Sparke Helmore because my people go to a lot of meetings that I don't go to.

10 When you say you don't remember being at this meeting at Sparke Helmore, where do you say from this entry this meeting occurred at Sparke Helmore? How do you say that?---I, I thought it would be at Sparke Helmore because normally we would go to them rather than them coming to us.

So do I understand your evidence to mean that if there was a meeting that involved lawyers from Sparke Helmore, your practice or understanding at the time, or experience at the time was that they would occur at Sparke Helmore's offices?---That's right.

20 Are you able to assist us, based upon this period of time, that is July 2018, where the negotiations or discussions between you and, well, Billbergia and Prolet were at with the proposed, I'll say proposed, joint venture between the two parties?---Yeah. Mainly a meeting would be I would speak to Joseph Jacob personally, would be more the case than a formal meeting. I think my people might have been on formal meetings, but personally I would probably have had a, a chat with Joseph.

30 But can you recall whether in July 2018 the parties had advanced the discussions to the point that they were saying "Look, this is a good idea between the parties. Here are the things that we're going to do on the joint venture"? When I say "we", I mean Billbergia, these are the things that Prolet are going to do in respect of the joint venture?---Yeah, that's, that's a possibility. Like, I, I don't recall a formal meeting other than the discussion with Joseph and me, but obviously between Paul and the legal people and whatever, they obviously entered into formal meetings with them and then they would have a debrief with me.

40 So are you saying you know that these meetings took place but you didn't attend but you were debriefed as to what was discussed at the meeting?  
---No. I'm saying the normal process. I don't know that this meeting took place, but it could very well have.

When you say you don't know whether it took place, is that because you say you didn't attend this meeting?---Yeah.

Right. Do you recall getting a debrief after the meeting?---Not this particular meeting, no. That's if it took place. So, I don't know if this meeting took place but we were in discussions on joint venture and a lot of other things, sorry.

10 Well, just in relation to the discussions on the joint venture, at this period of time, July 2018, how advanced were they? And what I mean by that, had the parties discussed the role of Billbergia, had they discussed the role of Prolet in respect of that joint venture?---I don't know which, what way to put this. A joint venture would happen on the basis that something would actually, that the land would be zoned to do something with it. So nothing actually got zoned in a way that was practical for us to proceed.

20 So the discussions at this stage were on the basis, you understood it, that if land was rezoned in a particular manner or way, then the parties, Billbergia and Prolet, might collaborate together in relation to something on the particular land, is that - - -?---That's right.

It was all subject to rezoning of the land?---Subject to it working for both parties. So lots of different - - -

Whose idea was it to commence the discussions for the joint venture?  
---Probably Joseph and myself would have mentioned it in passing, different possibilities of making the area work.

30 When you say "Joseph" do you mean Joseph Jacob?---Joseph Jacob, that's right.

Was the idea of a joint venture an idea of Mr Joseph Chidiac's?---He didn't say a lot to me about it. Perhaps with Joseph Jacob but not with me.

Well, what did he say to you about a joint venture, Mr Joseph Chidiac that is?---At one stage when all the land was intermingled, it was suggested that perhaps a joint venture would be the best way to manage that.

40 When was this?---That was early when I owned land in the middle of where Joseph Jacob wanted his stuff and he had land in the middle of where I was

purchasing. So we looked at different alternatives as how to manage that, because it wasn't developable in our own right because none of us had all of a parcel that made it possible to develop. So he, I think he had three or four properties in the middle of ours and we had some options in the middle of his.

When you say "he", you're talking about - - -?---Jacob, sorry.

Jacob, Joseph Jacobs.---That's right.

10

But what about the discussions, that's what I'm focusing on, with Mr Chidiac and you, about this proposed joint venture? Was that 2014, 2015? ---He suggested perhaps that we work on joint ventures or whatever, but I think in the end we just sold it to each other, made it simpler. I can't recall exactly when Mr Chidiac would have been involved in the discussions.

20

THE COMMISSIONER: Just in terms of the subject matter of the proposed joint venture, what were the subject matter of the proposed joint venture in terms of what were the parties each looking to contribute? I take it, firstly, there's some discussion about both parties, as Billbergia and Prolet, contributing land, is that right? Is that correct?---Okay.

30

So perhaps you could just elaborate if you like upon the nature of the joint venture proposals, what they were directed to, so that I can understand more clearly what the proposed joint venture was as at, say, mid-2018.---Joseph and myself had some more involvement and discussions. What it was based around was if he had 3,000 square metres of land and I had, say, 10,000 square metres, if we proceed with the joint venture based on the amount of land that each one of us had in terms of that, what we would do. So he had an area where he had the majority of land, and I had an area where I had the majority of land. So it would be based on the percentage of land. So both would put the land in, they'd put the same amount of money on a percentage basis, and at the end they would get whatever remuneration would be – like, that was just the basis, the simple basis of it.

And in terms of infrastructure, what sort of infrastructure was under discussion?---The, then?

40

Say at about mid-2018 as time went by after that.---The infrastructure was, was, we were in negotiation with more the State Government, but to a degree the council, on quite a lot of infrastructure, because railway station

needed upgrading, we were looking at ferry wharves and schools. They were the main parts. And things in planning with the authorities kept moving. They went moving here and moving there. Like, it was like bridges across to McIlwaine Park, bridges connecting the railway station across Walker Street and Blaxland Road. So they kept moving around. But at the end of the day, what we were looking at, we put a proposal to government where we provide about \$350 million worth of infrastructure. But in order to do that, we needed a certain amount of floor space and all that for it to be viable to do that. So that's more or less where we were with  
10 the infrastructure.

I see. So discussions between Prolet and Billbergia related to those two areas, perhaps not exclusively, but that is the areas of contributions, percentage spaces of land, rezoning of land and infrastructure discussions which required discussions with State Government, is that right?---Yes, sir, Chief Commissioner.

All right, thank you.

20 MR DARAMS: Just following up on the Chief Commissioner's questions and your acceptance about those discussions, were they, the nature of the discussions from this point in time onwards, that is about July 2018 or did they stretch back earlier in time 'cause you did have discussions earlier in time?---Yeah, that, that's right. There, there was different type, we were looking at the possibility of perhaps Jacobs even building one of the buildings as against Billbergia building but Billbergia project managing because that would have assisted Prolet to engage in bigger works from there on.

30 Mr Kinsella, on the last occasion you were here, I asked you some questions about meetings with I-Prosperity and yourself. You recalled on the last occasion one particular meeting where I think you referred to meeting a fat guy but you couldn't recall any other meetings taking place. Is that still the case, Mr Kinsella?---Which, which parties, now, can we define which parties in I-Prosperity you're talking about, only the fat guy, the, those directors or Belinda or others?

Well, anyone on behalf of I-Prosperity.---We actually had a meeting in the city in I-Prosperity's office regarding the possibility of some hotels at some  
40 stage, as well, but I, I don't believe the fat guy or Ms Li was there.

Well, who was there on behalf of I-Prosperity?---Some people who were involved in the hotel group at the time. Yes, they, they were spending a lot of money on hotels, we were building hotels.

When was that? What year?---Probably, I, I would suspect three or four years ago. I don't know exactly the year, but I'd say three or four years ago.

So that's another occasion you recollect. Is that right?---With a meeting with people from I-Prosperity, that's right.

10

That's all you can recollect?---No, I, I believe that we may have, we may have had a few informal meetings then with Belinda. I'm not sure whether she was on her own or, or with other people, but she may have been on her own when she was discussing, I forget what, what, what they were discussing - - -

What was Belinda discussing?---It was more to do, to do with her site next door to our site, logistics and things on the site.

20 Do you recall when that was?---It could be four or five years ago.

Right. So 2018?---Somewhere, '17, '18, somewhere around there (not transcribable)

Could the witness be shown volume 6.13, page 79? Again, Mr Kinsella, these are extracts from a calendar or diary that have been taken from your phone - - -?---Yeah.

- - - similar to the other records I showed you before.

30

So just focussing on the first one, Mr Kinsella.---Just at the top of this, I can't see the, the, it's cut off.

Oh, okay. Well, if we can scroll down the page a little bit.---Yes.

What it looks like has happened is Mr Furlong has sent an invitation to a meeting for the, or proposed to occur at 2.00pm on the 14<sup>th</sup> of November, 2019, that's what it appears to be.---Yeah.

40 Did you attend that meeting, given you were one of the attendees, sorry, the persons who the invitation appears to have been sent to?---No.

You didn't. Do you know whether Mr McGarry attended?---I don't know if Mr McGarry, I don't know if he attended. The reason I know I didn't attend is I've never been to their office.

