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PUBLIC
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 31 MAY, 2022

AT 10.00AM

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

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: May it please, Chief Commissioner, the next witness we'll call in the public inquiry is Mr Angelo Tsirekas.

THE COMMISSIONER: Mr Tsirekas, to give your evidence do you want to take an oath or an affirmation?

MR TSIREKAS: Oath.

10

THE COMMISSIONER: Oath. Very well. Thank you. There's a Bible there.

THE COMMISSIONER: Just state your full name, please.---Angelo Tsirekas.

Yes. Thank you. Mr Leggat, do you want to make an application of any kind?

10 MR LEGGAT: Yes, Chief Commissioner. Mr Tsirekas seeks a declaration pursuant to section 38, may it please the Commission.

THE COMMISSIONER: Very well. Mr Tsirekas, I take it by now you're fully aware of the provisions of the section under which I may make a declaration.---I do.

Whether I make a declaration or not of course you understand that you must answer all questions truthfully?---I do.

20 And you must produce any document or other item if you're required to do so.---I do.

You understand that by taking objection to answering questions or producing documents or other evidence you must still, nonetheless answer the questions and produce you're required to?---I do.

You understand the effect of taking the objection is that your answer or the production of documents can't be used against you in future proceedings of any kind?---Yes.

30

And I remind you that there is an exception to that and that is that it does not prevent your evidence from being used against you in a prosecution for an offence under the Independent Commission Against Corruption Act, including the offence of giving false or misleading evidence, for which there is a penalty of imprisonment of up to five years. Do you understand?---I do.

Very well. Then on that basis you seek a declaration of a section 38?---Yes, I do.

40 Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Tsirekas, all

documents and things that may be produced by him during the course of this public inquiry are to be regarded as having been given or produced on objection, and accordingly there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

10 **DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MR TSIREKAS, ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HIM DURING THE COURSE OF THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION, AND ACCORDINGLY THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

20 THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Mr Tsirekas, you're the Mayor of the City of Canada Bay Council, is that right?---That's correct.

When I refer to the council today, I'm referring to the Canada Bay Council, just so you understand that, okay?---Yes.

You were first elected as a local government councillor in NSW in 1995, is that right?---Yes.

30

That was with the Drummoyne Council?---Yes.

Is it the case that the Drummoyne Council and Concord Council merged in 2000 to form the Canada Bay Council?---2000/2001, but yeah, yeah.

You continued as a councillor with the merged council, that is the Canada Bay Council, after the merger?---Yes.

40 You became mayor of the council in 2002?---Yes.

You remained, and have remained, well you remained there until is it 4 June, 2016, when you resigned?---Yes.

You resigned in order to contest the federal election on 2016, is that right? ---Yes.

You were the Labor Party candidate for the federal seat of Reid?---Yes.

It's the case that you were unsuccessful at that election, is that right?---Yes.

10

You were elected again to council in September 2017, is that correct?---Yes.

You were elected as the mayor at that time?---Yes.

You were a member or representing the Labor Party in 2017, is that right? ---Yes.

When did you cease to be a member of the Labor Party?---It would have been 2021, prior to the elections.

20

So these are the local government elections last year?---That's right.

You were elected again as mayor of the council in December 2021, is that right?---Yes.

Just going back to that time in 2016, do you recall how long after that federal election defeat you decided that you would run again for the local government?---2015?

30 '16.---'16, yeah, yeah.

So you contest the federal election in 2016, you lose. What I'm asking you about is how long after that loss did you decide that you would run again, which you did do in 2017, for local government in New South Wales?---I always had an interest but I can't put a date on when I decided to, to run.

You had resigned from your employment at Canterbury Council in 2016 to contest the federal election, hadn't you?---Yes.

40 So at the end of, or after the loss in the federal election you were unemployed in effect?---Yes, yeah.

You had to resign your mayorship as well?---Yeah, yes.

Just going back again to my question, I suggest you made the decision relatively quickly after you lost the federal election that you would contest local government again in 2017, that would be about right though, wouldn't it?---I couldn't put a date on when I decided to, to run - - -

Not asking for a date.---Yeah.

10

But it would have been in 2016, the latter part of 2016?---I couldn't put a date on it.

But would it have been in the latter part of 2016? Likely?---I, I couldn't put a date on it. I, I couldn't give you a, a certain date.

All-up then since 1995, you've been an elected councillor for about 25 years. Is that correct?---For about, yes, except for that small stint.

20

I think that even includes the period of time that you weren't on council, if we take it, 1995 to 2022, it's about 25 years?---Yeah, '95 to five, 25, yes.

Just focusing now on the Canada Bay Council, since 2013, at least, Canada Bay Council has had a code of conduct?---Yes.

Could I ask that you be shown volume 2, page 31? Mr Tsirekas, you've seen, I take it, this document before?---Yes, I have.

30

I just want to draw to your attention the effective date of this code of conduct being 19 February, 2013?---Yes.

There have been other iterations of this code of conduct since that time. That's right?---You, you've, you've shown me these before, yes. Yeah.

But in terms of other iterations of the code of conduct, you know there have been other iterations of this. That's right?---Yes. Yeah.

40

Could I ask that Mr Tsirekas be shown page 33? I just want to draw a few parts of this code of conduct to your attention and ask you some questions about it, Mr Tsirekas. So the first thing I want to draw to your attention is if

you look in part 1, you see the third paragraph that starts, “Councillors, administrators” et cetera?---Yes.

Just read that to yourself for the moment.---Yes.

The obligation, if I could suggest to you, Mr Tsirekas, well, there are a number of obligations in here. Firstly, the obligations contained in there have been, it’s been your understanding, that you’re required to comply with those obligations at all times since 2013?---Yes.

10

Just a couple of the obligations. The first one I want to draw to your attention is what’s referred to as the “personal responsibility” to comply with the code and “regularly review this personal circumstances” with that in mind. Do you see that?---Sorry? Which line? Which - - -

So if you see the sentence with - - -?---Yes. Yes.

So, clearly, you understood that, firstly, it’s a personal responsibility of yourself. Correct?---Correct.

20

To regularly review and consider your own personal circumstances. Correct?---Yes.

With a view to determining whether your personal circumstances require some conduct or not require some conduct or some positive act under the code?---Yes.

That’s been your understanding at all times since 2013?---Yes.

30

If I could just then ask you to have a look at the next paragraph which starts “Failure by a councillor to comply with the standards of conduct prescribed” by the code. Read that, please.---Yes.

That statement there, that is that failure to comply with the standards of conduct constituting misconduct for the purposes of the Act, you understood that to be the Local Government Act?---Yes.

40

The consequences of the misconduct, or the finding it being misconduct, reinforced to you, and that’s been your understanding, of the importance of complying with code of conduct at all times since 2013, correct?---Yes.

Can I then just ask you to have a look at part 2 and the last bullet point in particular, but please just read part 2 'cause it's quite short.

THE COMMISSIONER: Could I just ask, before you go there, you understood, did you, as stated in the first line under part 1, that the code was one that was formulated to give effect to section 440 of the Local Government Act?---In the second paragraph, that's what it read, yes.

10 Well, it was in other words not a code of conduct that council adopts of its own initiative. It is required to do so, to formulate such a code, under the Local Government Act. You've always understood that, I take it?---Well, I
- - -

MR DARAMS: Mr Tsirekas, I think the Chief Commissioner is drawing your attention, sorry, to part 1, the very first sentence in part 1.

THE COMMISSIONER: Just under the heading Part 1 Introduction. Just read the first line to yourself.---Yes, Commissioner, the model code of
20 conduct.

Pardon?---Yes, Commissioner, I can read it.

But it's, in other words, it was a code of conduct adopted for the purposes of a statutory provision of the Local Government Act. You understood that?---
Yes, I - - -

30 And your attention was drawn to the fourth paragraph, which talks about failure by council to comply with standards and so forth. You understood that the Act, that's the Local Government Act, provided for a range of penalties to be imposed on councillors for misconduct, including those set out, suspension, disqualification from civic office. You understood the significance of the requirement for compliance with standards of conduct lest there could be a range of penalties imposed as stated in that paragraph, you understood that?---No. I wasn't fully aware of all of the penalties that are prescribed there.

Well, I daresay as mayor at some stage you would have read the code of conduct, is that right?---(NO AUDIBLE REPLY)

You are taking a long time to answer that question.---Reading the code of conduct, we would have been taken through the code of conduct at, at workshops, yes.

That's what I'm asking you.---But reading the whole document - - -

No, I'm not talking about the whole document. I'm just - - -?---Well - - -

10 Firstly, I'm asking you, you would have read the code of conduct?---Well - - -

Is that right or not right?---Well, I would have read it at the workshop.

All right, okay. So I think the answer to my question is yes, is that right?
---I would have read it at the workshop, Commissioner.

20 Right. I take that as a yes. You appreciated that the code then dealt with the situation in terms of penalty in the event that the standards were not complied with by councillors. I draw your attention to the fourth paragraph again.---The fourth paragraph.

Yeah.---“Failure by councillor to comply”, is that the fourth paragraph?

Yeah. Is the answer to my question - - -?---Sorry, what was the question?

30 I'll put it a third time. I take it that you were aware of the fact that if a councillor engaged in misconduct, in failing to adhere to standards of conduct that were prescribed, then penalties could be imposed on such a councillor.---Yes.

And that those penalties would include a range from suspension through to disqualification from civic office, is that right?---No, again, I knew there were penalties but I couldn't tell you what they were.

Well, you would have some idea of, misconduct covers a range, could involve trivial or lower-order breaches of standards, in which case the penalties would be less than if they were serious breaches, is that right?
---Yeah.

40 Do you have that understanding?---No, Commissioner. If I can explain, I, I wasn't aware of the penalties as prescribed here in, in the written form.

But if, as you have said, the code of conduct was dealt with at meetings, as you have said, then you're not suggesting that nothing was said about penalties, are you?---I can't recall back at the workshops exactly what the discussions were.

