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COMPULSORY
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

COMPULSORY EXAMINATION

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY, 24 MARCH 2022

AT 10.00AM

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

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THE COMMISSIONER: Yes, this is the compulsory examination of Mr Angelo Tsirekas. Mr Darams, you appear as Counsel Assisting, I note, on the record?

MR DARAMS: I do. Thank you, Commissioner.

THE COMMISSIONER: Thank you. Mr Latham, I understand you're going to make an application to appear for Mr Tsirekas?

10 MR LATHAM: Yes, I do so, Commissioner.

THE COMMISSIONER: Yes. I grant leave, Mr Latham. And I understand your instructing solicitors are Zoe Elliott. Is that right?

MS ELLIOTT: That's correct.

THE COMMISSIONER: Thank you. I grant leave for Ms Elliott to be present at this compulsory examination. Now, Mr Tsirekas, do you take an oath or an affirmation to give evidence?

20

MR TSIREKAS: Oath is fine.

THE COMMISSIONER: Oath. All right, then. Now I'll have the oath administered by my associate if you wouldn't mind just standing, please?

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THE COMMISSIONER: Yes. Thank you. Take a seat. I'll just deal with some formal matters before we commence the examination. I direct that the following persons may be present at this compulsory examination: Commission officers, including transcription staff; the witness, Mr Tsirekas; Mr Tsirekas' legal representatives, Ms Zoe Elliott and Mr Ian Latham of Counsel.

10

I make a direction under section 112 of the Independent Commission Against Corruption Act, pursuant to section 112, a suppression order is made protecting against publication to any person outside the Commission, and any private email addresses, private residential addresses, private phone numbers, bank account numbers, tax file numbers contained in any exhibits to be tendered in this compulsory examination or any other documents shown during the course of this inquiry, with the exception of Commission officers for statutory purposes and between witnesses and legal representatives, subject to any further order of the Commission. I note that this compulsory examination is conducted in accordance with the provisions of section 112 and that the evidence to be given today is the subject of a suppression order under a section 112 direction in the terms that I have indicated.

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SUPPRESSION ORDER: I MAKE A DIRECTION UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, PURSUANT TO SECTION 112, A SUPPRESSION ORDER IS MADE PROTECTING AGAINST PUBLICATION TO ANY PERSON OUTSIDE THE COMMISSION, AND ANY PRIVATE EMAIL ADDRESSES, PRIVATE RESIDENTIAL ADDRESSES, PRIVATE PHONE NUMBERS, BANK ACCOUNT NUMBERS, TAX FILE NUMBERS CONTAINED IN ANY EXHIBITS TO BE TENDERED IN THIS COMPULSORY EXAMINATION OR ANY OTHER DOCUMENTS SHOWN DURING THE COURSE OF THIS INQUIRY, WITH THE EXCEPTION OF COMMISSION OFFICERS FOR STATUTORY PURPOSES AND BETWEEN WITNESSES AND LEGAL REPRESENTATIVES, SUBJECT TO ANY FURTHER ORDER OF THE COMMISSION. I NOTE THAT THIS COMPULSORY EXAMINATION IS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF

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SECTION 112 AND THAT THE EVIDENCE TO BE GIVEN TODAY IS THE SUBJECT OF A SUPPRESSION ORDER UNDER A SECTION 112 DIRECTION IN THE TERMS THAT I HAVE INDICATED.

THE COMMISSIONER: Mr Latham, before we proceed, do you have any application to make about the evidence or the proceedings?

10 MR LATHAM: Well, just the usual application - - -

THE COMMISSIONER: I'm sorry. You'll need to, it's a bit of a trap but you need to get closer to the speaker otherwise it doesn't catch your voice.

MR LATHAM: Sorry, Your Honour. Just the usual application that the witness be warned in relation to his answers being used.

THE COMMISSIONER: You're seeking, in effect, a declaration under section 38. Is that right?

20

MR LATHAM: Yes, Your Honour.

THE COMMISSIONER: Have you explained to Mr Tsirekas those provisions?

MR LATHAM: Yes, Your Honour.

THE COMMISSIONER: And does he appear to have an understanding of them?

30

MR LATHAM: Yes, Your Honour.

THE COMMISSIONER: All right. Thank you. Mr Tsirekas, you understand as a witness, you must answer all questions truthfully?---I do.