Do you know what this meeting was about, what the discussions between I-Prosperity and Billbergia were about?---I don't know in 2019. I'm not sure what was happening in that time. That's only, what, three years ago. I, I, I don't know.

10

This would have been something to do with Rhodes West though, wouldn't it?---I would say more than likely, yes.

You don't understand that I-Prosperity had any land or property in what I've been referring to as Rhodes East?---No, I don't believe so.

If I could ask that the witness be shown page 80. I draw your attention, Mr Kinsella, to the entry that is entry 3. I'm not drawing your attention to entry 2 because it seems to be another record of the event on, if it proceeded, the 14 November, 2018.---Yes.

20

Did you attend this meeting?---I can't recall the meeting but I can recall meeting the architects from the, the Japanese architect, Koichi Takada. So I'm maybe not remembering because I can remember meeting him, it, it may, may have been in, in this – I certainly don't recall being at the meeting but I don't recall meeting Takada at some meeting. It could have been this meeting or it could have been a different one.

30

What was that in relation to?---I don't know. He's one of the best architects in Sydney. Someone, I, I, I really don't know if, if, if it's the same, something, I would be only guessing. So I, I really don't know but I know he's one of the best architects in Sydney and, and we may have used him because, because we wanted to impress.

But let's just talk about IPG and Billbergia in May 2018.---Yeah.

What issue, if any, was between those parties at that time that may have required this architect to be there?---I can only, I'm only assuming, is it okay if - - -

40

What can you recollect?---No, I can't recollect anything but I'm assuming because their, their architect died and I'm assuming they must have brought in this other architect.

But why would them bringing in an architect be of any interest to Billbergia? That's what I'm trying to understand. Why would they want to – let's assume it's a new architect. Why would there be a meeting arranged between their new architect and Billbergia?---There, there was a connection required from our site to their site, in particular in relation to the retail.

10

I see.---Because there's a shopping centre here and the intention on Mary St and Marquet around the corner was to continue that retail around. And we actually have a corridor left in our finished area to actually connect in from our side to their side.

Was that an issue, to the best of your recollection, that might have been present or presenting itself in May 2018?---It possibly could have been how they wanted it connected, yeah, 'cause I think there was a requirement – like, I'm not sure the planning but I think it was a requirement of the authorities to have a connection.

20

What about this entry number 4? This is the February – if we can scroll down a little bit – February 2018.---Yep.

This appears to just be you and Mr – sorry, you and Ms Li. Subject is “BB lunch with Belinda”.---Yeah.

Do you recall this lunch with Ms Li?---I was at a lunch with Ms Li. I'm not sure if she was the only one there. It was in Oliveto's in Brays Bay at Rhodes, right opposite. So I, I certainly had a lunch with Belinda. I thought it was someone else from my side, I'm not sure. I don't believe it was anything to be discussed. I think it was more “How are things going?” than anything else.

30

This is February 2018, is that right?---I remember there was a lunch. Date I wouldn't know, but I would say that's probably right. That's probably the lunch. There was one lunch in Oliveto's. I would say that's probably it.

40

Is Oliveto's a place that you frequent from time to time, is it?---Yeah, yeah. I live in Rhodes most of the time. I live in Mona Vale some of the time. So that's a good restaurant there.

Perhaps if the witness can be shown the next page. It's an entry from, well, refers to a proposed or intended meeting on 9 January, 2017.---Yep.

Subject is "Heliostats report".---Yeah.

10 Do you remember what this issue was?---Yep. Yeah. Basically the, I've had some (not transcribable) but the heliostat, when we started developing in Rhodes, there was a problem with Union Square that was overshadowed by Walker's building, Lang Walker's building. So when we're putting another building up, we talked to a lot of experts around the world, actually, and they suggested to use a heliostat to transfer the light from this side to this side. So we've put a heliostat on top of the building to, fixing the existing problem, and also to eliminate the risk of our building overshadowing the square.

20 So why was there a meeting or intended meeting between Billbergia and I-Prosperity in relation to that matter?---What that was about was I-Prosperity's building also overshadowed Union Square in the methodology in which they wished to build it. So because of the overshadowing, they, they were hoping that our heliostat would cover the overshadowing of both buildings, both our building and their possible building.

30 Were you on behalf of Billbergia, if that's right, seeking to have I-Prosperity contribute to any of the costs or recoup any of the costs from I-Prosperity if that one should provide them a benefit in respect to their building or the - - -?---Oh, yeah, there would have been if that had to eventuate. Like obviously it was a lot of steps in the process because first of all the authorities would have to accept there was a solution, and we didn't know whether they would accept that was a solution or not. But certainly if it had to go ahead and it provided the job for I-Prosperity, there would have been talk about the money changing hands.

So this is it, that a method or the method that I-Prosperity, sorry, Billbergia came up with to deal with the overshadowing was the construction of the heliostat, correct?---That's right.

40 Very broadly, the construction of a heliostat might have provided some assistance to I-Prosperity in respect of the building or buildings that it had planned to construct on the site?---That's right.

If that was to provide some benefit to I-Prosperity, then Billbergia would, among other things, would have sought to have I-Prosperity contribute to the cost of the construction or reimburse some of the costs of the construction 'cause they would have received a benefit as well, is that correct?---That's right. We probably would have had to construct the heliostat slightly different and there would have been more engineering and computer in the thing in order to cover both buildings.

10 If I could ask you to focus on item 6? Now, this is a meeting that appears to have been scheduled for 11 November, 2016. Do you see the subject "Rhodes project"?---Yeah.

The attendees include Ms Li, yourself, Mr McGarry, Mr Furlong, you understood who Mr Furlong was?---Yes, yes.

There's Mr Bowers, the former architect for I-Prosperity. That's right? ---That's right.

20 Mr Chidiac?---Yeah.

Yeah, you obviously knew who Mr Chidiac was at that stage?---That's right.

Mr Huang, from I-Prosperity. See that?---Yeah.

It looks like from the details below that Ms Li has organised that meeting but to occur at Billbergia's office or showroom?---Yeah, I suspect it's probably a showroom in Rhodes, I, I suspect. Yeah, that's right.

30 So this is a meeting where the intended attendees include Mr Chidiac and Mr Huang and Ms Li. Now, do you recall going to that meeting?---I don't recall going to the meeting.

40 Did you recall going to a meeting with Mr Chidiac, Mr Huang and Ms Li at any other time?---The, the only time I can remember meeting, I think that was the fat guy, wasn't it, the big guy, Mr Huang? I'm not sure which of them. There was two directors of, of I-Prosperity. I'm not sure which of them was the big guy. One was, it was the big guy, I only met him once. But I can remember at a meeting with Stephen Bowers because I remember commenting on he was so thin, he was obviously very unwell. I think he had cancer at the time. So I remember commenting. That, that's how I

remember being at a meeting certainly with Stephen Bowers, that's their architect.

Would that meeting have occurred at Billbergia's offices or Billbergia location or do you recall it happening somewhere else?---I forget now but I know for certain we had one meeting where, what's his name again, Stephen Bowers was there.

10 Yeah, but I'm asking you can you recall where that meeting occurred. Was it at Stephen Bower's office? Was it at - - -?---No, it wasn't, certainly wasn't Stephen Bower's 'cause I never went to his office.

Was it likely at a Billbergia office or showroom?---That's possible, that's possible, yeah, yeah.

Could you think of any other venue where you met Mr Bowers?---I, I can't think, no. It possibly was Billbergia, the, like, I, and I certainly met Mr Bowers.

20 Do you recall the circumstance of that meeting where you've identified meeting Mr Bowers, what that was to discuss?---No, I, I can't remember. It obviously has to do with our development and, and the corner of Marquet and Mary Streets, yeah.

Obviously. But can you recall anything that you were - - -?---I can't remember the topics, no. I can't remember the topics.

30 Were these meetings suggested by Mr Chidiac to take place?---It, it could very well have been. Obviously, he had to show the parties he was working to achieve an outcome in terms of getting parties working together 'cause I, I believe he, he helped those people get the land, as well, from what I can gather.

Sorry? Say that again. You say that you believe Mr Chidiac had to show the parties that he was working to get them together. Is that what you're suggesting?---Yeah, I would say that.

40 When you say "he had to show them that he was working to get them together", why do you say that? Is that based on some conversation or discussion you had with Mr Chidiac about his role with I-Prosperity?---No. He's, he, he certainly seemed to have good knowledge of the I-Prosperity

land and the site and, and the problems with it, I suppose, obviously, that's his job.