10 You would assume though, would you not, that when the code is addressing standards of conduct that if there's a failure by a councillor to comply, there would be consequences, is that right? And the consequences would include the imposition of penalties of one kind or another, depending upon the seriousness of the misconduct? You had that general understanding?---No, Commissioner. I wasn't aware of what the penalties were. I understood that, you know, there, there may have been something imposed on the councillor if there was a breach of the code.

Yeah. And if it was a serious breach that could lead to a penalty, for example, of disqualification. You have that understanding, I trust?---No.

20 Oh, you don't. Well, if there was a very serious breach of the code of conduct prescribed under section 440, what was your understanding of the consequences of a very serious breach?---I, I really couldn't answer that.

Why can't you answer it? You're the mayor who has been in office now for a number of years, you've told us.---Sorry, Commissioner, I knew there were penalties but I couldn't tell you what the penalties were for misconduct.

30 You seem to be baulking, if I may say so with respect, to accepting knowledge that disqualification could be a penalty imposed on a councillor for a serious breach. Is that right, you are hesitating to accept - - -?---No, I'm not, Commissioner.

All right. Do you now accept that if a local government councillor commits a serious breach of the code of conduct under section 440 of the Local Government Act, that councillor could be disqualified from office? Do you accept that?---I accept that as I'm reading it, yes.

40 Yeah. It's common sense, isn't it?---Sorry, what was the question, Commissioner?

It's common sense that if a councillor commits a serious breach of the code of conduct prescribed, section 440, that councillor may well face disqualification. It's common sense, isn't it?---Again, Commissioner, if I can explain. I knew there were penalties but I couldn't tell you what the penalties were.

Now answer my question.---Yes, Commissioner.

10 Now answer my question.---Ah hmm. Could you repeat the question, sorry?

Don't you recall? I've put it twice now.---Sorry.

Do you recall it?---Could you please repeat it and I - - -

20 If a local government councillor committed a serious breach of the code prescribed under section 440 of the Local Government Act, that councillor could face disqualification from office. It follows, doesn't it, as a matter of common sense, that would have to be the case?---Again, depending on the breach, it's common sense that if there was a, a, a breach of a substantial nature, it, it may be imposed sanctions like you've explained.

Imposed, disqualification.---Yeah, yes.

Is that right?---It's written there, disqualification.

It's obvious, isn't it? It's obvious.---Yes.

30 It's an obvious point, isn't it?---(NO AUDIBLE REPLY)

You seem to be taking a long time in answering these questions.---Again, Commissioner, I'm not trying to baulk at it, but - - -

Well, you are baulking at it.--- - - - I knew there was penalties for misconduct, but I didn't know what they were in regards to - - -

I'm asking you now, sir. It's obvious to you now, isn't it?---To me now? Yes.

40 Yes. I'm suggesting to you it's obvious, always has been obvious to you, that if you, for example, committed a serious breach of the standards set by

the code of conduct, you could be disqualified from public office just like any other councillor in those circumstances.---Ah hmm.

You knew that, didn't you?---No, I didn't know that, Commissioner.

You didn't know that? Are you serious?---I, I - - -

Are you serious?---I was aware there were penalties. I was aware there was obligation. And I didn't know exactly what those penalties were. And I'm,
10 I'm telling you the truth.

MR DARAMS: Mr Tsirekas, you referred to workshops in relation to the code of conduct. The workshops, for another description, might be training in the code of conduct, would you agree with that?---I'd say it's more of a, a, of a staff giving us a run-through of the new code of conduct, so - - -

Explaining the obligations under the code of conduct?---They would have explained everything, yeah.

20 Yeah. So explaining the obligations, that's right?---Mmm, mmm.

Explaining the consequences for a breach of the code of conduct?---They would have gone through the whole document.

Yes. My question is they would have explained the consequences?---Yes, they would have.

Yes. That didn't happen just once in your time since 2013, is that correct? It happened more than once at workshops?---I can't even recall if I was at
30 that workshop.

Well, I was asking you, you know they're workshops and you've given some evidence about the workshops going through all of the code of conduct, so clearly you were present at at least one workshop?---At least one workshop, yes.

Yeah. But I'm suggesting to you there was more than one workshop during this period of time since 2013.---Yes.

40 Yes. Just focusing back now on some of the other parts of this code of conduct. So Part 2, Purpose of the Code of Conduct. Just read that to

yourself and then I'm going to ask you about the third bullet point. Tell me when you're ready, Mr Tsirekas.---Yes.

So as you can see, the identified purpose of the code is "To assist council officials," including persons like yourself, "to act in a way that enhances public confidence in the integrity of local government." Do you see that, Mr Tsirekas?---Yes. I see that, yes.

10 You would accept this as a proposition, wouldn't you, that that aim – that is, enhancing public confidence in the integrity of local government – would be a fundamental matter, correct?---Well, again, what's the proposition you're putting to me? I, I don't want to accept a proposition - - -

You would – yeah, well, you accept that enhancing public confidence in the integrity of local government, that would be a fundamental matter, wouldn't it? That is, maintaining public confidence and enhancing public confidence in the integrity of local government.---Yes.

20 I want to suggest to you that as mayor of the council since 2002, that would have been something – that is, enhancing the public confidence in the integrity of local government – that would have been something that you would have been acutely aware of, correct, the desire to enhance it, correct? ---Yes.

Putting it another way, would you agree with this, that the public have to be able to trust that the councillors are making decisions objectively? Do you agree with that?---And that's always the case, yes.

30 Yes, but you would agree with that proposition, wouldn't you?---Yes.

The public must be able to believe and trust that councillors are making decisions objectively, correct?---Yes. Yes.

The public must also have confidence that councillors are making decisions not being influenced by personal interests. Correct?---Yes.

40 Could I ask that you be shown page 34? So now I want to go through the code and identify a few of these specific clauses, Mr Tsirekas, and ask you some questions about it. Just in relation clause 3.1, just read 3.1 and 3.2 to yourself for the moment.---3.1, yeah.

3.2, as well.---Sorry? 3.2 as well?

Please.---Yeah.

It's been your understanding at all times since 2013 that you were not to act in a way that was improper or unethical. Do you agree with that?---Yes.

Also you weren't to act in a way that was an abuse of power or otherwise amounts to misconduct?---Yes.

10

That's been your understanding since 2013. Correct, Mr Tsirekas?---Yes.

Likewise that you had to act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act? ---Yes.

20

So whether or not you recall the specifics of any workshop or any provision of the code of conduct that was drawn to your attention or might have been drawn to your attention in the workshops, those propositions I'd suggest to you, given your long experience as a councillor in New South Wales but also as the mayor of the council since 2002, those obligations are quite clear in your mind, that is you were required to comply with them. You'd agree with that, wouldn't you, Mr Tsirekas?---When you say clear in my mind
- - -

Well, they were fundamental - - -?---They, they were fundamental things, yeah.

30

Yeah, fundamentally. And what I'm suggesting to you is that you had some or you appeared in your answers before to struggle to recollect what might have been discussed in a workshop. That's right?---Mmm. Yes.

You seem to struggle to recall whether or not you had actually read the code of conduct. That's right?---Mmm.

Correct?---Yes.

40

So putting them to one side, and irrespective of all of that, you because of your experience on local government, because of your experience as a mayor, at all times since 2013, you must have appreciated those particular

obligations you were under. Correct?---Since what, what time did you say, 2013?

At least 2013, no later than 2013.---Yeah. Yes.

Can I then ask you to have a look at clauses 3.7 and 3.8? Just read those to yourself.---Yes. Read.

10 Focusing on the second sentence in clause 3.7 “You must avoid any occasion for suspicion of improper conduct” in the development assessment process, you understand and it’s been your understanding since 2013 that you needed to avoid that of circumstance. Correct, Mr Tsirekas?---Well, well, again, I’m just reading it “suspicion of improper conduct”, well, I’ve never dealt with - - -

No, I’m asking you about your understanding. You must have had that understanding since at least 2013 that you had to avoid any occasion for suspicion of improper conduct?---2013 is a long time ago. The code’s changed a, a number of times and, and - - -

20

Well, this code was in place in 2013, Mr Tsirekas.---Yeah, I know. Yes, I understand that.

Yes.---And that was nine years ago. Do you want me to remember all the details of that code?

Well, let me come back at it another way. Are you saying that it’s been your understanding since 2013 that it was okay for you to be engaged or conduct yourself such that there might be, or give rise to suspicion of, 30 improper conduct in the development assessment process?---No, no. I didn’t say that.

No. All right. So you would - - -?---I didn’t say that.

You wouldn’t agree with that. Well, just back to this proposition. Has it been your understanding, since 2013, that you had to avoid any occasion for suspicion of improper conduct in the development assessment process? ---Again, this document’s nine years old.

40 Has that been your understanding?---I - - -

Yes or no?---I've always dealt with DAs - - -

Has that been your understanding, yes or no?---As I'm reading it here, yes.

That's been your understanding since 2013?---You're, you're, you're trying to take me back that long ago - - -

I'm just asking you about your understanding.--- - - - and I can't remember that specific sentence or the, you know, that, that particular sentence. I
10 cannot say to you that I remember that obligation back then about avoiding occasion or suspicion of improper conduct in development applications. I've dealt with DAs for a number of years and I, I've dealt with them properly.

I'm just asking you about your understanding, Mr Tsirekas. Have you come to that understanding at any time then or are you saying today is the first time that you've seen this provision?---No. My understanding is, the way that I've dealt with DAs has always been proper.

20 THE COMMISSIONER: No, look, Mr Tsirekas, you are not really getting the point of the question. Witnesses are often reminded of the importance of answer the point of the question.---Yes.