40

And if you're required to produce any item or document, then you must do so. The provisions of the Act make scope for you to object to answering questions or to producing any item and, as I understand, you are aware the effect of any objection is that although you must still answer the question or product the item, your answer or the item produced cannot be used against you in any civil proceedings or criminal proceedings, subject to an

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exception, which is that the protection of making a direction under section 38 is that the protection does not prevent your evidence from being used against you in a prosecution for an offence under the Independent Commission Against Corruption Act. Such an offence would include an offence of giving false or misleading evidence for which the penalty provided by law is a term of imprisonment for up to five years. You understand what I'm saying?---Yeah, Commissioner.

10 As you are aware then I can make a declaration that all answers given by you or documents that are produced or items produced are to be taken as having been given on objection. And I understand that is your wish to have a declaration made. Is that so?---Yes, Commissioner.

Just please speak up a little bit?---Sorry. Yes, Commissioner.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Tsirekas, and all documents and things that may be produced by him during the course of this compulsory examination are to be regarded as having been given or
20 produced on objection. That being the case, there is no need for the witness, Mr Tsirekas, to make objection in respect of any particular answer given or document or thing produced.

**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, AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HIM DURING THE
30 COURSE OF THIS COMPULSORY EXAMINATION ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THAT BEING THE CASE, THERE IS NO NEED FOR THE WITNESS, MR TSIREKAS, TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: Now, Mr Darams, are there any other formal matters you - - -

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MR DARAMS: Nothing, Chief Commissioner.

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THE COMMISSIONER: No? Thank you. Yes, very well. Mr Tsirekas, we'll commence this examination with Mr Darams, who appears as Counsel Assisting this Commission. I want you, if you would, attend to the questioning and answer the questions directly. You'll have discerned from what I've said that to give evidence that is false or misleading in any respect would expose you to the prospect of prosecution for an offence under the Act. It's only fair that I make witnesses aware of the consequences lest they forget or do not exercise appropriate caution in answering questions and answering them truthfully. With that said, we'll commence this compulsory examination. I propose to continue through until midday when we'll take a break by reason of another commitment I have to attend to and resume at 1.15. If before 12.00 midday you wish to take a break for any reason, just let us know and we can adjourn for a short time. Thank you, Mr Darams.--- Thank you, Commissioner.

MR DARAMS: May it please, Chief Commissioner. Is Mr Tsirekas the correct pronunciation?---That's correct, yeah.

20 Your date of birth is [REDACTED], 1960. Is that right?---Yes.

Can you please tell the Commission your residential address?---[REDACTED], Drummoyne.

Can you please tell us your, do you have a mobile phone?---[REDACTED]-0-9-7-2.

Sorry? Could you please say that again?---[REDACTED]-0-9-7-2.

30 Thank you. In 1995, is it correct, that you became a councillor of one of the councils that ultimately merged to become the Canada Bay - - -?---Correct.

That's right. You then I think the merger of the councils to form Canada Bay Council occurred in - - -?---Yes.

- - - December 2000. Is that right?---Yes.

You then transferred or became a councillor of Canada Bay Council?---Yes.

40 Today when I'm referring to "the council", I'm referring to Canada Bay Council, okay?---Yes.

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Is it the case you became the mayor of the council in 2002?---Yes.

You're still the mayor of the council?---Yes.

Other than a period of time in 2016 to 2017 where you weren't a member of council, you've been the mayor continuously since 2002. Is that right?
---That's right.

10 That period of time in 2016 to 2017, you had resigned and you contested the federal seat of - - -?---Correct.

- - - Reid. That's right? Then you came back or were elected back to council in September 2017. Is that right?---Yes.

At all times since 2013, you know that the council has had in place a code of conduct. Is that correct?---Yes.

20 Yes. You just seemed to hesitate a little bit. Is it that that wasn't your understanding or that was - - -?---No. There, there's been many codes of conduct in that period and I lose track of any particular code of conduct that you're referring to.

Right, I see. But your knowledge has been that there has been a code of conduct - - -?---Yes.

- - - potentially in different iterations in this period of time?---Yes.

30 Perhaps I could ask the witness to be shown volume 2, page 31.

THE COMMISSIONER: Mr Tsirekas, these exhibits exist in hard copy form but we're going to in most cases, if not all, use electronic copies. They'll come up on your screen shortly, as it is on our screens. So if for any reason you prefer to see a hard copy of an exhibit, you should let me know - - -?---Thank you.