Well, when you say that was his job, why do you say that? Is that because you knew at this time that he had been engaged by I-Prosperity to assist it? ---I knew he was assisting them. I, I didn't know any terms of his engagement.

10 Your knowledge of his assistance, is that based upon conversations you had with Mr Chidiac about what he was doing for them?---Not, well, well certainly he did arrange meetings as, as you can see here in invitations for meetings and whatever.

Yeah, but my question was that you've accepted that you knew he was assisting them.---Yeah.

20 What I'm asking you is, what's the basis of that knowledge? One of the examples I gave you was because you had conversations with Mr Chidiac where he told you what he was doing for I-Prosperity and what his role was in relation to their development.---Well, well – sorry. Yeah. Well, certainly when we had issues, and it was pretty early on with the anchors, I actually talked to him, yes. I knew he, there was relationship there and he organised a meeting and he went to that meeting and he pushed the case forward to, for the parties to find an outcome without going to court.

So just going back to that, you say that you knew that he was assisting them at that stage?---Yeah.

30 That's what I'm trying to explore with you is, what's the basis of all that? Because at this time, as I understand, Billbergia had engaged Mr Chidiac to, I think your evidence is, identify properties or assisting property acquisition?---That's right.

That's the only matter that he was engaged by Billbergia to undertake, is that correct?---That's right. That's certainly why he was engaged.

Sure. So you then say that you've got some understanding that he's also engaged by I-Prosperity.---Yeah.

40 How does that come about? Is that because he did tell - - -?---He probably would have told us.

Most likely he would have told you?---He would have told us.

Just going on with that a little bit. Can you recall what he said about his role with I-Prosperity, what services he was providing them, given your, I can say, your relationship with Mr Chidiac, you knew he was involved in property acquisition. So did he tell you what he was doing for I-Prosperity, what his role was?---Well, he would have told us he was assisting I-Prosperity.

10

What did you understand when he said he was assisting I-Prosperity, what that meant, given all your experience in construction over the many years to this point in time and you knew what Mr Chidiac did or what services he provided, what did you understand his assistance was to I-Prosperity? ---Probably doing something similar to what he normally does, helped to get land.

So, is that because he told you that's what he was doing, helping them get land?---I, I believe he would have said he helped put the site together.

20

You believe he would have told you that?---Yeah, yeah.

Well, didn't you understand the site had been put together by people before I-Prosperity purchased the site?---There was other owners there before then and, in fact, there were multiple owners. I believe he helped put the whole thing into one lot.

30

But what about the services that he was providing them after that? Because clearly any discussions or involvement with Billbergia and I-Prosperity, through Mr Chidiac, had nothing to do with property acquisition, correct? ---Well, we probably did look at buying the site from time to time but we were still actually looking at it from time to time.

No well, just focus on the services Mr Chidiac was providing to I-Prosperity, because he's involved in, at least in November 2016, something broadly described as the Rhodes project. He wasn't there on behalf of Billbergia, was he?---In which meeting?

40

Well, this period in time - - -?---Because of the anchors, we would have asked them to be there, yes.

Was this about the anchors, this one here?---I, I don't know about this one. It depends on the project. I doubt this would, Stephen Bowers, I doubt it.

So back in November 2016, Mr Chidiac's not involved in relation to property acquisitions by Billbergia over I-Prosperity's land, correct?---No.

So what is he there for, as you understood it?---He was probably engaged by whatever he was doing for I-Prosperity, whatever engagement he has.

10 Yeah. But what did you understand his engagement was?---I, I don't know. I don't, like, you would have to ask I-Prosperity what's the engagement. I, I wouldn't know.

No understanding at all as to what services Mr Chidiac was providing?---I, I don't know, I don't know what he provided them.

Could the witness be shown volume 6.10, 6.10, page 40. It's another calendar entry extracted from your phone, Mr Kinsella.---Yep.

20 This refers to a meeting – or the subject is “Meeting Chidiac”. Date is 4 October, 2019. Location there Oliveto's. Why were you meeting Mr Chidiac?---I believe that was John Chidiac.

Who?---John, John Chidiac.

Not Joseph Chidiac?---I don't believe it was. I think my son organised a meeting in think with John Chidiac.

30 What does John Chidiac do?---He's a real estate agent, both leasing and sales and – he was leasing some retail for us, and he was actually selling some stuff for us in Wentworth Point.

At this stage, October 2019, is that right?---That's right.

Do you understand there's any relationship between John Chidiac and Joseph Chidiac?---I believe there is.

40 What do you believe that to be?---I don't know whether it's a cousin or an uncle but there's certainly a relationship.

You knew that before this meeting time, is that right?---Yes, yes.

Do you know who arranged this meeting? Was it John Chidiac or was it you?---It, it could have been John asked or he could have arranged with my son because my, my son knows him quite well also.

You do recall going to the lunch, though, on that occasion, is that right?  
---I know I've been in Oliveto's several times with both John and Alex Chidiac.

10 Right. Alex Chidiac, is he related - - -?---I, I think it, I think he's a - - -

Let me finish, sorry, let me finish.---Sorry, sorry, sorry.

Alex Chidiac, is he related to John Chidiac?---Yes, I believe so.

What's your belief as to that relationship?---He's either a brother or first cousin. I'm not sure which.

Is he involved in business with John Chidiac?---That's right.

20

They're both involved in the same business?---That's right.

Could the witness be shown volume 6.13, page 56. Mr Kinsella, this is an extract of some text messages between yourself and Mr Tsirekas. Now, the green, the text in the green box is from Mr Tsirekas. When we come to it, the text in the blue box will be from yourself. Just see this is a message in January 2018.---Yes.

Now if I can ask you to be shown the next page. Just want to ask you about  
30 the exchange in the first few messages on this page. The green one, Mr Tsirekas says, "Hi, John. What is the location for tomorrow, 10.00am, with Frank M. Angelo." Do you see that message?---Yep, I see that.

You respond, "Is Meadowbank shopping centre okay?"---Yeah.

So "Frank M" did you understand who that was?---I think it's the little Italian guy with the gold chains, I think.

Did you understand that to be Mr Moio?---Yeah, I would say that's right.  
40

What was your understanding of the purpose of the meeting between Mr Tsirekas, you and Mr Moio?---Frank had been chasing me for work for some time, but there was never any synergy for me to give him work, work.

What does that mean?---I think he was involved somehow in concreters and steel fixers but, look, because we had so many companies with our own, I probably would have said to him, “Listen, give me your card and I’ll put you into the mix.”

10 When you say “there was no synergy” do you mean perhaps more crudely there was no commercial benefit to Billbergia, given you had your own steel fixers or formworkers or concreters or whatever it is?---Yeah. We, we, we have a lot of, obviously from 40 years of work, we’ve got a lot of trades that work with us.

Why did you – I’ll come back to that. Is it the case that Mr Tsirekas was seeking to arrange this meeting on behalf of Mr Moio? Is that your understanding?---I’m not sure. I actually can’t, can’t recall that but that’s certainly what it would look like.

20

Well, the only alternatives are that you were arranging the meeting with Mr Moio through Mr Tsirekas. Is that right?---Yeah, I, no, I didn’t ever (not transcribable) this because Frank had actually got in touch with me on lots of occasions to try and get some work but I never, to be honest, I never got very deep into it.

30 Just back to my question as to the organisation of the meeting. It’s, one alternative is that you organised it all and Mr Tsirekas was checking in as to confirmation of the time?---Is, is Frank M, Frank Moio? It probably is, I, I honestly don’t know whether it was but it more, more than likely is. And, certainly, it, it obviously, what it looks like he, he made a call on behalf of someone. If, if that’s the case, certainly nothing ever became, I don’t even recall if I actually met him there, but I possibly did. But I don’t know why Angelo would be trying to arrange ‘cause Frank Moio knew my number, in any case, because he had contacted me several times over the years, obviously with no success.

40 That’s what I’m trying to just understand from you, Mr Kinsella. Either you want to meet with Frank Moio, that’s one alternative. Correct?---That, that’s, yeah, that’s correct.

Another alternative is Mr Moio wants to meet with you?---Okay.

They're the only two alternatives?---Yeah.

So just in relation to why you would want to meet with Mr Moio, is it likely that that's what was happening here or is it likely that, in fact, Mr Moio's trying to arrange a meeting with you?---Probably.

The latter?---I would say the latter.

10

Because if I understand your evidence that you gave before, it's very unlikely you would be wanting to arrange a meeting with Mr Moio. Is that correct?---Yeah, I would say that's the case.