Because rightly or wrongly they might start to give the impression that they're trying to evade the question, trying to evade the questioner, by giving nonresponsive answers. I'm giving you fair warning that it can lead to the impression that a witness doesn't want to answer questions directly and then the question pops up why would a witness behave in that way. I think I'm giving you a heads-up just in your own interests. I think, Mr
30 Tsirekas, I think what Counsel is endeavouring to do is to gain your understanding of what your responsibilities were and the way in which you were expected to conduct yourself as a councillor, and I think one of the last questions put to you that brought up the idea of avoiding acting in a way that may give rise to the impression or suspicion of improper conduct in the development assessment process. I take it that you would unreservedly say you'd always understood and you would respect that you should never act in a way which gives rise to that impression of acting improperly in relation to development assessment processes. Am I right?---Yes, Commissioner.

40 And that's because you would know that that's one of the integrity principles associated with public office, that you don't conduct yourself in a

way that is giving the impression or the actuality of acting improperly in public office. You would have known that from day one, without having to re-read the code to remind yourself, correct?---Correct.

I think that's all Counsel's doing at the moment, is trying to understand and confirm that you understood the standards that applied to the office you have held.---Mmm.

10 And I wouldn't have thought there was going to be much controversy over it, but if you wish to stop and think and pause and take time before you answer any of these questions, you're entitled to do that. But there are certain basic principles, I think, become accepted as, to use the expression, they go with the territory if you hold public office. But if you take a different view, you're at liberty to express that view. All right, you continue.

MR DARAMS: Now, Mr Tsirekas, can I ask that you be shown page 35. I want to focus my next questions in relation to conflicts of interest. If I could just ask you to read that part to yourself for the moment, and I'll come
20 back and ask you some questions in a short while.---Sorry, the whole page or - - -

Just read 4.1 through to 4.9.---Right. Yes.

Just want to ask you some questions about this. So you can see from 4.1, which in effect identifies when a conflict of interest is said to exist, do you accept that?---Yes.

30 What's set out in 4.1, could I suggest, has been your understanding of what a conflict of interest or where a conflict of interest exists since 2013, that's right?---Yes. Yes.

You can see from this, what I might refer to as a definition, a couple of things. Firstly, one has to look at it from the position of a reasonable and informed person, you accept that?---Yes.

It also depends upon the perception that is, well, perception that could arise in a given circumstance, correct?---Yes.

Then if you have a look at 4.2, you accept that there's an obligation there on yourself to avoid or appropriately manage any conflict of interest. So there are - - -?---Yes.

- - - two separate obligations. You either avoid it entirely, firstly. Correct? ---Yes.

Or – and I suggest if you can't avoid it, then you have to manage it appropriately.---Yes.

10

But just picking up this here, you see the onus is on you as a councillor to identify a conflict of interest and then take the appropriate action. Do you see that?---Yes.

So you must have, can I suggest that you understood that consistent with what I took you to in part 1 of the code of conduct, you're in effect under this continuing, if I can put it this way, obligation as a councillor to monitor and consider your particular circumstances to determine whether there is a or could be perceived to be a conflict of interest, correct?---Yes.

20

And once you do that, then you have to positively take steps to either avoid it or manage it appropriately. Correct?---Yes.

So that suggests, and you would have understood this, correct, Mr Tsirekas, that you have to constantly, I would suggest, ask yourself these questions about whether there is a conflict of interest or whether a reasonable person might perceive that I could be influenced. Correct?---Yes.

30 Then we see in 4.3 which, in the first sentence, in effect reinforces the importance of identifying and managing or avoiding conflicts of interest because the aim is to uphold what we said before, the integrity and the decision-making process of council. Correct?---Yes.

Again, you'd accept that that's been your understanding at all times that you've been a councillor. Correct?---That, that's the way that I, I've operated as a mayor, but I can't be specific on the, the codes that you're referring to, but now you're referring to 2013, so - - -

40 Putting it another way, whether or not it was written in the code, that's the way that you've understood you had to act at all times since you've been a mayor. Correct?---I've got to deal with every situation on its merits, yeah.

THE COMMISSIONER: No, no, no. That's not the question that was put.

MR DARAMS: No.

THE COMMISSIONER: Put it again.

MR DARAMS: The question is irrespective of whether it's written in the code of conduct - - -?---Yeah.

10

- - - that's been your understanding that that's the way that you had to act at all times I think you said since you've been a mayor?---Yeah, yes. Yes.

Then you look at 4.3, the last part of the second sentence "it is always important to think about how others would view your situation". Do you see that? Again, this is reinforcing this personal continuing obligation on your part to view the circumstances from the perspective of the reasonable and informed person. Correct?---No. And if I can explain? When you're dealing with - - -

20

Sorry. Just let me finish. Sorry.---I said "no", yeah.

You don't accept in order to comply or adhere to these obligations that it's important for you to think about how others would view your situation? You don't accept that?---No, but can I explain?

30

Well, why don't you accept that?---Well, when you're dealing, in the real world, when you're dealing with DAs, there, there are always people against and always people for. The people against always would take the view that you're taking, you know, self-interest in approving or supporting a particular application. So you've got to understand each application's different. You've got to deal with it on its merits and look at the report, the officer's report and how it's been dealt with, so - - -

Mr Tsirekas, we're not talking about development applications, okay? We're talking about conflicts of interest.---Yeah, and I - - -

40

We're not talking about development applications.---Well, what are you talking about then?

Conflicts of interest.---On what particular issues?

THE COMMISSIONER: On any issue.

MR DARAMS: Any issue at all.---Yeah. And, again, in the real world when you're in council, you're dealing with issues, you've got people against and for. So you've always got people who are not happy with the decision that you will make. You've got to deal with everything on its merits. I understand what it's trying to say but in the real world, it's hard to please everybody.

10

Well, this isn't about pleasing everybody, Mr Tsirekas. This is about a specific obligation on your part as a councillor. Do you accept that? Do you accept that this is about - - -?---No, no.

Let me finish, please. Do you accept that this part of the code of conduct is talking about a specific obligation on your part, that is identifying conflicts of interest. Correct?---Yes. I, I agree with the first part.

20 And avoiding them or managing those conflicts of interest?---I agree with that part.

Right. Do you agree with the importance of identifying, avoiding or managing conflicts of interest, the importance of all of that to the probity of council decision making, do you agree with all of that?---Agree with that part.

30 Then all 4.3 of this second sentence is saying, Mr Tsirekas, is that when you come to consider whether you have a conflict of interest, or whether one exists, you have to think about how others would view your situation. It goes without saying, doesn't it, Mr Tsirekas?---No, because no decision would be made at council if you had to think about how others would think because there's always a for and against. In making a decision at council, you're going to upset one party and they're always going to think that you've favoured the other side. Whether it's a DA, whether it's a complaint issue, whether it's something to do with council, upgrade of a park like we have done in Rhodes, they're always going to think that you've been one-sided. So it's hard for me to agree that it's always important to think about how others would view your situation. You're there to make a decision. Decisions wouldn't be made on, on issues that are out in the public.

40

THE COMMISSIONER: Mr Tsirekas, would this accord with your views and your understanding, that in discharging any and all of your functions as a councillor you should remain objective?---Yes.

Yes?---Yes.

Independent?---Yes.

10 Act in a way which does not bring the council into any disrepute?---Yes, I agree.

Yes. You must act professionally as a councillor, is that right?---Yes, Commissioner.

You must review your personal circumstances on a regular basis to ensure that there's nothing about your circumstances that could create the perception or the actuality of a conflict of interest?---Yes.

20 Is that right?---Yes.

You talk about the real world. You understand the code of conduct is designed and intended to operate in the real world on local government? ---Yes.

You understand that?---Yes.

Do you understand the code of conduct is mandatory in the standards it sets?---Ah hmm.

30 You understand that?---Yes.

You understand that?---Yes, sir.

Yes. Always understood that?---Yes, sir.

40 Right. And whether there are people who might be aligned with the developer interest or whether they're aligned with some other interest and they disagree amongst each other is not to the point. You are not there to please or satisfy either party. What you're there to do is act honourably, objectively and independently, whether people like you or don't like you, correct?---I agree.

Right. So the real world is, so far as a councillor is concerned, is one of integrity from start to finish, correct?---I agree.

You've always understood that?---I agree.

You do not act in a way which could give the impression that you are aligned with or have a friendship with somebody that could interfere with your independence, you've always understood that?---Yes.

10

Right. And you recall when you were taken to part 1 of this code that your attention was drawn to the obligation to comply with the standards of the code and to regularly review their personal circumstances and that's what you had to do, wasn't it? Regularly review your situation to determine if, for example, there might be some pecuniary interest, there might be some non-pecuniary interest which has developed and that you need to manage that situation as it arises, is that correct?---Yes.

20 The obligations under this code are not fixed in stone in the sense that they never alter, they always apply to everything a councillor such as yourself does in discharge of his or her official functions as a councillor, correct? ---Yes.

There are no exceptions, do you agree, that you must act independently, honestly, impartially as a councillor? Do you understand that?---Yes, Commissioner. Yes.

30 And you've always understood that, have you?---That, I've got to deal with ---

30

As a councillor.---As, as a councillor, yes.

You have always understood that, is that right?---Yes, Commissioner.

Right. And those standards admit of no exceptions. That is, the standards for integrity admit of no exceptions. Do you understand and accept that? ---No, Commissioner. I can - - -

40 You say there are exceptions to the integrity principle?---Well, no, can I just, into that - - -

No, no, please. Let's stay with my point.---But can I answer that,
Commissioner - - -

I put to you that throughout your officeholding you are required to act with
integrity - - -?---Yes.

- - - without qualification.---Yes.

To act independently.---Yes.

10

And if there is any potential for conflict of interest, you must act - - -?
---Yes.

- - - as the code required.---Yes.

You always understood that?---Yes.

Without exception?---Without exception.

20 Thank you.

MR DARAMS: Mr Tsirekas, the Chief Commissioner referred to different
types of private interests, being pecuniary or non-pecuniary. You recall
that?---Yes.

You see paragraphs or, sorry, clauses five point, sorry, 4.5 and following
identify what a pecuniary interest is?---Yes.

30 When you read those earlier today, when I took you to them, you
understood the nature of pecuniary interests, didn't you?---Pecuniary or
non-pecuniary, yes.