- - - otherwise we'll proceed with the electronic copies.

40 MR DARAMS: So, Mr Tsirekas, I'm just showing you the first page of a document identified as the Code of Conduct for the Council. Do you see that?---Yes. You've got, I've got it here, yeah.

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And just for your benefit, you can see that this was effective from 19 February, 2013?---Yes.

Now, there was subsequent to this another code of conduct effective in 2017. If we need to, we can come to it but I just want to focus on this code of conduct for the moment.---Yes.

10 Could the witness be shown page 34 of this volume? I just want to draw your attention to a number of these obligations in the code of conduct and I'm going to ask you some questions about them, Mr Tsirekas. Okay? So could I ask that you just consider clause 3.7 under Development Decisions. Just read it to yourself for a moment.---That's correct, yeah. Yes.

Can I suggest to you that reading this today isn't the first time that you have been aware of this clause in the code of conduct?---Can you just explain? I know the code of conduct's there but I'm, I'm, what, what did you ask me then? What?

20 The question I put to you was that I assume that reading this clause and can I suggest the obligation inherent in the clause, this isn't the first time today that you're understanding that there was this obligation. Is that right?---I couldn't repeat it word for word but I would have read it, yeah, and understand the, the obligations.

So the gist of the obligations set out in there, you understood that? And today's not the first time it's been referred to you or to your understanding? ---Well, it's the first time in a long time.

30 First time in a long time. Does that suggest that, and can we make this assumption, that at least since 2013, you were aware - - -?---Aware.

- - - of this obligation?---Yeah. Yes.

That's right. Sorry. Can we just keep up that page and then can I then ask you likewise in relation to clause 3.8?---Yes. Binding caucus votes.

Sorry? What's that? 3.8, not 3.9.---Sorry. Yes.

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Again, at least since 2013, you understood that you were subject to that obligation. Is that correct?---Well, I would have read it back in 2013 and understood back then what the obligations were.

And your understanding of that obligation continued at all times after 2013?---Yes.

10 Could I then ask the witness be shown the next page? There are a number of obligations or clauses I want to refer to on this page, Mr Tsirekas, but, firstly, can you just read 4.1.---“Conflict of interest exists where a reasonable” - - -

Sorry. I mean, if you just read it to yourself.---Okay. I thought you said read it out loud. Yeah.

So again, can we make the assumption that at all times at least since 2013, you understood the nature of that obligation?---I, I would have read it back in 2013, yes.

20 My question’s slightly different.---Yeah.

It’s about your understanding - - -?---Understanding.

- - - of whether that obligation existed on you.---Yeah.

Yes. So just in relation to that answer, do you accept that at least that at all times since 2013, you were under this obligation?---Yes.

30 Or you understood the nature of what was a conflict of interest. Correct? ---Well, that page is about conflict of interests, so - - -

Is it the case then that in terms of a conflict of interest, one of the matters that is relevant is the perception of the conflict between the interest - - -? ---Yes, I understand what you’re saying.

And to the extent you understand what I’m saying, could I suggest that that was your understanding since 2013 that perception was important?---Yes.

40 Yes. Then if I could ask you to just, again, you don’t need to read it out aloud, but just read to yourself paragraph 4.2.---Yeah. Yes.

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Again, at all times since 2013, you understood that there was an obligation on you to identify conflicts of interest and then take appropriate action. Is that right?---Yes.

Would you accept on that basis then that each time that you were engaged in some act or conduct in your capacity as mayor, you were required to consider and think about whether you had a conflict at that time?---Yes.

10 Do you also accept that you would have to do that, that is actively think about whether some conflict existed or could exist, in terms of social and private settings, as well?---Being the mayor for 20 years - - -

THE COMMISSIONER: Could you just keep your voice up a bit?---Sorry.

And, again, if you speak to the - - -?---Yeah. Just give a bit of background. Being the mayor for 20 years, I know a lot of people. I get invited to a lot of social functions. I get invited to a lot of community functions. And, again, I understand your question and I've got to observe that.