Could I ask that you be shown the next page, page 58? Focus here on the entry from 3 February, 2018. You send this message to Mr Tsirekas. You say, "Angelo, I forgot. Was it Monday night at 6.30 or Wednesday night at 6.30? Either is okay." Mr Tsirekas responds, "Monday night, John. Be at Drumm by 6.30 and we can go together." Are you able to assist us as to what this exchange was about, what event?---I'm just having a look at the dates.

20

3 February, 2018.---Yeah. And one underneath on the 14<sup>th</sup>, is, is that, 'cause, 'cause I, I know we were invited to the footy. That's a different day, is it?

That's a different day.---Yeah. Yeah. 'Cause I know we were invited to, to the football.

30

Don't worry about the football one. Just focus on the ones above it.---(not transcribable) that, that could be either football or it, it could have been a lunch, I, I'm not sure what, what it was, yeah.

So it says here - - -?---It could, it could have been something with, with the leagues club.

So this message exchanged here, "Monday night, John be at Drumm." Could that be a reference to Drummoyne?---It certainly, that's what I would take from that.

40

I was going to ask you, is that somehow – sorry, based on your experience with Mr Tsirekas, is that somehow you, is that how he referred to Drummoyne on times?---No, I've never heard him, but that's how I would look at it if, if I looked at that. I don't recall going to, first of all, meeting Angelo in Drummoyne and going some place with him. I certainly don't recall anything of that nature.

Well, you had reached out to Mr Tsirekas wanting to clarify whether it was Monday night or Wednesday night.---Yep.

10

Either is okay by you.---Either's okay. Yep.

That suggests that it's something a little bit more fluid in terms of what you're catching up about. When I say more fluid, it's unlikely to be, say, a sporting event that you're inquiring about because you don't really get the time or the ability to determine when it happens on a Monday or a Wednesday, so it's more likely to be some other more social interaction, correct?---Not necessarily, no. You see, I wouldn't have known what date the football would be on if it was the football. I wouldn't have known whether the match was a Wednesday, a midweek match, or whether it was, whether - - -

20

But if it was the football you're saying, "Either of those is okay for me and I can go"?---Yeah, or whatever, but I, I can't recall this now. But obviously you can see the correspondence.

Sure. Could the witness be shown page 59. Just focus on the first entry. So this is in April 2018. You send this message to Mr Tsirekas. "Hi, Angelo. Have you arranged for the Labor and Independent councillors for a get-together to go through PP2 before the workshop tomorrow, probably with just Rick and myself?"---Yes.

30

So PP2 was planning proposal 2, is that right?---That's right.

That's in relation to Rhodes West?---Yeah, that, that, the, possibly I think Oulton Street, affordable housing was involved in that. From memory.

Just go back to my question. PP2 is in relation to your development, or Billbergia's development, in Rhodes West?---Yes, and Oulton, Oulton Street.

40

Now, where you say, “Hi, Angelo. Have you arranged with the Labor and Independent councillors for a get-together,” that seems to suggest that before this text message you’d had some conversation with Mr Tsirekas where you and he had discussed him arranging this get-together with those councillors, is that correct?---We obviously called him and asked him if he could arrange for the councillors.

Sorry?---We obviously would have asked him if he could get the councillors together so that we could put the proposal to all the councillors. Or as many  
10 councillors as we could.

Sorry?---Or as many as we could.

But what you’ve asked him about is the Labor and the Independent councillors, that’s right?---Yeah.

THE COMMISSIONER: You said this related to a proposal. You understood it to be going before council, is that right?---That’s right. Sorry.

20 That is, a proposal going before council in formal session, that’s right?  
---That’s right.

When the council passed those resolutions and so on.---That’s right, yeah.

And what was the proposal by Billbergia in terms of the PP2? What was it, in short summary form?---What, what it would have, at, to the best of my memory PP2 was we were going to build 250 affordable housing.

Sorry, I can’t hear you.---Sorry. We were going to build I think about 250  
30 affordable housing and hand them to council, and in return we would get a higher density on the, on the site in West, in West Rhodes.

Right. And when you say Rhodes West, do you recall whereabouts in Rhodes West was it?---That would have been on top of say the existing buildings. In Rhodes West we were looking at putting, one building was 18 floors and we anticipated it would be going up to about 40 floors because there’s no overshadowing issues.

40 What was the location of the development?---That was on the corner of Marquet, Gauthorpe and Walker Street in, in Rhodes West.

Marquet and?---Marquet, Walker and Gauthorpe Street.

So there was to be, according to this text message, a workshop to discuss the proposal?---That's right.

And who is Rick?---Rick Graf. He, he is a, I, I think I'll explain the last bit. Rick is, he's been working with me for about 10 years. I, I think he'd probably remember what - - -

10 Working, sorry, I'm sorry - - -?---He, he was working on the other side and then he came, so he'd been working with Billbergia. He's got his own companies as well, he does his own property development, but he does a lot of liaising with government.

As at 2 April, 2018, that's the date of this text message, he worked for Billbergia, did he?---That's right.

20 As what?---As a, he does a lot of things to be honest. He is, he does a lot of liaising with government, he does a lot of work between the architects and, and, and Billbergia. He's an old-hat in development, he's, he's in his 70s, so he's, he's been in the development industry, well, well, probably 50 years/60 years. He did a lot of work in Sydney Olympic Park for the Olympics. He did the Brisbane, what do you call it, the World Expo. So he's very experienced and, in government and private relationships.

So he occupied a position with BBL, sorry, with Billbergia?---That's right.

30 How would you describe that position? Was he not project manager but - - - ?---He does some, his role also is in UDIA as, as president of, the president. So his, his experience is, is years and years and years of experience in dealing with both government and, and private. Like, for instance, he, he's the one that got the bridge up between Rhodes and Wentworth Point. It was the first of its kind I think in Australia which we funded and built and handed to government. He was responsible for putting that in place so he negotiated through I think 60 levels of government in order to achieve that outcome, that, that kind of thing.

40 Okay. That is sufficient, thank you. As at 2 April who were then the Labor and Independent councillors as referred to in the text?---To be honest, I, I don't know but what date is that?

Well, it's on the screen.---I'm very sorry (not transcribable). So I'm assuming there you would have had at that time, I'm not sure if it was Andrew Ferguson, the councillor. He probably was. I'm, I'm not sure who all the councillors were at that time.

Right.---But it would have been whatever, Labor and Independents would have been there.

10 So - - -?---Personally, I, I don't know them personally.

So as at 2 April, 2015 do I understand that the councillors consisted of Labor, Independent councillors and Liberal councillors?---That's right.

And was there any Greens?---Yeah. I, I think there was Green as well, Jago, I think.

How many councillors at that time, do you recall, that is as at 2 April, 2018?---Was, was that before the, is it seven or nine? Yeah, seven or nine,  
20 an uneven number.

All right. And you had had discussions, according to this text or as suggested by this text message, with Tsirekas about getting together with the Labor and Independent councillors in order to, when you say go through PP2, to discuss PP2, is that right?---Discuss, that's right. That's right, sir.

Is that right? Mmm. And then after that discussion there would be a workshop conducted by Canada Bay Council at which the project would be or the proposal would be discussed, is that right? That's the sequence.---  
30 That's right, yes. I'm not sure how far before, whether it's days or whether it's hours, I don't know.

Right. And do you know whether Mr Tsirekas did arrange for that meeting with Labor and Independent councillors to go through it? And do you remember then whether the workshop took place?---I assume that the workshop took place but I'm not sure if we actually got together with the Labor and the Independent councillors.

Well, you do recall discussing with Mr Tsirekas, arranging to meet with the  
40 Labor and Independent councillors?---Well, certainly endeavoured to try and go and do that.

You recall that?---Obviously from this text, I don't recall but seeing here we obviously did.

No reason to believe - - -?---No reason to believe we didn't, exactly.

- - - that you didn't arrange with Mr Tsirekas to have a meeting with those councillors.---Absolutely.

10 And you believe you probably did have a meeting with them and then the workshop took place, is that right?---Yeah, I can't recall whether he managed to get them or whether, or not. But certainly the workshop, it would have taken place.

And why was it that the arrangements were to meet just with the Labor and Independent councillors?---I don't know. We possibly tried to get a, maybe a different avenue maybe for the other councillors.

20 What do you mean by that? A different avenue?---No, we may have called, one of our guys may have called maybe the, the Liberal, one of the Liberal councillors to see if, if they could meet separately. Sometimes, like, sometimes it's better to talk to people and not the whole council.

So just - - -?---Sorry.

I'm sorry, you continue.---So we probably, probably decided to break them up to have maybe, whatever, I'm assuming there are probably four councillors, being Labor and Independent, I would say.