Yeah, so you understood the nature of the different, the nature of and the
difference between the two?---Yep, yes.

Could I ask you then to focus on clause 4.10 or four point one zero. So
there are either two interests – sorry, just read that for the moment.---Thank
you. Yes, read.

40 They're either the pecuniary interest as defined, that's right?---Yes, yes.

Anything else, it's not a pecuniary interest, will be a non-pecuniary interest, correct?---Sorry, say that again.

Anything else that's not a pecuniary interest - - -?---Is a non-pecuniary.

Non-pecuniary.---If it involves the, the, the explanation, yes.

10 Your understanding of non-pecuniary interests, you agree with me that they could arise out of either family relationships or, more importantly or more specifically, friendships or business relationships, is that right?---(NO AUDIBLE REPLY)

Mr Tsirekas?---Well, it doesn't say business relationships there. It says "family, personal relationships, sporting, social and cultural group associations".

So, well, there's obviously personal relationships, so friendships.---Yes.

20 I want to suggest to you that personal relationships could also include business relationships.---(NO AUDIBLE REPLY)

Mr Tsirekas?---I'm, I'm - - -

You would accept that, though, wouldn't you?---No, I'm not accepting it. It doesn't say it there.

All right. Just come back to this proposition. Don't worry about that there. ---Yeah.

30 In terms of a non-pecuniary interest, you accept it could arise out of a personal relationship?---As specified there, yes.

Could arise out of a personal friendship?---(NO AUDIBLE REPLY)

I'm just asking about your understanding of non-pecuniaries.---Personal friendship, yep, yes.

40 You accept it could arise out of a personal friendship?---Yes. Personal relationship.

Do you also accept it could arise out of a business relationship, though?

---No.

I know it doesn't say it there, but I'm asking you, do you accept that a - - -?

---No, I don't.

You don't accept it?

THE COMMISSIONER: Why not? Why not?---It's not written there, Commissioner.

10

Well, why not? Why wouldn't a business relationship potentially create a conflict of interest?---I can't answer that, Commissioner. Business, I, I thought - - -

Well, you have taken the stand and say no.---Yeah.

"Personal relationship", that's the phrase in the clause 4.10.---Yep.

20 You disagreed that personal relationships could include a business relationship between you and another person. And I've asked you why and your answer is "I can't explain it." That's not an adequate response.---No, sorry, Commissioner. You went back to 4.7, did you?

I'm looking at 4.10, which deals with non-pecuniary interests.---10, yes. Non, sorry, non-pecuniary interests.

Just read it to yourself again.---No, yes. It doesn't say business relationship there.

30 Counsel is putting to you that it would cover business relationships. You said no and I've asked you to explain why no, and you say, "I can't."---Well - - -

Can you improve on that answer?---I can improve on that 'cause I think we were jumping between the two. I would, I think that a business relationship would be a pecuniary interest because it sounds like there's transactions between the parties. So I've never had a business relationship, so I think there'd be a different pecuniary interest.

You say it would be a pecuniary interest and therefore covered by the code?---A business interest where there's a business relationship would be more than a non-pecuniary interest.

MR DARAMS: So it would be a pecuniary interest, is that right?---A pecuniary interest.

10 Right. I understand. So just so I understand that, you would accept that a business relationship would be an interest that could give rise to a conflict and would have to be managed?---Yes.

What you are, if I can understand your evidence, what you might be hesitating on was whether or not a business relationship would actually properly be a non-pecuniary relationship, but what you seem to be suggesting is that on your understanding of a business relationship it should be a pecuniary interest, is that right?---Yes. If there's transactions between the parties, it'll be a business, a pecuniary.

20 What if you just worked with someone and there was no financial transaction in between? You wouldn't regard that as a business relationship, then?---Can you explain what working with someone means? What sort of - - -

I'll move on, Mr Tsirekas. We can deal with it later. Just focusing now on the obligations where you have a non-pecuniary interest. And I'll just ask you to read 4.12 to 4.15.---Okay. Read.

30 Now, just ask you a few questions about this. So you can see the heading is Managing the Non-Pecuniary Conflicts of Interest?---Yes.

So the first obligation, which you would have understood, is that you have to disclose the interests fully and in writing?---Yes. Yes.

That's been your understanding at all times since 2013?---Normally they're minuted at the meeting.

THE COMMISSIONER: I'm sorry, you didn't answer the question. Put it again.

MR DARAMS: That had been your understanding at all times? That's been your understanding at all times since 2013, that you have to disclose the interests fully and in writing?---Look, I can't remember.

The question was whether it's been your understanding since 2013 - - -?
---No, and I can't remember.

THE COMMISSIONER: Just one minute.---Yeah.

10 Let Counsel finish his question.---Apologies.

MR DARAMS: The question was it's been your understanding since 2013 that you have to disclose the non-pecuniary interests fully and in writing? Irrespective of where you do it, it's just the obligation to disclose it.
---Disclosures were made at the meeting and minuted.

THE COMMISSIONER: No, no, no, no. Please. We're not just talking about meetings. You understand that?---(NO AUDIBLE REPLY)

20 MR DARAMS: The obligation on you in relation to the non-pecuniary interest or conflict from a non-pecuniary interest is that you had to disclose in writing and fully. That's been your understanding, correct?---Look - - -

It hasn't been your understanding?---It hasn't been.

Why not?---'Cause the way we deal with it at meetings, if there is a pecuniary or a conflict of interest, you declare at the beginning of the meeting and it's minuted.

30 THE COMMISSIONER: Mr Tsirekas, I think we've been over this more than a couple of times. The code has been explained to you, as you pointed out, in a workshop meeting, is that right?---Yes, sir.

Right. And as a result of your understanding of the code, public officials have got to be careful to disclose personal interests that they might have because it firstly could be seen to be impairing the perception of the councillors acting independently and objectively. Is that right?---Yes, sir.

40 Right. So if, for example, a member of your family was seeking some sort of approval, you would, without hesitation, disclose that right up front, would you not, "Look, this application has been made by my relative. I

disqualify myself, I shouldn't be involved at all." That sort of thing.---Ah
hmm.

True?---Correct.

As the code says, you would put that in writing so there could be no
argument about you having disclosed it, correct?---Ah hmm.

Is that right?---Yes, sir.

10

Right. I think what's being put to you, equally it follows, the same
obligation arises if you have a personal relationship with somebody, as the
code describes, and you have been taken to that, you understood it's part
and parcel of the integrity principles enshrined in the code that you would
make that known, again so there could be no perception of favouritism or
anything of that kind, correct?---Correct.

Okay.

20 MR DARAMS: Yeah. So Mr Tsirekas, if you look at 4.12 and 4.13, the
obligation that you understood was the disclosure, fully in writing, and as
4.12 says, "as soon as practicable". You accept that?---I accept that it's
written there. I can't accept that I can recall that you had to do it in writing
and for what particular issue, unless it was going to council. Then you
would deal with it and disclose it at the council meeting.

One of the ways that you could deal with this disclosure is to, as 4.13
identifies, disclose it at the council or a committee meeting, correct?
---Correct.

30

But what I'm suggesting to you is that the obligations under the code of
conduct aren't limited simply to you, or a councillor, disclosing only at a
council meeting or a committee meeting, correct?---(NO AUDIBLE
REPLY)

Your obligations weren't simply limited to disclosing at a council or
committee meeting but you had to disclose it as soon as practicable.
---There, there are new forms that have been, guidelines that you have to do
it writing every year but I, I accept that it's written there but all the
40 disclosures that I had would have been done and minuted at a council
meeting.

I'll come back to that another way and I'll show – so when you say all the disclosures that you made, you only ever made, if you did make a disclosure, you made it at a council meeting, is that right?---Yes.

THE COMMISSIONER: Sorry, if there was a personal relationship you had with somebody involved and a matter of business came before council in a meeting, you would disclose it, you say?---At the meeting.

10 Is that right?---At the meeting.

Is that right?---Yes.

All right.

MR DARAMS: Do I understand your explanation to mean that, to the extent that you ever disclosed a non-pecuniary interest, you only ever disclosed that, if you did do it, at a council meeting, not otherwise?---Up until recently. I think there's a new form that comes out as a guideline
20 where you've got to disclose - - -

THE COMMISSIONER: No, no, please just answer the question.---Sorry, apologies.

Could you answer the question? Put it again.

MR DARAMS: Do I understand your evidence to be that to the extent that you identified and disclosed a non-pecuniary interest that you were required to disclose, then you would only have done that at a council meeting?---Yes.
30

THE COMMISSIONER: Why would you not have disclosed a personal relationship in relation to a matter of council business as soon as you became aware of it or as soon as you knew it existed? Why wouldn't you disclose it up-front?---Can't answer that, Commissioner.

Why can't you answer that question? It's a fairly simple one.---The way that I was disclosing was at the council meetings when the matter was before council.

40 Yeah, we're not talking about meetings now. As you know, my question is just talking in general. If you had a personal relationship with somebody

who's doing business with council, for example to do with development, land development approvals, why would you not immediately up-front as soon as you reviewed your situation have said, "I know that person. He's a friend of mine. I want it noted on council records." Why wouldn't you do that?---Commissioner, can I answer that - - -

I'm asking and I'm waiting for your answer. You're pausing.---No, I'd like to, if I get the opportunity - - -

- 10 Why would you not do that is my question.---If the matter was before council, I would. If the matter wasn't before council, again, Commissioner, as the mayor for 20 years plus, sorry, not 20 years but 25 years on council, I know a lot of people, I know a lot of friends, I know a lot of matters that have come before council that have had, you know, that I, I wouldn't, I wouldn't have any transactions through council if I had to declare a non-pecuniary interest to everybody that's before council.

- 20 Well, if you knew everyone who's doing business with council, you might have to step aside until all the matters concerning your friends had been dealt with. Correct?---Mmm.

Simple, isn't it? I mean, when I say "simple" it's elementary, isn't it?
---And, and again - - -

No, no. Do you agree it would be elementary?---It would be difficult to do my job.