20 MR DARAMS: Yeah. So it might be that, could I put this proposition to you and ask you whether this was your understanding, that after a period of time of attending a number of social functions, that might be a relevant matter for you to consider in determining whether a conflict existed when you came to engage in some act or conduct in your mayoral capacity. Will you agree with that?---Yes.

Then can I just ask you about 4.3.---Mmm.

30 Again, at all times since 2013, you understood that you were required to undertake the consideration - - -?---Yes.

- - - that's set out there and that was an obligation upon yourself? Now, I want to still stay on this page and I want to focus for the moment on paragraph 4.10, clause 4.10 and just read that to yourself.---Yes.

40 So can we assume that at all times since 2013, you understood the nature of what a non-pecuniary interest was. Is that right?---Again, with so many codes of conduct since I've been mayor, I, I cannot say to you that I was aware of the differences between the codes, but I understood the non-pecuniary was a conflict in certain circumstances.

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Well, let's just focus on this clause here.---Mmm.

And perhaps for the moment we don't focus on the first sentence.---Yeah.

But let's focus on the second sentence and the circumstances where a non-pecuniary interest might arise. Just focus on that.---Yes, I understand.

Has that been your understanding of when a non-pecuniary interest could arise since 2013?---Yes.

10

Yeah. You understood then that the non-pecuniary interest could arise out of friendships that you have with other persons. Is that correct?---Yeah. Sometimes it's very difficult, as the mayor of a city that knows so many people, and I probably couldn't do my duties as the mayor in, in certain circumstances. I know everybody. So I've got to be careful about non-pecuniary interests when, but it is very difficult.

Yeah. So my question was slightly different. It was that you understood from 2013 that non-pecuniary interests could arise out of - - -?---Yeah.

20

- - - friendships that you had with other persons?---Could arise, yes.

Yes. I'm not suggesting that each person - - -?---Yeah.

- - - you know or you've come across as the mayor - - -?---Yeah.

- - - but just the fact that a non-pecuniary interest - - -?---Yes.

- - - could arise out a personal friendship?---Yes.

30

You accept that?---Yes.

And that was your understanding at, irrespective - - -?---Well - - -

- - - of the iterations, has that been your understanding - - -?---Yeah.

- - - at least since 2013?---Well, that's when the code was adopted, yes.

40 But I'm just asking you about your understanding.---Well, I do my best in that position to uphold this. As the mayor, it's very difficult 'cause I know so many people.

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THE COMMISSIONER: Well, Mr Tsirekas, that's not answering the question, with respect.---Okay. I'll, I'll, sorry - - -

We're dealing with the provision of 4.10 - - -?---Yeah.

- - - which is entitled Non-Pecuniary Interests.---Yes.

10 The distinction is drawn there between relationships style, as you'll see on the second line, as "family or personal relationships" et cetera. There's other provisions that follow that.---Yeah.

You're simply being asked if you were aware of the fact, and I think we're dealing at the moment with 2013, that there was an obligation for you to consider as a possible pecuniary interest, relationships that might be properly described as friendships.---Yes, Commissioner.

20 Right. Were you aware of that obligation, that is to say, to be aware of the fact that there are non-pecuniary interests such as those based on personal relationships that you must have regard to in discharging your public duty? Were you aware? I'm assuming you were but we need to have it from you. ---Yes. I, well, I'll, yes, I was aware of the code and the obligations of the code.

And what obligations in that respect of non-pecuniary interests were you aware of?---Non-pecuniary interests, yes.

30 What was your understanding in 2013 as to your obligation in respect of non-pecuniary interests that arose out of personal relationships?---That you had to be careful when dealing with council matters when there was family or sporting, social or cultural groups associated.

When you say "be careful" what was your understanding of what you'd need to do to be careful if there were personal relationships that could constitute a pecuniary, non-pecuniary interest?---To inform council when dealing with those matters.

Right. All right. Thank you.

40 MR DARAMS: And just following up on that answer, Mr Tsirekas, when you say you had to "inform council", can you explain how you would

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inform council?---At council meetings there's obligation to declare and disclose non-pecuniary or pecuniary interests.

At the commencement of the meeting?---Yeah.

Yeah. So would this be the process? You would have an agenda for a council meeting, is that right - - -?---Yes.

- - - circulated before the meeting?---Yes.

10

You would read through the agenda and see what matters were going to be potentially discussed. Is that right?---That's right.