30 But there clearly was some reason to choose the Labor and Independent councillors to have that discussion on PP2, that right?---Like on the numbers, I'm not even sure what numbers of these ones or the other ones there was there, so - - -

Just - - -?---There obviously was a reason. I don't know what it was. Like - - -

40 But you accept there had to be a reason as to why the arrangements were to meet with the Labor and the Independent councillors? There had to be a reason for those arrangements?---Yes, there must have been a reason.

Yeah. And do you know what the reason was?---I have no idea what the reason was.

Well, can you think of any reason why you wouldn't want to meet with Labor councillors, Liberal councillors, a Green councillor and an Independent councillor who were then all serving on the Canada Bay Council?---I'm sure we did meet with the other councillors as well. This was probably a request to get maybe this group and perhaps - - -

10 But do you know whether you did? Or don't you remember?---I'm sure we would have. I'm - - -

No, no, no, please.---No, I don't remember, sorry. Sorry.

Thank you. That's all I wanted. Yes.

MR DARAMS: Just back to an answer you gave in relation to Mr Graf. If I understood what you said, that he acts as a liaison with government and private relations, is that right? Mr Graf.---Among many other things.

20

Is Mr Graf a lobbyist or has lobbying skills? Is that how you would describe it?---Well, we all tried to do a bit of that.

Well, just to focus on Mr Graf. Did you understand that he would be lobbying on Billbergia's behalf in respect of those, what you've referred to as government relations and relations with others?---Well, he certainly would be proposing, putting proposals to government, yes.

30 Lobbying on behalf of Billbergia, lobbying the councillors?---Certainly putting in proposals. Perhaps that's lobbying.

Proposals of Billbergia you wanted to proceed through council?---We certainly wanted to show what we thought were good idea for areas, yes.

Through council and councillors?---Yes. Amongst others.

Was he also there to assist Billbergia with its negotiations with council about any particular issues that might have been raised by council in relation to your planning proposal?---Yes.

40

Just on this message here where you say, “Hi Angelo. Have you arranged with Labor and Independent councillors for a get-together to go through PP2 before the workshop tomorrow probably with just Rick and yourself?” Were there other occasions where you had reached out to Mr Tsirekas to see whether he could arrange similar types of meetings, that is with Labor and Independent councillors before a particular event?---I can’t recall that there was any. Well, to be honest, I didn’t even recall this until you showed it to me. So, but I can’t recall that, that we had – we had reached, I had reached out to him certainly with proposals, no doubt about it.

10

When you say reached out to him, you mean reached out to Mr Tsirekas? ---Yeah. To try and get a, a meeting together or whatever. I’m not sure whether he was successful or not on this particular, to get the people together.

When you say reached out to Mr Tsirekas to try and get a meeting together, do you mean a meeting together with other councillors?---That’s right.

Labor and Independent councillors?---It, it could be any of the councillors.

20

Well, just on your recollection, did you approach it in a similar type of manner, that is “Angelo, can you arrange the Labor and Independent councillors?” identify that as a group?---I can’t recall that, no.

Then I was going to suggest to you that you used Mr Tsirekas to, if he could, arrange the Labor and Independent councillors and I think you indicated before that it’s possible that someone approached the Liberal councillors, is that right?---Yes. We, we could have called the Liberal councillors separately.

30

But you don’t have any recollection of that happening?---No.

No. But you didn’t use Mr Tsirekas to do that, did you?---Certainly doesn’t, certainly doesn’t look like it.

No. But it’s not your recollection that you use Mr Tsirekas to arrange the - - -?---No, no.

40 THE COMMISSIONER: As you recall it, when there were meetings with just groups of councillors about a matter concerning a development

proposal, where would such meetings take place?---Very often in the, in the council, in some of the rooms in the council.

And were there more informal meetings, for example, at a coffee shop or something like that?---No. I, I don't think so. In general, like it's, we would bring in as much of the material as possible so we, we would need to have some place where you can actually show it and possibly put it on a screen but certainly show the material and what it, what we would like to do, in other words. Sorry.

10

All right. I'll take the morning tea adjournment. I'll resume at 10 to 12.00 and I will be adjourning at 12.45 today. Very well. We'll resume at 10 to 12.00.

#### **SHORT ADJOURNMENT**

**[11.28am]**

THE COMMISSIONER: Yes, Mr Darams.

20

MR DARAMS: Could Mr Kinsella please be shown volume 6.13, page 61? Mr Kinsella, can I just ask you to look at the second blue balloon then I'll ask you to look at the one below it and then finally the one below that. ---Yes.

Mr Kinsella, was the planning proposal for the Burwood development, was that a Billbergia development or just some other company's - - -?---Some other company's.

30

You were providing or sending that to Mr Tsirekas for what reason?---I didn't even know I sent it to Mr Tsirekas, but yeah, obviously what I was saying is that I, it's difficult to get things done in Canada Bay.

When you say what you're saying, "It's difficult to get things done in Canada Bay", is that a reference to what you were saying in the last message on the page, is that right?---Yes.

40

Just this reference in the last or second-last line where it says, "Support council should check the facts before they release submissions to the press that are full of errors just to get negative feelings in the community. For what end and purpose, I am at a loss." Are you able to assist us as to what

you were referring to there? Because clearly you were referring to Canada Bay Council.---Obviously.

What were you referring to at that stage? This is February 2019.

---Obviously something came in the press that we thought wasn't correct.

When you say "obviously", what was it though?---I, I don't know.

You don't remember now?---I don't remember, no.

10

It was in relation to Rhodes East though, wasn't it?---Obviously.

Well when you say "obviously" - - -?---Yes, yes, yes.

It's not that obviously to me reading this, I'm just seeing whether you can assist me.---Yeah.

20 But you can't now assist us any further as to what that issue was in particular, given you do accept it's in relation to Rhodes East. You have the period of time here, this is February 2019, you can't recall now what council released that you suggest is full of errors?---No. I, I, I can't recall.

If the witness could be shown the next page. Mr Tsirekas responds.---Yes.

Did you read both Mr Tsirekas' response then the blue reply to that from yourself?---That's right, I did.

30 Clearly Mr Tsirekas doesn't agree with everything that you've said. Do you understand that to also mean that Mr Tsirekas didn't agree that council had released something that was full of errors?---Possibly. I, I suppose you would have to ask him that, but yeah.

I asked you - - -?---We, we disagreed obviously in this situation.

Can you help us now as to what the disagreement was about?---Well, he says he disagrees with my comments.

40 Yes. What I'm asking you is, now that you've read the response from Mr Tsirekas and also your reply to that, does this assist you with your recollection as to what the concern you had, obviously on behalf of

Billbergia, in February 2019 that is disclosed in these text messages?  
---I believe was Rhodes could have been done much better.

Just a general, at this stage in February 2019, just a general belief on behalf of Billbergia that Rhodes could be, your words “done better”?---Yes, I believe we needed schools, parks, dog walking parks, football fields, the whole lot. None of it was there. So we believe it could have been much better.

- 10 Well, why are you sending this to Mr Tsirekas if, at this period of time, this was all a state planning-based issue?---Of course, it's, it's state planning that looked after it at this time, but the council obviously should make representation to make sure the area is the best it can be.

Were you wanting council to make representations, what, in support of Billbergia's proposals or planning proposed development in that area? Is that right?---No, we believed that the initiatives of football fields and parks was worthwhile for the council to say, yeah, we think this is a good idea.

- 20 Were they your initiatives, Billbergia initiatives?---Was part of our initiatives, yes.

So you wanted them, can I understand this. Billbergia was proposing, what, parks and football fields and things like that as a part of the overall development of Rhodes East?---That's right.

You thought that the council should have supported that. Is that right?  
---We, we thought that it was worthwhile supporting, yes.

- 30 But you must have thought that council should support that, as well, in those circumstances. Is that not right?---We believed they were worth supporting by, by council, by council, yes.

Do I take it from those answers that at this period of time, it was your belief that council hadn't supported those matters. Is that right?---That's certainly a possibility.

You, on behalf of Billbergia, were disappointed with that position adopted by council. Is that correct?---Yes.

40

We've heard some evidence about a breakdown in the relationship between Mr Tsirekas and Mr Jacobs about this period of time, Mr Joseph Jacobs. Did the relationship between Mr Tsirekas and you and Billbergia break down about this time, as well?---I don't believe it was that consideration that led to breakdown, no. So I, I'd say not.

10 Not. So do I understand that to mean that, at least from the position of you, on behalf of Billbergia, the relationship between you and Billbergia and Mr Tsirekas was unchanged after this period of time. Is that right?---I would say that, yes.