Sorry?---It would be difficult to do my job if I had to declare - - -

- 30 Yes. You'd have to step aside, wouldn't you?---Mmm.

Otherwise people would say, "Oh, the mayor's friends with everyone. He doesn't bother declaring an interest. He just sits there and, you know, participates without telling anyone." That would be wrong, wouldn't it, if you did that?---I wouldn't be able to do my job or anyone else wouldn't be able to do their job as at council but they're - - -

No, no. We're talking about your personal interest - - -?---Yeah.

- - - not somebody else. You would have to step aside if you knew everyone who was doing business with council at any one period, wouldn't you?---It, it, and again, it depends on how well that relationship is with that person.

Now answer my question.---Yes.

You'd be forced to step aside, wouldn't you?---If, if it came under these definitions, yes.

10 Yeah. So that if you have a personal relationship with somebody who's doing business, doing business in the sense of they might have an application going through the process of council and it was a friend of yours, you understood that you'd be obliged as a standard of conduct to make it known that "That application that's come in in the name of that person is an application being made by a friend of mine, I have a personal relationship with them, I want it noted"?---Right.

That's the expected course of action by a councillor, isn't it?---Yes, Commissioner, as, as a personal friend, yes, but again my interpretation of
20 friends and people that I know is a bit broader than that.

Yeah. We've been talking about friendship relationships - - -?---Yeah. Yes.

- - - now for about the last 10 or 15 minutes. You understood that, didn't you?---Well - - -

Yes, you press on. You press on.--- - - - I, I, I've learned the definitions of friendships from listening to evidence in the last couple of days and they've surprised me.

30

MR DARAMS: Mr Tsirekas, 4.14, you understood this, didn't you, that there was a difference in how you manage these conflicts depending on whether the interest is significant or not. You understood that, didn't you?
---Yes.

So then 4.15, and I think this is coming to something you've just been discussing with the Chief Commissioner, which underlies your understanding - - -?---Mmm.

40 - - - but it says here "A general or non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest but involves,"

if we can go over to the other page, for the moment just draw your attention to – you can read (a), (b) and (c) but I want you to focus on (b).---All right. Yes.

So you understood, didn't you, that significant non-pecuniary interests could arise out of friendships with other people that are close, correct?
---Friendships and people that are close. Correct.

That are close. Friendships that are close, correct?---Close friendships.

10

Yeah. The closeness, as you can see from subparagraph (b), being defined by the nature of the friendship or the business relationship. Just pausing there, you must accept now, obviously, that a business relationship could also be a non-pecuniary interest?---As I read it here, yes.

So the closeness, either the nature of the friendship, the frequency of contact and the duration of that friendship or relationship goes up to determine how close it is, correct?---Yes. Yes.

20 Now, then 4.16, this is an obligation as to how you manage the significant non-pecuniary conflict. There are two alternatives. Do you see that?---(a) and (b). Just I'll read it. Yes.

So what you had to do, you understood this as your obligation, you either divest or remove the source of the conflict. So, for example, if it's a friendship, you cease all friendship and contact, correct? That would be one way of doing it?---Yes.

30 Alternatively, you have no involvement in the matter when it's before – or you have no involvement in the matter and you don't take part or vote on any particular matter that comes before council, correct?---Unless you think it's less than significant, yes.

So, and you've just referred to something being less than significant, but if I can then draw your attention to 4.17.---Mmm.

You're still under this obligation, correct, Mr Tsirekas?---Obligations of 4.6.

Four point one - - -?---One six.

40

4.17. So you've – I've asked you about 4.6(b).---Yes.

And you explained that you would have to – you either remove the conflict or remove, divest of the interest.---Mmm.

For example, cease being friends with someone if that's the base upon which the conflict arises.---Yes.

Alternatively, you don't have any involvement in the matter. That's right, that's the other way of doing it?---Yes. Yes.

10

You then referred to, well, unless it's a non-significant conflict of interest, didn't you?---In 4.17, yes.

That's – no, then I was suggesting to you - - -?---Sorry.

- - - that even if it was, even if you make the assessment it's a non-significant, you're still not, so to speak, out of the woods. You have to actually do something and advise or inform or disclose it to council, correct?---Yes.

20

You have to then say why you formed the view that the interest is not significant. That's right?---Yes.

So whenever there is a conflict of interest of a non-pecuniary nature, you accept this, there are positive obligations on you continually to make the assessment as to what you would do in respect of that interest, correct?---Yes.

30

And whether or not it was significant or not, you still had to, at the very minimum, disclose fully the nature of the interest, correct?---Yes.

Whether you had any further involvement depended upon whether the interest was significant or not, that's right?---That's right.

But the continuing obligation remained throughout to make that assessment of the nature of the interest, correct?---Correct.

40

Could I then ask that the witness be shown page 38? This is part of the code of conduct that refers to personal benefits. Now, I'll just draw your attention to clause 5.1. Have you read that?---Yes.

Could I ask you this question, that's been your understanding of your obligation since 2013?---(NO AUDIBLE REPLY)

Mr Tsirekas?---I, I think the limit on benefits has changed in, in time so there, there was a cap and hospitality has changed. I mean, it's, it's one where the, there was limits of what you could obtain and, as benefits or hospitality. It, it - - -

10 Are you suggesting there's been a change at some stage, that there's been a monetary limit, so if something was below an amount - - -?---Yes.

A nominal amount, that's something you wouldn't have to disclose - - -?
---Yeah, yes.

- - - or be concerned about, is that right?---Yes. But I don't know what they are.

20 Well, just focus on the obligation in 5.1 which doesn't refer to a particular amount.---Okay, yes.

So my question was, that's been your understanding of your obligation since 2013, correct?---Yes.

So there are a couple of things that I want to ask you about it. Given that you've accepted all of that, so the first thing is that you have to, and you were required to avoid situations giving rise to an appearance. So it's about perception again, isn't it, Mr Tsirekas?---Yes.

30 That the person, through that provision of the gift, benefit or hospitality of any kind, is attempting to secure favourable treatment from you or from the council, that's right?---(NO AUDIBLE REPLY)

Mr Tsirekas?---Is attempting to secure favourable treatment from you or from the council, yes, I read that. Yes.

But it's all about the perception that that person or persons is attempting to secure favourable treatment, correct? You've got - - -?---The appearance of, yes.

You've got to avoid, and this has been your understanding, avoid situations where that perception could arise, whether or not it actually arose. Do you agree with that?---Yes, yes.

The gifts, benefits and hospitality could be, for example, would you agree with this, people paying for your accommodation when you travel, Mr Tsirekas?---Yes.

People loaning you money to undertake travel, correct?---Yes.

10

When you are travelling or you're, say, overseas in a country, people providing you with entertainment, correct?---Yes.

Paying for trips, sightseeing and things like that?---Yes.

All of those things, or matters, could give rise to an appearance that the person who's providing them is attempting to secure favourable treatment, correct?---Yes.

20 Now, I think you referred to, if we go down to 5.4, is this something you are referring about in relation to nominal benefits?---Yes.

Yeah, right. Then if I could just ask you to be shown page 39. I'll draw to your attention clause 5.5. Just read that to yourself.---Yes.

That, those obligations that you were under, you understand that you've been under those obligations at all times since 2013. Is that right?---Yes.

30 So would you accept that they are quite clear, and what I mean by that, Mr Tsirekas, is that, for example, that you were under obligation not to "accept any gift or benefit that may create a sense of obligation on your part". Correct?---Yes.

So that's the first part. It's a personal, so you can't accept anything that might personally result in you feeling obligated. That's right?---That's right.

But, likewise, we're back again to accepting something where it "may be perceived to be intended or likely to influence you in carrying out your public duty"?---Yes.

40

So there's the personal sense that you need to make the assessment. You accept that?---Yes.

And you can't and you must not accept any benefit where it might be "perceived to be intended or likely to influence you", again it's this perception that arises from the benefit. Correct?---Yes.

Likewise in subparagraph (d) you're obligated not to "accept any gift or benefit of more than token value", Mr Tsirekas?---Yes, I can read that. Yes.

10

But that was your understanding, as well?---I, yeah, I'm reading it that way.

So, in effect, not to accept any benefits from anyone that are more than a token value?---Yes.

Then could I just ask you about one last provision of the code if we go to page 43? I just draw your attention to Part 8, Maintaining the Integrity of This Code. So I draw your attention to 8.1. Just read that.---Yes.

20 Do you accept that what this means is that you were again under a separate obligation to make sure that you conducted yourself in a particular manner that upholds the confidence in the integrity of the code. That's correct? ---Yes.

So, again, it's reinforcing the importance of these obligations, many of them or most of them personal on your part. That's right?---Yes.

And all of that's been your understanding since 2013, Mr Tsirekas?---Yes.

30 Chief Commissioner, I note the time.

THE COMMISSIONER: Yes.

MR DARAMS: That might be a convenient time.

THE COMMISSIONER: We'll take the morning tea adjournment. I'll resume at about 10 to 12.00. I adjourn.

40 **SHORT ADJOURNMENT**

[11.28am]

THE COMMISSIONER: Yes.

MR DARAMS: Mr Tsirekas, you separated from your former wife in March 2013, is that correct?---April 2013, yes.

Your divorce was granted the following year?---2014.

Is that right?---Yes.

10

You went through a property settlement proceeding in the Federal Circuit Court in 2019 and 2020, is that correct?---Yeah, 2020, I - - -

Was when the orders were made, is that right?---The orders were made, yes, yeah.

But in terms of the proceedings of the Federal Circuit Court, they commenced before 2020?---Yes. I, I haven't got the dates, but yeah.

20

I just want to show you a document and ask you some questions about it. So if the financial questionnaire can be shown to Mr Tsirekas, page 1.

MR LEGGAT: Chief Commissioner, this might be appropriate to be dealt with in a confidential manner, please.