Then you have to think about whether you have any particular interest that needs to be disclosed?---Yes. Yes.

You then at the beginning of the council meeting have the opportunity to disclose that interest?---Yes.

20 Can we make this assumption, that each time that you attended a council meeting, you went through that process, so to speak, that is satisfied yourself as to whether there were any matters that you needed to disclose before the council or at the council meeting?---Yeah. Yes.

So that each time – sorry. And can we make that assumption and be satisfied that that was the case since 2013?---Yes.

30 Can we also make the assumption that that means that if you didn't make a disclosure of a particular matter, that's because you had made the conscious decision it didn't require disclosure?---That's right.

Yeah. Now, just staying on this page, I know you've answered part of the Chief Commissioner's question as to what you would do in relation to a non-pecuniary interest that had been identified and you've explained that you would need to disclose it. What else did you understand you needed to do or couldn't do in respect of that interest?---Of a non-pecuniary interest?

40 Yeah.---Well, you could decide if it's an interest, a non-pecuniary, so you can still stay in the room to, to deal with the matter if it's non – I forget the term now but it's up to the council to decide if you want to stay in the room on a non-pecuniary interest.

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Perhaps I'll deal with it this way. Perhaps if I could ask you to just focus on clause 4.14.---Yeah.

Now, I think you were looking for some description before.---Yeah.

Is the word "significant" - - -?---Yeah.

10 - - - the one you were looking for? And then could I just ask you to look at 4.15.---Yes.

So, again, since 2013, has this been your understanding that there were conditions upon which something might be significant and if I can now ask - - -?---Yeah.

- - - you to have a look at the next page? So this is a follow-on. Just read those to yourself.---Yes. Read all of it?

20 Yes, please. Sorry. Just stop at the end of paragraph (c).---Okay. Yeah. Yes.

Again, the question is this is the, for want of a better description, defining what significant non-pecuniary interests are. Do you accept that?---Yes.

Has this been your understanding of these significant or non-significant non-pecuniary interests since 2013?---To my best knowledge, yes.

30 And you would agree – perhaps I'll put it another way. And it's been your understanding again that the significant non-pecuniary interest could arise out of things such as your friendships with individuals. See that?---Yes.

And then if one looks at subparagraph (b), the second sentence, the closeness of that relationship is defined by a number of things, including how long the friendship had been in place and the frequency of contact between you and the person. Is that right?---Yes.

40 So can we assume that since 2013, each time that you came to consider whether you had particular interests that needed to be disclosed, you were actively thinking about this type of matter, i.e., is this friendship such that it's a close one, that I need to disclose? Is that correct? Can we make that assumption?---Yes. Yes.

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So, again, we can make the assumption that at all times since 2013 where you had made, sorry, had or hadn't, sorry, where you hadn't made a disclosure of a particular interest, you'd actively gone through this process and formed the view yourself that the particular relationship, if we're working on a friendship, wasn't close enough such that you would have to disclose it. Is that right?---Yes.

10 Now, then if I could just, I did ask you a question before about in addition to disclosure, what else were you obligated to do in relation to those relationships. Perhaps the best way to do it is if I could just you to focus on clause 4.16 for the moment. Just read that.

THE COMMISSIONER: You're now reading provisions of the code on the screen, are you - - -?---Yeah, that's right. Yeah. Four point - - -

- - - before answering that question?---Sorry. I thought you said read it?

20 MR DARAMS: Yeah. I just asked him to do it. Does that assist you with explaining to us, in addition to disclosing, what else you might be required to do?---Apart from here, apart from 4.6, what else I need to do?

4.16.---4.16.

Well, I'll come to what else you needed to do.---Yeah.

But in terms of what you had to do - - -?---Yeah.

30 - - - or were required to do in relation to this particular interest, does this help you with your recollection of what you had to do?---Yes.

Right. Can I ask you then has that been your understanding in relation to your obligations since 2013?---Look, yes. Yes.

So you accept then that it's been your understanding that there were two ways in which you were required to manage the significant non-pecuniary conflicts of interest. That's right?---Yes.

40 One would be removing the source of the conflict.---Mmm.

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Now, can I suggest to you in terms of friendships and personal relationships, that might require you to, for want of a better description, cut off the friend. You accept that? I think you're nodding.---Yes.

Does that - - -?---Yes. Yeah.