Mr Kinsella, Mr Chidiac called upon you or you met with him and Mr Joseph Jacobs in Harris Farm in about mid-2019 and at that get-together or meeting, Mr Chidiac told you that he had been raided by ICAC. Do you remember that?---I, I remember he said he, he had been raided. I'm not sure which organisation but, yeah, that would, that's pretty close, yeah.

20 Well, he told you that it was ICAC, this Commission, that had undertaken the raid?---I, I thought he mentioned police, but, anyway.

Right. So you thought that he said that he'd been raided by the police? ---Yeah, the police were certainly mentioned. I can, I can recall him being there in Harris Farm and about a raid. I may not have been sitting next to him. But he was, certainly police was involved, yeah.

You attended the Harris Farm at the request of Mr Chidiac on this occasion?---I don't remember that's the case.

30 Well, what, are you suggesting you just happened to be in Harris Farm with Mr Joseph Jacob and Mr Chidiac turned up?---Possibly, yes.

So this is just, that is this meeting or get-together came out by, what, pure coincidence because you were there at the same time as Mr Joseph Jacobs? ---I can't recall anything being organised.

THE COMMISSIONER: If Mr Chidiac's recollection is that it was a prearranged meeting with you, would you dispute that?---I wouldn't dispute it but I certainly can't recall any call from Mr Chidiac.

MR DARAMS: What about if it was Mr Joseph Jacob's recollection that this is a meeting that was arranged by Mr Chidiac, would you dispute that? ---No, I wouldn't dispute it.

Just back to the meeting. You understood, though, didn't you, from what Mr Chidiac told you about the raid that it was likely to be the Commission because Mr Chidiac was telling you about the things that the Commission or the persons who did the raid seized on that day?---I don't believe he told me what they seized on that day.

10

All right. Do you remember him saying that both you and Mr Joseph Jacobs could be implicated in the matters that were the subject of the raid?---I can't remember him saying those words, no.

Well, what did you say to him when he said or referred to being raided by the police?---To be honest, it didn't overly drop anything – first of all I couldn't imagine why. Number two, it didn't really concern us because all our business we conduct in the proper manner, so I didn't see that there was any issues for us.

20

THE COMMISSIONER: Did you notice anything about Mr Chidiac's appearance on this day when you were talking to him at Harris Farm premises?---Chief Commissioner, which, I was listening to the evidence of somebody else and thought that strange, I certainly didn't notice that.

What's the answer to my question?---No.

You don't. So, so far as you recall, he was perfectly normal, calm and chatty?---Yes, absolutely.

30

MR DARAMS: So Mr Chidiac tells you that he's been raided or something to that effect?---Yes.

He says it's involving the police? That's what you recollect?---Yeah.

But he's somehow quite relaxed about this whole thing happening, is that right as we understand your evidence?---Yes, he, he didn't seem, in my view, I suppose you can sit two people at the same meeting and you come up with different ideas, but yes, I didn't think he was in any particular stress.

40

Did you have a conversation with Mr - - -

THE COMMISSIONER: He didn't seem to exhibit any concern over the fact that a search warrant had been executed on his premises?---No, I didn't, I didn't really, because it didn't concern me. I didn't think it concerned me in anyway.

That wasn't my question.---Sorry, sorry.

That wasn't my question.---Okay.

10

Would you answer my question?---Yes, sir. Sorry, could you put that to me again? Sorry, can you put that to me again?

Mr Chidiac didn't exhibit any concern that his house had been raided by police or ICAC on this occasion?---He didn't seem to exhibit, as I said before, he didn't seem overly stressed, he didn't seem to panic. I don't know which way I can answer that.

20

You're giving truthful evidence now, are you?---Yes, sir. Absolutely.

Yeah, I'm sure.

MR DARAMS: What about a conversation with Mr Joseph Jacobs? Do you remember having a conversation with him about those circumstances? That is, the circumstances that Mr Chidiac had just disclosed?---Yeah, we would have, we would have spoke about it.

30

Did Mr Joseph Jacobs express to you his concern about what he'd just been, what you'd just been told by Mr Chidiac?---Concern is probably a strong word, but I didn't think judging by his expression, although he does suffer a lot from anxiety. I didn't think he was overly stressed.

Well, tell us how he appeared when you were having this conversation with him.---Normal for Joseph.

Did the conversation happen that day or did you have a conversation with Joseph Jacobs after that day?---I can't recall. Possibly both.

40

Right.---Possibly both.

So the fact that you've discussed it possibly on both, that is on that day that Mr Chidiac visited you or you met with Mr Chidiac and he disclosed this information, that's, you accept that you had that conversation then?---Yeah. Yeah.

Then you say it's possible, or suggest to you probable, that you had a conversation with Mr Joseph Jacob after that occasion as well?---We, we may have spoken about it afterwards as well, yes.

10 Right. Do you remember that - - -?---I can't recall it, you know, but I, I would imagine normally you probably would.

Because of the, I want to suggest to you, the serious nature of the things that had been disclosed by Mr Chidiac, that's why it would be normal to have a conversation between the participants after that event?---He, I can't recall him discussing like serious - I, I suppose if someone issues a search warrant, I suppose you should look at that a bit serious, yeah.

20 When did you delete Mr Chidiac's phone number and messages from your phone?---I'm not sure I deleted it. You, you've got my phone and I believe his number would still be on the phone.

What about the messages that passed between you and he?---I, I believe that they would still be on the phone. There wasn't many messages.

Right. What about Mr Tsirekas' phone number?---I believe his number is still on the phone as well.

30 Do you recall deleting messages between you and Mr Tsirekas?---No, I don't recall that.

So you would say all of the messages that passed between you and Mr Tsirekas during the time that you've known him should still be on the phone, is that right?---I, I wouldn't say that, no. What I would say is my phone constantly comes up lack of storage and it, when it's lack of storage I delete just about everything on it, on the phone to get more storage again.

40 Chief Commissioner, they are the questions that I had for Mr Kinsella. I know there are some applications for cross-examination but before I do that, could I just tender some documents? So the first group of documents I

would like to tender is volume 6.5, pages 171 to 175 inclusive. That will be Exhibit 50.

THE COMMISSIONER: Exhibit 60?

MR DARAMS: 50.

THE COMMISSIONER: 50. Volume 6.5, pages 171 to 175 inclusive will be admitted and become Exhibit 50.

10

**#EXH-050 – MOBILE PHONE EXTRACTION REPORTS VOLUME 6.5, PAGES 171-175**

MR DARAMS: The next document I would like to tender is a document which we can refer to as Rhodes East Priority Precinct Investigation Area Planning Report, September 2017.

20 THE COMMISSIONER: Yes. The Rhodes East Precinct Investigation Area Report as described from 2017 will become Exhibit 51.

**#EXH-051 – RHODES EAST PRIORITY PRECINCT INVESTIGATION AREA PLANNING REPORT DATED SEPTEMBER 2017**

MR DARAMS: I would like to then tender volume 6.10.

30

THE COMMISSIONER: Exhibit 6.10 will become Exhibit 52.

**#EXH-052 – MOBILE PHONE EXTRACTION REPORTS VOLUME 6.10, PAGES 1- 40**

MR DARAMS: Lastly, I would like to tender volume 6.13.

40 THE COMMISSIONER: Volume 6.13 will be admitted and become Exhibit 53.

**#EXH-053 – MOBILE PHONE EXTRACTION REPORTS VOLUME  
6.13, PAGES 1 – 84.**

MR DARAMS: May it please.

10 THE COMMISSIONER: Mr Leggat, you made application to cross-examine Mr Kinsella?

MR LEGGAT: Yes, we have. Thank you, Chief Commissioner.

THE COMMISSIONER: Mr Leggat, there are some matters in your list of topics that I want to draw attention to. Paragraph 1B - - -

MR LEGGAT: Yes.

20 THE COMMISSIONER: - - - “To identify the planning matters, being matters that were determined by City of Canada Bay as consent authority.” If there are any such planning matters they can be established by direct evidence either from council records or otherwise. Is that not so? You don’t need this witness to establish the planning matters that were determined by the City of Canada Bay Council.

MR LEGGAT: That’s correct.

30 THE COMMISSIONER: Right. 2A, “The status of the Rhodes East area as a priority precinct.” Again, that’s a matter that will be established from departmental or official records.

MR LEGGAT: Commissioner, with respect, that topic is referring to the document that’s now become Exhibit 51, and there are some matters that I’d like to explore briefly in relation to some questions - - -

THE COMMISSIONER: You have sought, yes, my point though is you’ve sought leave - - -

40 MR LEGGAT: Yes.

THE COMMISSIONER: - - - to establish the status of that report. That, the status of the exhibit can be established, if it needs to be established, by direct evidence and not through this witness.