30

THE COMMISSIONER: Yes, yes. Thank you, Mr Leggat. Mr Darams, I propose to make a section 112 direction. That will not preclude you from utilising the document but I think I should suppress any private information that's not necessary. Are you able to handle it on that basis? In other words, I think what we'll do is, we'll proceed for the moment under a suppression order and then that can be lifted or varied as may be necessary.

MR DARAMS: Yes. I think that's the way to do it. I think, Chief Commissioner, given the questions I might have for Mr Tsirekas, we might be able to handle it in that way.

40

THE COMMISSIONER: Yes, very well. Well, in relation to the financial questionnaire referred to by Counsel Assisting, I make a direction pursuant to section 112 that the contents of the questionnaire not be published or communicated. I will reconsider whether or not that direction should be varied or vacated when appropriate.

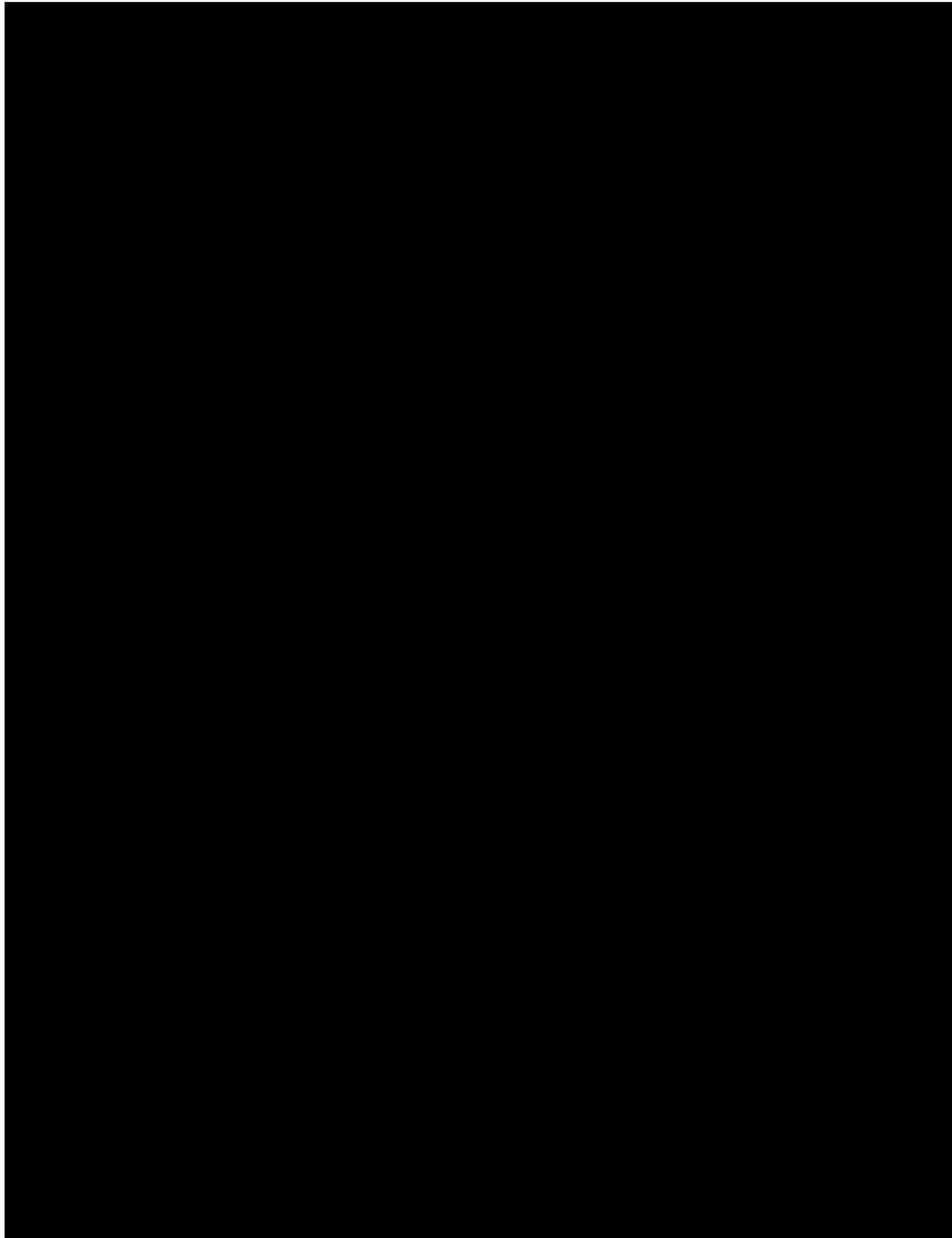
SUPPRESSION ORDER: IN RELATION TO THE FINANCIAL QUESTIONNAIRE REFERRED TO BY COUNSEL ASSISTING, I MAKE A DIRECTION PURSUANT TO SECTION 112 THAT THE CONTENTS OF THE QUESTIONNAIRE NOT BE PUBLISHED OR COMMUNICATED. I WILL RECONSIDER WHETHER OR NOT THAT DIRECTION SHOULD BE VARIED OR VACATED WHEN APPROPRIATE.

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THE COMMISSIONER: So the effect of the section 112 direction I earlier made continues up to this point. And that is the termination of the operation of the section 112 direction. That is, up till now. Yes.

40 MR DARAMS: I want to go to something slightly different, Mr Tsirekas. You've known Joseph Chidiac since 2011?---Yes.

Did you meet him through your involvement with the Labor Party?---Yes.

That was the context in which you met him in 2011?---Yes.

Since that time, that is 2011, Mr Chidiac's assisted you in your election campaigns, is that correct?---Yes.

10 Has that been – that assistance, has that been in each of your local government and your federal election campaigns?---Oh, not at the last, not at the last campaign.

Not in the campaign last year because you didn't run as the Labor member. That's right?---Well, I didn't run as a Labor Party member and I didn't get help, no.

No. So Mr Chidiac assisted you in the 2013, sorry, 2017 campaign?---Yes.

The 2016 federal campaign?---Yes.

20 Any local government election campaign that occurred prior to - - -?---2021.

2021, correct. Mr Chidiac's your friend?---Yes.

He has been your friend since 2011?---Probably got better acquainted after that date but wouldn't, wouldn't, you know - - -

Close friend of yours since 2015?---'15, yes.

30 I take it you have introduced him to your former wife?---I can't recall.

You don't recall introducing him to your former wife?---No.

In terms of your, throughout your friendship, you've gone on holidays with him overseas?---Yes.

You obviously have his phone number?---Yes.

40 Do you still have his phone number?---I don't know. I haven't spoken to him for a while.

I take it throughout your relationship and friendship with Mr Chidiac, you would have called and texted him, what thousands or tens of thousands of times?---More than likely, but I haven't counted, but a lot of times.

Yeah. You've had – excuse me – numerous coffee catch-ups or coffee meetings?---Yeah.

Dinners?---Not, not over-the-top but we do catch up.

10 You've had dinners with him on multiple occasions?---Dinners, yes.

Gone to the football with him on multiple occasions?---Yes.

You've obviously had lots of different types of discussions with Mr Chidiac on all sorts of subjects?---Yes.

Sporting subjects. Correct?---Correct.

20 What you do or what you were doing in terms of your employment at Canterbury Council?---I don't, yeah. I can't recall that too much.

Things you were doing as the Mayor of Canada Bay?---Probably more local issues, yeah.

But things that you were doing as the mayor. That's right?---The local issues as the mayor.

Yeah. Do you celebrate birthdays together?---No.

30 Do you ring him up and wish him happy birthday?---I can't recall if I did. I don't know his date, his birthday.

What does Mr Chidiac do for a job?---Well, I think I answered that before, I, I don't know.

No, I'm asking you now. What does Mr Chidiac do for a job?---Well, from listening to evidence here, I - - -

40 No.

THE COMMISSIONER: Now, listen, Mr Chidiac [sic], would you just answer the questions. I don't want you to refer to evidence. I want you to give evidence of your own knowledge.---Sorry? What does he do?

MR DARAMS: What does Mr Chidiac do for a job?---I don't know.

THE COMMISSIONER: Have you any general idea?---Well, I know he has a lot of time to himself and my understanding was that he had a security company he sold and he had a few properties that he lived off.

10

A security company sold and what?---A security company and a few properties in the locality that he lived off with rent and leased.

What sort of properties?---Well, so residential. And I think he may, if he still has the one in Majors Bay Road, I, I'm not too sure.

What sort of residential properties?---I don't know.

No idea at all?---No idea.

20

Do you know what he did for a living?---He ran a security company but he sold it.

What did he do for a living after he sold it?---I don't know.

Now, I just put that question again, so that I've got it clear. Are you saying to this Commission you have no idea at all as to what sort of work Mr Chidiac has performed over recent years?---Yes.

30 You've never discussed with him anything work-related, that is to say work that he's involved in?---Yes, Commissioner.

Sorry? You're saying you have not?---No, I, I haven't.

So he's never discussed with you real estate?---No.

He's never discussed with you development of real estate?---No, no.

40 Never discussed development of particular properties, for example, in the Rhodes district, including East Rhodes?---Well, I don't know of any properties that he owns there.

No, no. That wasn't my question. Has he discussed with you property development matters in the Rhodes area at all with you?---Yes, he has.

What matters?---I, I think for, on occasion, I-Prosperity, Billbergia.

What sort of matters? We'll take them one at a time. I-Prosperity?---I think he was trying to organise meetings, was sometimes inquiring on how things were going, basically, that's it. And I think the same for Billbergia.

10

What, the more or less the selfsame matters that you've just indicated with I-Prosperity - - -?---Yes, Commissioner.

- - - he said he's been involved in so far as Billbergia is concerned?---Yes, Commissioner.

Nothing more?---Not that I can recall.

20 Just trying to organise meetings and sometimes inquiring about how things are going - - -?---Going, yeah.

- - - concerning either I-Prosperity and/or Billbergia, is that right? Is that it? ---Yeah. Yeah, and, and I think, and I think at a later stage when there was a bit of a, a relationship with Billbergia and Prolet as well, so - - -

Prolet as well, right. Who's connected with Prolet?---Well, Joseph Jacobs is Prolet.