MR LEGGAT: Chief Commissioner, I understand what you're saying. What 2A states is the status of Rhodes East as a priority precinct, so it's not - - -

THE COMMISSIONER: I can see.

10

MR LEGGAT: - - - the status of the report, it's Rhodes East as a geographic entity.

THE COMMISSIONER: I think I understand that.

MR LEGGAT: Yes.

THE COMMISSIONER: I think I understand that.

20 MR LEGGAT: Yes.

THE COMMISSIONER: That status of the Rhodes East area can be established from the official records, both of the department and the council, if need be, can it not?

MR LEGGAT: Certainly part of it can be, yes.

THE COMMISSIONER: No, no, the whole of the status.

30 MR LEGGAT: Well, not when - - -

THE COMMISSIONER: Well, if there's a problem, we can recall this witness, but I doubt this witness will be able to assist on that legal issue, to be the application of Exhibit 19. Exhibit 19 will speak for itself and any submissions you want to make upon it. If there's any other documents bearing upon its application in any particular way that's relevant to this inquiry, that can be established by records. Official records I'm talking about. Is that not so?

MR LEGGAT: Chief Commissioner, that is probably 80 per cent right, with respect. There are other aspects in relation to the manner in which the topic dealt with in Exhibit 19 was applied.

THE COMMISSIONER: The point is, Mr Leggat, no criticism of you, but I do not ignore the witness, but I do not believe this witness is the way to establish those matters so far as the application of Exhibit 19 is concerned.

MR LEGGAT: May it please the Commission.

10

THE COMMISSIONER: Okay. And 2C simultaneously deals with planning applications and their determination. Firstly, it refers to the applications made by or associated with Mr Kinsella by entities other than Canada Bay Council. If there had been other consent authorities that have dealt with such planning applications by way of formal determination, then again the records of that approving authority or consent authority can be established to, can be tendered to establish those, that matter, can it not?

MR LEGGAT: That's true.

20

THE COMMISSIONER: I don't want this witness, in other words, taken through issues of that kind which are formal determinations that can be otherwise established. So that brings us back. You have sought leave in terms of 1A, which I'll permit.

MR LEGGAT: Thank you.

30

THE COMMISSIONER: 1B deals with again the same point, matters determined by the council as consent authority. Again I say that the records of council will establish that from the formal meetings of council, et cetera. So, all right.

MR LEGGAT: Thank you, Chief Commissioner. Mr Kinsella, you have never visited Mr Tsirekas' home, have you?---No. No.

Mr Tsirekas has never visited your home, has he?---No.

40

You were asked some questions about how it was that you came to meet Mr Tsirekas and Mr Chidiac, and I wonder if, Chief Commissioner, we might have page 628 of the transcript displayed, please. Mr Kinsella, this is an examination of you which occurred which occurred on 6 May, 2022, and

I'm directing your attention to page 628 of the transcript. You'll see at the line immediately before the number 30 on the left-hand side of the page, have you found the number 30?---Yeah.

The question from my friend Mr Darams. "Now, I want to ask you about Mr Chidiac." And then you gave an answer, then Chief Commissioner asks, "How did you come to meet?" And you say, "He was introduced, I believe, by Andrew Ferguson." The "he" that you're referring to is Joseph Chidiac being introduced, you believe, to yourself by Andrew Ferguson. Is that how  
10 we understand that answer?---That's correct.

Then if you could go to the next page, please. And the Chief Commissioner has asked in what context is it that Andrew Ferguson introduced Joe Chidiac to you. And on the third line, you say this, "He's, Joe Chidiac, he lives in the area. I think they were all, like, looking, I didn't know at the time, of course, but I think they were all in politics together." That's a reference to Andrew Ferguson and Joe Chidiac. Is that how we take that?---That's correct.

20 Right. Then line 18, the Chief Commissioner asks, "What do you mean by that?" You had introduced the concept of networking people. And you say, "They network a lot. They go to functions, they hand out cards, this bloke is doing concreting, this bloke is doing steel, this bloke's doing something else and they and get people to get together. At that time, Andrew Ferguson was, I believe" et cetera. You're referring there, are you, obviously to Andrew Ferguson but you're referring also to Joe Chidiac, are you?---That's right, yeah.

Right. You say in answer to the Chief Commissioner, "At that time,  
30 Andrew Ferguson was, I believe he's working with Coverforce but he's ex-secretary of the CFMEU. He was also trying to sell is insurance." Can I suggest to you that what you actually said is he was "also trying to sell us insurance"?---That's right, yes.

That seems to be consistent with the next part of the sentence "which he eventually actually" - - -

THE COMMISSIONER: Sorry. I just note line, I think it's 24 should be corrected to read "trying to sell his insurance", yes - - -

40

MR LEGGAT: "Us", "trying to sell us insurance".

THE COMMISSIONER: I'm sorry? Trying to sell?

MR LEGGAT: "Us", u-s, instead of i-s.

THE COMMISSIONER: Yes. It should read "to sell us insurance".

MR LEGGAT: Thank you. Just in terms of your relationship with Mr Chidiac and Mr Ferguson and the purchase of insurance, can you give us  
10 some background there? What actually was occurring at this time and what did you mean by "he was also trying to sell us insurance"?---Yes. He, he was working for Coverforce and he obviously wanted, wanted to get as many clients as possible for his, for his insurance but in saying that, they did do a good job, they, they actually sold some very good insurance, like, obviously, Andrew has a lot of contacts from his CFMEU days.

So the people who were trying to sell you the insurance, that was obviously Ferguson. Was it also Chidiac, as well as Ferguson or was it just Ferguson?---Ferguson would, would be the only one trying to sell the  
20 insurance.

Right. And on page 630 my learned friend Mr Darams asks you this question, "Yes. I know the location, I just wanted to understand a couple more things about the introduction." So pausing there, you understood that to be a reference to the introduction that Andrew Ferguson made to you whereby Andrew Ferguson introduced Joseph Chidiac to you. Is that what you understood the question to be?---That's right.

Then Mr Darams continues, "The timing of the instruction, so you've  
30 referred to him being introduced by Mr Ferguson." The "him" I suggest you were assuming was being referred to by Mr Darams was Joseph Chidiac. Have I understood that correctly?---That's correct.

And then Mr Darams says, "You obviously had a relationship of some kind at this stage with Mr Ferguson." That's Andrew Ferguson, is that right? ---That's right.

Yep. And you say, "Absolutely yes. As I said he's in the CFMEU and obviously construction and CFMEU have to work at least, let's say they,  
40 they were always a stakeholder." What did you mean by that?---Yeah. CFMEU is obviously the main building construction union and it, it's

important that relationship is reasonable between the, the builder and, and the, and the union.

What did that have to do with Mr Ferguson? You seem to have linked Mr Ferguson and Mr Chidiac somehow to this stakeholder relationship. I'm just trying to understand what you were suggesting there?---Well, like, Mr Ferguson and Mr Chidiac, from what I could gather, were good friends or certainly looked like that, and they obviously, the two of them are obviously very well, well recognised in the, in the Labor Party, which of course have a lot of affiliations with the unions. So I suppose that's all in a, in a sense their network.

And the network you're referring to was a network which included Ferguson and Joseph Chidiac. Is that what you're suggesting?---Yeah. That, that would be right.

You say at about line 18, "His object was to take out all of our insurance." The "His" that you're referring to, that's a reference to Ferguson or to Chidiac or to both?---Mr Ferguson.

Right. You've touched briefly on this but what type of insurance was it that Ferguson was trying to get you to acquire. About how much annually did you pay either to Mr Ferguson or through Mr Ferguson for that insurance in this period?---I, I don't know the figures, I'd be guessing, but it would be certainly more than \$1 million.

And the \$1 million is the premium that was paid?---Premium, that's right.

I see. And what was the type of insurance that was obtained for the \$1 million?---All, all kinds, obviously in construction, insurance. Public liability, almost every kind of insurance. They have a very wide range. They'll sell you life insurance, they'll sell you funeral, probably, insurance. Whatever you want. Like, they're, they're very broad in terms of what insurance they sell.

The Chief Commissioner asked you a question at 20. "Why did you say he was an introducer of people to one another? Who has he been able to introduce you to?" Did you understand that to be a question relating to Ferguson or to Chidiac?---Probably both are good at introducing, they've got a big contact list, I think.