30 Anybody else?---Pierre, his brother.

A brother, ah hmm. And you've met with the Jacobs brothers from time to time?---Yes, yes.

In relation to development issues?---In relation to many issues but I don't think Prolet every had a development application before council.

40 But just to be clear about that, coming back to what Mr Chidiac has discussed with you, the only matters so far as work is concerned, his performance of work, are the matters you have indicated, trying to organise meetings and sometimes enquiring about how things are going?---Ah hmm.

Aside from those two matters, has he discussed anything else about the work he does, how he does it, whether he's worked for somebody, whether he gets paid by somebody?---No, Commissioner. And again - - -

No, no. I just want to – what's the answer to my question? Has he ever discussed any of those matters with you?---No.

MR DARAMS: Mr Tsirekas, could I ask that you be shown volume 1.2, page 21? Mr Tsirekas, these are minutes of a meeting of the council on 31
10 May, 2016. Now, they record you as being present on that occasion. Was your experience, or has been your experience during the time that you've been a councillor at Canada Bay, that if you're recorded as being present at a council meeting, then you were present at the meeting, is that right?
---Correct.

If we go to page 23, these minutes on 31 May don't record you as having made any declarations of any interests at that meeting.---Correct.

That accords with your recollection, Mr Tsirekas?---Correct.
20

Could I then ask that you be shown page 64? One of the matters discussed at the council meeting that evening was the planning proposal 2, for the Station Precinct, Rhodes. Do you see that?---Yes.

You understood that to be the planning proposal for Billbergia, Mr Tsirekas?---Just let me have a – I think there was another application that as mentioned in there as well.

Well, just focus on the planning proposal 2, for the Station Precinct in
30 Rhodes. That was Billbergia's planning proposal too, correct?---But this, this is the recommendation. If you go to the report it also refers to I-Prosperty.

Mr Tsirekas, the planning proposal 2 for the Station Precinct Rhodes, planning proposal 2 is a reference to Billbergia's planning proposal?---I've got the dates wrong, apologies.

Well, what about my question?---I'll retract that because I looked at, I thought we were at the 31 May, not 17. So I'll retract what I said before.
40 Just confirming the dates because we had five meetings in May, so - - -

Why don't I just focus on planning proposal 2 for the Station Precinct, Rhodes. That was a reference to Billbergia's planning proposal, correct?
---Correct.

You can see that Mr McGarry and Mr Graf, you knew them to be associated with Billbergia, didn't you?---Yes. They are representing Billbergia.

Mr Furlong you knew, on 31 May, 2016?---Yes.

10 You had known Mr Furlong for some period of time at this stage in May 2016, hadn't you?---Yes.

Now, I'll just ask you to be shown page 67. To the extent the motion was put up that evening in relation to this planning proposal, you voted in favour of it?---Yes.

You see that there?---Yes.

20 Again, it's your understanding, based upon your experience, that if the minutes record you as having voted in favour of some resolution, then it's the case that you did vote in favour of some resolution or motion, that right?---Yes.

You agree that at this meeting you should have declared a conflict of interest arising out of your relationships with Mr Chidiac?---No.

You agree that you should have declared a conflict of interest arising out of your relationship with Mr Furlong?---No.

30 You agree that you should have declared a conflict of interest arising out of your relationship with Ms Belinda Li?---No.

You agree that – well, I withdraw that. Chief Commissioner, I need to vary the suppression order or declaration that was made on 24 March, 2022. Could I have that varied? I need to ask this witness some questions about the evidence.

THE COMMISSIONER: Are there particular parts of it or are you suggesting - - -

40

MR DARAMS: Could I have it varied just generally?

THE COMMISSIONER: Well, Mr Darams, you're making that application on the basis that there are some grounds to vary in the public interest or to lift the restriction?

MR DARAMS: To vary it in the public interest because I wish to ask this witness some questions about the evidence given today and the evidence given on the last occasion.

10 THE COMMISSIONER: Yes, very well. But I ask you again, are you seeking to have the suppression order lifted entirely for the 24th of March?

MR DARAMS: Yes. The one on the 24th of March.

THE COMMISSIONER: Yes, very well. In respect of the direction made by me on 24 March, 2022, in respect of the compulsory examination of the witness, Mr Tsirekas, the direction made on that date is removed in order to enable Counsel Assisting to examine the witness.

20

VARIATION OF SUPPRESSION ORDER: IN RESPECT OF THE DIRECTION MADE BY ME ON 24 MARCH, 2022, IN RESPECT OF THE COMPULSORY EXAMINATION OF THE WITNESS, MR TSIREKAS, THE DIRECTION MADE ON THAT DATE IS REMOVED IN ORDER TO ENABLE COUNSEL ASSISTING TO EXAMINE THE WITNESS.

THE COMMISSIONER: Very well.

30

MR DARAMS: Could I ask that Mr Tsirekas be shown page 811 of the transcript. Mr Tsirekas, I'll just draw your attention to the question that appears at the top of the page. You'll recall that I asked you about these minutes on this occasion. Mr Tsirekas? Just for your benefit I'm identifying that in fact I took you to these minutes.---Yes.

See that? Then I asked you, "That's identified you as being present. That's right?" You agreed. Your recollection was you were present. Then in line 10 I asked you to be shown page 23 of the minutes and I asked you the
40 question about the minutes not recording any declarations by you.---Yes.

THE COMMISSIONER: Just give me the page reference again for the transcript you're on.

MR DARAMS: 811.

THE COMMISSIONER: Yes, thank you.

MR DARAMS: Now, could I then ask you to be shown page 812? I'll draw your attention to about line 26. See the question, Mr Darams says here
10 "So the question, Mr Tsirekas, was you've said in hindsight it should have been, you should have disclosed the non-pecuniary interest?" You say, "Correct." Then I ask you "When did you come to that view in hindsight?" You say, "Very recently when I re-read the code of conduct." Then I ask you, "Now, having done that, can you tell me what is was you should have disclosed as a non-pecuniary interest?" You say, "Conflict of interest." "Which is based upon being a financial or pecuniary, correct?" Then I say "You've identified the conflict of interest." You say - - -?---You're just going a bit quick, sorry.

20 Sorry.---Can I just quickly read that? Sorry, Mr Darams.

Sure.---Yes.

THE COMMISSIONER: Mr Darams, to be fair to the witness, perhaps you should go back and start at page 811, just to give context and the evidence given on that page.

MR DARAMS: Yes. So if we go back to page 811. I think I took you to the first questions on the page, Mr Tsirekas. So then if we pick it up at line
30 20, well sorry, line 18.

THE COMMISSIONER: I think it's just before 20. From about line 10 downwards, I think.

MR DARAMS: Yeah. So there's a reference, do you remember I asked you questions about the exchange between you and Mr Furlong on 30 and 31 May, 2016. Mr Tsirekas?---Exchange.

40 Email exchange where you provided Mr Furlong with a draft or a copy of the proposed motion prepared by Mr Kenzler.---Right, yes.

Yeah. So you remember - - -?---Is that what you're referring to here?

Well, in line 15.---Right.

So then I put - - -

MR LEGGAT: Commissioner, just a point of fairness. My learned friend referred to 30th and 31st, whereas the transcript refers solely to the 30th.

10 MR DARAMS: It does. But the question I asked was whether Mr Tsirekas recalls some questioning about the exchange on 30 May and 31 May.

MR LEGGAT: Do you mean ever?

MR DARAMS: Do you recall being asked questions about, do you recall now being asked questions about the email between you and Mr Furlong?
---Yes, yes.

20 Yes.---Yes. Now, then if we go back to line 19, the question was "You never then, generally you didn't disclose any particular non-pecuniary interest in relation to IPG?" You query what IPG was and I apologised and said, "I-Prosperity, I should say."---Yes.

You said, "No." So what you were saying, and you agree with me, you never declared any interest or conflict of interest, pecuniary or otherwise, in relation to I-Prosperity, that's right?---Are we referring to the 17 May meeting?

30 No, we're referring to the 31 May, 2016 meeting.---But you were showing me the meeting of the 17th before.

No, I wasn't, Mr Tsirekas. I was showing you the minutes of 31 May, 2016.

THE COMMISSIONER: You were shown the minutes of 31 May, minutes of Canada Bay Council. You were asked if you were present, no declarations were made by you.---Yeah.

40 And then you were taken to item 3, which is the Station Precinct, Rhodes planning proposal for Billbergia. Then you were asked, or it was put to you that when the motion, in respect to the planning proposal, you voted in favour of it.---Ah hmm, yes.

And then he went to the question of what was contended you should have declared by way of friendships with Chidiac, Furlong, Belinda Li. Now, that's the lead-up to where we're at at the moment.---Yes, Commissioner.

Are you following it?---Can I - - -

That's the meeting, the motion?---The, these minutes - - -

10 Yes. All right. Just wait a minute. You proceed.

MR DARAMS: Yes. Could I now ask you to be shown page eight - - -?
---Right.

If you wish to, Mr Tsirekas, just read the rest of the question on page 811.

THE COMMISSIONER: Well, now, I just think he should be taken through the rest of 811 so he's got the full context.

20 THE WITNESS: Yeah.

MR DARAMS: Yeah.

THE COMMISSIONER: So it follows from after the reference to I-Prosperity.

MR DARAMS: Then you said, "No".

30 THE COMMISSIONER: He agreed that he had not disclosed any non-pecuniary interest in IPG. Now, I think the next two questions and answers should be drawn to his attention so that he's got the context.

MR DARAMS: So I said "IPG" and then I apologised and said "I-Prosperity" and you said, "No". What you said at that stage when you said, "No," is you agreed that you hadn't declared any interest pecuniary or non-pecuniary in relation to I-Prosperity. That's right?---That's right.

So when you said, "No," you were agreeing with the proposition that you hadn't declared any interest. Correct?---Correct.