So you see your answer there, “He would have introduced us to other people in the industry like maybe, might be concreters, might be supplier of doors, it might be any of that kind.” Does that assist you as to whether you’re referring to Chidiac or Ferguson or both?---Both would be in, in the same category. Ferguson obviously would have more contacts because probably everyone in construction in Sydney Andrew Ferguson would know from his union days.

10 And why was that relevant?---Certainly the, with the union industry, there, there are several, relationships obviously are very important in any business but in particular construction, relationships with all the parties and the stakeholders is, is important. And obviously you never close any doors, you try and keep as many doors open as possible. So it’s kind of just keeping relationships and never burning bridges. And obviously making new relationships.

20 Thank you. If we could display page 636, please, Chief Commissioner. Mr Kinsella, you’ll see at line 19 it’s the – can you see 20 on the page?---20, yeah.

Yes. Now, the Chief Commissioner says, “I think you said he wasn’t on a retainer?” “He wasn’t on retainer.” Can you refer, can you indicate whether at this stage you’re referring to Chidiac as being the “he” who wasn’t on retainer? Or is that a reference to Ferguson? It seems to me that it’s to Chidiac.---No, well, well, neither one was on a retainer, but I thought that question was about Chidiac.

Thank you. And - - -

30 THE COMMISSIONER: Just on that, to clarify, was Mr Chidiac engaged at some stage to do work for Billbergia?---Engaged in the do-and-charge, Chief Commissioner.

To do what?---But, but not in a, not a formal letter of engagement, just go and see if you can get that house. I’ll find who’s the owner of that house. That type of thing as against a formal letter, and not a retainer or that type of engagement or not a salary or that type of thing.

40 Are you suggesting he somehow agreed to keep an eye out for properties for Billbergia, is that right?---Yes, Chief Commissioner.

Is that what you're saying? Is that, that's what - - -?---Yes, sir.

Was Mr Chidiac at any stage engaged to do any other work than that? For Billbergia, I mean.---For Billbergia. We did ask him to help put the anchoring underneath the adjoining site, and then he brought some other sites to us but he wasn't asked to, but he actually brought some other sites to us.

10 And what did he do in relation to the anchoring episode?---He went to, like I wasn't at this meeting with our guys, our engineers and Bill McGarry and others with I-Prosperity and their consultants in order to try and get the result of getting our anchors underneath their block of land.

So what was Chidiac's role for Billbergia in relation to that matter concerning the anchor?---To talk to I-Prosperity because at that stage I think we knew that at least there was a relationship there. We didn't know what relationship but we knew there was a relationship.

20 You're now talking about a relationship - - -?---Between - - -  
- - - between Chidiac and I-Prosperity, are you?---Yes, sir.

Yeah. So he was now being asked to assist Billbergia on that issue even though he was working for I-Prosperity at that time?---That's correct.

Yes, Mr Leggat.

30 MR LEGGAT: Thank you, Chief Commissioner. The million dollars insurance premium that was paid by Mr Ferguson or to the company for whom he worked, has that been a continuing relationship to date?---That's cover for us. Yes, I, I'm only guessing the amount but I know it's quite substantial. It could be a lot more than that. But, yes, that relationship with cover for us is still running.

Right. So that's from about 2016 up to 2022, is it?---That's correct.

During the period also in which Mr Ferguson was on council as a councillor, is that right?---That's correct.

40 Now, on page 636, you introduce the expression in response to a question from the Chief Commissioner "it would be a do-and-charge". Then the

Chief Commissioner asks you to elaborate on that, and you say, “He, he’ll do a job,” just pausing there, so that’s a reference to Chidiac, isn’t it, the “he”?---That’s correct.

“He’ll do a job, he’ll say, ‘Listen, that should be, what, 200,000.’” Just pausing there. That’s a reference to \$200,000, not 200,000 units of something else, isn’t it?---That’s correct.

THE COMMISSIONER: That’s what I understand, yes.

10

MR LEGGAT: Yes.---That’s correct.

I think these are your words, I understand, Mr Kinsella, “200,000 I think because I got you a good deal and I would say it probably is probably worth more, that type of thing.” I want to understand. The \$200,000 that you’re referring to paying to Mr Chidiac, that relates to property acquisitions and/or anchoring and not to planning proposals or development applications, have I understood that correctly?---That’s right, yeah. The different amounts for the different things, but yes, that’s right. Sorry, that’s

20

And you appear to give an example at the foot of the page about 36 Blaxland Road where Chidiac was able to negotiate a property acquisition for you and you appear to be happy with the price and therefore you would pay him what might be described as an in globo figure, a \$200,000 figure or some figure that you thought was reasonable in the circumstances. Have I understood that correctly?---Yeah. That’s an example of the type of thing, sorry, that’s an example of the type of thing that could happen.

30 I see. So you’re saying it didn’t actually occur?---I’m, I’m, I’m, sorry, I’m not sure on that particular example whether that happened ever. That’s the type of thing that happened in terms of them getting properties for us.

Now, in terms of your relationship with Mr Tsirekas, at some stage you have referred to him as a toothless tiger. Can you remember referring to him in that manner?---No. I never did.

Oh, I may have misquoted the evidence unfortunately. It was an employee of yours who formed that view, was it?---I, I think so.

40

Right. Did you agree with the characterisation of Mr Tsirekas as a toothless tiger?

THE COMMISSIONER: Sorry, in relation to what?

MR LEGGAT: Just anything to do with the relationship. I can finetune it, if that would assist, Chief Commissioner.

10 THE COMMISSIONER: I understand the toothless tiger you took as a reference to the, what, you're referring to an employee of yours or Billbergia?---That's right. Yeah, Bill McGarry, who was working for me at the time. I believe he's the one that made that remark. To be honest, I, I didn't take any notice on, on that remark that Mr McGarry sent me. I, I really don't know what he, what he was making it out to be, I, I, I really don't.

MR LEGGAT: Chief Commissioner, if we might have it on the screen. It's volume 3.5, page 39. Just to provide some context for Mr Kinsella, It appears that that characterisation of Mr Tsirekas occurred at the time when  
20 you were annoyed with something that he had done. Can you remember that context?---I can't remember what he had done. (not transcribable) Mr Donaldson.

I think it's at 41, we need to be at 39, please.

THE COMMISSIONER: Do we need to spend time on this?

MR LEGGAT: Oh, we're nearly there, Chief Commissioner. I note the time as well. I should be able to finish with - - -  
30

THE COMMISSIONER: That's all right. We can bring Mr - - -

MR LEGGAT: I've been given the wrong - - -

THE COMMISSIONER: Sorry, you go ahead.

MR LEGGAT: Yes. Chief Commissioner, I note the time. I think it would be faster if I can find the correct reference to the document and I'm quite happy to push on but equally I'm more than happy to come back after the  
40 luncheon adjournment.

MR CHESHIRE: Chief Commissioner, I would be grateful if we could try and finish this witness. He was, I think, supposed to be on Wednesday of last week and we came back on Thursday and it was cancelled and put over until Friday.

THE COMMISSIONER: Yes.

MR LEGGAT: I'll finish within two minutes, then. I'll give that undertaking.

10

THE COMMISSIONER: Yeah, yeah. Okay. Yeah.

MR LEGGAT: Volume 6.5, page 151. Can we try that, please? I'm sorry. I said volume 6.5, page 151. It's volume 3.5. My recollection on the last occasion, that we zoomed in on the report and deduced that it said, "Why did he declare war?" It was a question that I think you were asking yourself and others about Mr Tsirekas. Does that tally with your recollection, Mr Kinsella?--I, I remember a, a text of that nature, yeah, some missing message and - - -

20

All right. I'm just trying to reduce this as much as I can. The war that you felt was being declared by Mr Tsirekas was Mr Tsirekas as a champion for affordable housing, you as a champion for schools, for parks and that was the contest which felt like a war to you. That's so, isn't it?--Well, we also proposed 250 affordable houses to the council to give to the, you know, to community, as well.

30

Yes. And you felt that Billbergia was being taken advantage of by the Government because there was something of a double dipping financially occurring. Is that right?--Well, certainly, there was that but we, we do not think that any of them ended up with the best result.

Yes. Thank you, Chief Commissioner. That's the questions. Thank you.

THE COMMISSIONER: Mr Cheshire, I take it there's nothing, you don't want to raise any questions?

MR CHESHIRE: No. Thank you.

40

THE COMMISSIONER: Thank you. Yes, thank you, Mr Kinsella. You may step down. You're excused.--Thank you, Chief Commissioner.

I'll adjourn. We'll resume at 2 o'clock.

**THE WITNESS EXCUSED**

**[12.48pm]**

**LUNCHEON ADJOURNMENT**

**[12.48pm]**

10