40

Then I say, “Now, can I ask you is there a reason why – I’ll ask you a question. Why didn’t you in relation to this conduct disclose a non-pecuniary interest?” Then you say, “Look, in hindsight would have been probably the best to disclose a non-pecuniary interest.” Then line 30, “So let me just ask you about that hindsight. When did you come to that view that you should have disclosed a non-pecuniary interest?” You said, “In hindsight I should have been more aware of my disclosures.” The Commissioner then says, “That doesn’t answer the question at all.” And he asks you, “Would you please attend to the questions and answer directly.”

10 You said, “Sorry. I apologise.” The Commissioner then says, “questions put otherwise, amongst other things”. “Apologies, Commissioner.” If you go over the page. The Commissioner notes above, “It draws these proceedings out over a longer period of time than otherwise should be the case.” And you say, “Apologies. Okay.” And then the Commissioner - - -

THE COMMISSIONER: That is picked up, I think, round about 27, then following.

MR DARAMS: Yes. And then we go, then I come back. 27. “So the

20 question, Mr Tsirekas, was you’ve said in hindsight it should have been, you should have disclosed a non-pecuniary interest. Correct?” You say, “Correct.” Then I ask you, “When did you come to that view in hindsight?” And you said, “Very recently when I re-read the code of conduct.” Then I say, “Right. Now, having done that, can you tell me what, it was a, you should have disclosed a non-pecuniary interest?” “A conflict of interest.” “Which is based upon being a financial, or pecuniary or non-pecuniary. Correct?” “Correct.” “Now, you’ve identified a conflict of interest.” “Mmm.” Then I ask you, “Tell us what the conflict you have assessed existed on 31 May, 2016.” So the questions to this stage, you’ve effectively

30 disclosed that you didn’t, you accept you didn’t make any declarations of a conflict of interest involving I-Prosperty. Correct?---At the 31 May meeting, correct.

THE COMMISSIONER: Yes.

MR DARAMS: Yeah. And you gave evidence that you had come to the recent view that you should have disclosed that interest. That’s correct? ---Mmm. Correct.

40 Then if we go over the page, your answer was “Relationships with David Furlong.” See that?---Yeah.

THE COMMISSIONER: So the question was “Tell us what the conflict you have assessed existed on 31 May, 2016.” “Relationships with David Furlong” was your answer. You see that?---Yeah.

And then the next question?

MR DARAMS: Then I said, “Right. And?” “Well, there would be Joseph Chidiac.” This is your answer, Mr Tsirekas?---Sorry. Yes. You’ve said
10 that, that’s my answer.

Yeah. So you identified a conflict of interest existing as at 31 May, 2016, in relation to the relationship or arising out of the relationship with Mr Chidiac. Correct?---Correct.

Then I question, “Belinda Li?” “Oh, yeah, and Belinda, yeah, Belinda.” So you accept that you should have declared a conflict of an interest arising out of the relationship with Ms Belinda Li as of 31 May, 2016. Correct?

---Well, I - - -

20

That’s what you said on that occasion.---I know. I know but I’m trying to correct everything as I’m hearing the evidence and, and my understanding and better understanding. That was very early on and I didn’t really know what involvement or what position Belinda Li had at I-Prosperity. It was more Joseph Chidiac.

Mr Tsirekas, just so I understand. So I asked you today whether you agree that you should have declared a conflict of interest arising out of your relationship with Mr Chidiac as at 31 May, 2016. Today you said, “No.”

30 Do you remember saying that? Today you said, “No.”---Can I just - - -

THE COMMISSIONER: No, no, please.---You showed me the 17 May meeting.

MR DARAMS: Today you said, “No.”

THE COMMISSIONER: Mr Chidiac [sic], would you just please act in accordance with the process here. I think I explained it before but I’ll explain it again. It’s a question-and-answer format. You answer the
40 question. You don’t make statements. You wait for the next question. Because if you talk over Counsel, firstly, the transcript gets garbled because

two people are talking at the one time, which is not a good look. You understand what I'm saying?---I understand.

So would you just please observe the protocol. Counsel puts the question. You give the answer as a witness. No statements, just answer the question directly. And I emphasise the word directly.

MR DARAMS: Now, Mr Tsirekas, just a short while ago I put this question to you to the effect you agree that you should have declared a conflict of
10 interest arising out of your relationship with Mr Chidiac as at 31 May, 2016. Remember me putting that question?---I'm a bit confused.

You're not confused, Mr Tsirekas.

THE COMMISSIONER: Don't worry about confusion, Mr - - -?---No, a bit
- - -

MR DARAMS: Do you remember me putting that question to you?

20 THE COMMISSIONER: Mr Tsirekas, let's deal with these one at a time. Let's concentrate on Mr Chidiac for the moment. This morning, just a short while ago, when it was put you should have declared your friendship with Chidiac, your answer was "No." You can accept from me that's what you said. Are you following me? You're looking at the screen.
---Commissioner, I'm very confused. I saw the minutes of the meeting, 17 May.

30 Please, don't make statements. I've just asked you not to make statements. I put a question to you. I refreshed your memory, that you were asked a question by Counsel Assisting whether you should have declared your friendship with Mr Chidiac when this motion, on 31 May, 2016, was to be voted on, and you said, no, you should not have declared your friendship.
---Well - - -

However, in the compulsory examination on 24 March, you accepted that you should have declared an interest or a conflict of interest. Now, which one am I to accept?---I'll correct my answer.

40 No, no. No, sorry, which one do I accept? Is your answer given here today about Mr Chidiac correct or is the evidence you gave before the, during the compulsory examination on 24 March concerning Mr Chidiac, page 812,

correct? Which one? They both can't be correct.---I'm confused with what I saw on the screen.

Please, don't talk about confusion. Just answer my question directly. Do I have to keep putting it over and over again to you?---Commissioner, to be -
- -

No, no, no, no. Don't make statements. Mr - - -?---Did you show me the 17th of May?

10

Mr Tsirekas, I'm putting to you your evidence on the same matter, namely the friendship you have with Mr Chidiac. Do you understand that?---Yes.

It was put to you you should have declared that at the meeting on 31 May. You said no, you disagreed, you did not have to declare an interest at that meeting. Do you recall saying that this morning at about, within the last half-hour?---Yes, I do, Commissioner.

20 Right. Keep that in your head. Now I'm putting to you the same matter was raised concerning whether you should have declared an interest with Mr Chidiac at that meeting. The question was put to you in the compulsory examination on 24 March and you said, in effect, "Yes, I should have." Now, the two can't stand together, can they, those two answers?---No.

One is right or one is wrong.---Yes.

Do you agree with me?---Yes.

30 Right. Which one's right and which one's wrong?---The one I'm giving today is right.

So the evidence you gave in the compulsory examination on 24 March is wrong? Is that what you're saying? Is that what you're actually saying to me?---I'm very confused with the meetings that you're showing.

40 No, don't worry about your confusion. Just answer. Listen to my questions. Are you saying that when you gave that answer concerning Mr Chidiac and whether you should have in fact declared an interest, which you accepted then you should have, are you saying now that your evidence on that was wrong?---Well, they can't be both right so I, I agree that in hindsight I should have declared an interest of my friendship with Joseph Chidiac.

All right. So that's your evidence?---Yes.

All right. Yes.

MR DARAMS: Now, I also asked you earlier today whether you agreed you should have declared a conflict of interest arising out of your relationship with Mr Furlong on 31 May, 2016 and you said, "No," today. ---Ah hmm.

10

Is that right to is that answer wrong?---Well, I'd have to say it, look, it was wrong.

The answer you have today was wrong?---It's right, it's right today.

So you, again, are you saying the answer you gave on 24 March, 2022 in the CE, you're saying that answer is wrong?---Yes.

20 The answer is right in relation to Mr Chidiac on 24 March, 2022 but it's wrong in relation to Mr Furlong, is that what you're saying under oath? ---That's right, yes.

So you say today, as at 31 May, 2016, there was no basis or no obligation on you to declare a conflict of interest arising out of your relationship with Mr Furlong?---That's right.

And the circumstances of Mr Furlong at that time, is that right, is that how we understand your evidence under oath?---That's right, yes.

30 What about Ms Li? So today I asked you whether you agree that you should have declared a conflict of interest arising out of your relationship with Mr Li as at 31 May, 2016 and today you said, "No," you shouldn't have. ---That's right.

You didn't agree, and so you say that evidence under oath today is right? ---Right, yes.

And you didn't - - -?---No. Because I didn't know her position then.

40 Sorry, you say you - - -?---I wasn't aware of her position in I-Prosperty.

THE COMMISSIONER: I just want you to reflect upon that one, please. Ms Belinda Lai, or Li, was associated with I-Prosperity and she was very active in relation to what I'll call the prospective development of the land that that company, IPG, owned.---Yes.

There were many occasions on which she attended the discussions at which you were present and she was explaining or trying to explain and clarify matters, is that right?---Yeah.

10 There were many occasions when - - -?---There were occasions. It was more explaining by David Furlong than, that Belinda Li.

But, I mean, she was, as it were, I'll put it in these terms. She was like the front-lady for IPG, was she not?---I think she was running the project for them but I didn't know her position, yeah.

Oh well, used your terms, running the project. I think she, as it were, to use the expression, had skin in the game too, didn't she? She was an investor herself?---Well, well, I, I've now realised, yes. Not back then.

20

And we've heard of occasions upon which you were present when Belinda Li was present. We won't go into the details for the moment. I'll just give you another opportunity to reflect. As at 31 May, 2016 when the resolution was passed by council and you were present and voted in favour of it, are you still saying there was nothing that would warrant you declaring an interest, so far as your relationship with Belinda Li is concerned, or do you think on reflection you should have?---On reflection there, there should have been a non, a non-pecuniary interest because I knew her, but - - -

30 And that's consistent with what you said on 24 March?---Yes, yes.

All right.

MR DARAMS: I note the time. It's an appropriate time.

THE COMMISSIONER: We'll take the luncheon adjournment and resume at 2 o'clock.

40 **LUNCHEON ADJOURNMENT**

[1.00pm]