Yeah. You're going to have to say "yes" or "no" because - - -?---Sorry. I was just - - -

10 Sure.---Cutting off the friendship, yes.

The other way you manage it is, as set out in subparagraph (b) have no involvement in the matter. Correct?---Yes.

And that's been your understanding as to how you manage these conflicts at all times since 2013?---Yes.

THE COMMISSIONER: Well, that would be an obvious method of - - -? ---Yes.

20

- - - resolving a potential conflict of interest situation?---Yes, Commissioner.

MR DARAMS: Now, could I just before I move on from this page, I just want to ask you about clause 4.17. Just please read that to yourself.---Yeah.

Now, can we assume that you understood that you were under this obligation since 2013?---Well, I, in the time of the chair, this is, the process never happened.

30

Well, let me just go back to the question, though. Whether it happened or it didn't happen, did you understand that you were under this obligation? ---My understanding is probably, wasn't the best.

Okay. Let me just go back to the question again, Mr Tsirekas.---Yeah.

Since 2013, did you understand that you were under this obligation?---Want me to answer it to the best of my capabilities now and knowledge - - -

40 THE COMMISSIONER: No, no, you're being asked as at 2013 - - -?---'13, yeah.

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- - - were you at least aware - - -?---Aware - - -

- - - of the - - -?---Well, not, not of that - - -

- - - way in which to respond to a potential conflict of interest situation, such as this code is directed to?---Not 4.17.

10 MR DARAMS: Well, when did you become aware of the obligation in 4.17?---Well, probably back in 2013 when we read it, but apart from that, today, again reading it.

See, what I would suggest to you is that the obligation in relation to non-pecuniary conflicts of interest where they're not significant in accordance with the definition still meant or still required you to do something in relation to that conflict of interest. Do you accept that?---Well, you're, you're explaining it to me now. The 2013 document was adopted certain rules we had to follow, this is one of them, I can't verbatim, you know, and again I've never seen this happen at council.

20

THE COMMISSIONER: But you would have attended hundreds of council meetings, would you not - - -?---Yeah.

- - - over the years, going forward now from 2013 - - -?---Yeah.

- - - commencing about 2013 in which it was common for there to be councillors who would declare an interest or declare a non - - -?---Yes.

- - - what they thought was a non-pecuniary interest - - -?---Non - - -

30

- - - that is not significant and explain why it was not significant, so it's on the record. That would have happened hundreds of times, wouldn't it? ---Commissioner, I don't, I, there would be a record of non-pecuniary or pecuniary interests. The code's changed a few times and there's non-specific, specific. I'm not aware to my best of knowledge where there's been an explanation for a non-pecuniary conflict of interest.

I'm putting it to you that it was a common experience for councillors to declare - - -?---Yes.

40

- - - potential conflict of interests on the record?---Yes. Yes.

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Sometimes they might declare that it's financial - - -?---Yes, Commissioner.

- - - interests? Sometimes they might declare it was a non-financial interest, namely, a non-pecuniary interest. Correct?---Yes.

That happened many, many times?---Yes, you're, yes.

10 And if they declared that it was a non-pecuniary interest but they didn't think it was a significant one, then they would - - -?---Yes.

- - - give the explanation for that?---Yes.

And that was common practice, wasn't it?---That's right, yeah. Yes. Yeah. Yeah.

MR DARAMS: Thank you, Chief Commissioner.

20 THE WITNESS: Yes. Thank you, Commissioner.

MR DARAMS: Now, can I just show you, I'm going to ask could the witness be shown page 38 of volume 2? I just draw your attention to clause 5.1. Just read that.---Yes.

Can we assume that you understood the nature of that obligation at all times since 2013?---Yes.

30 Yes. And we assume that you then understood that what was important about this obligation, again, is appearances that might arise - - -? ---Appearances.

- - - from - - -?---Yes.

So it's likewise with some of the other questions I've asked you, can we assume that you have at all times since 2013, you've actively considered this obligation in terms of where you were, if you had received any particular benefits. Is that right?---To the best of my capabilities to comply to this 5.1.

40 Well, what do you mean by that?---Well, it's, you know, giving rise to the appearances, appearance is, you know, different in people's eyes, you know,

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people might consider, you know, anyway, the, the, the interpretation of appearance.

What if someone contributed funds or money to an overseas trip on your behalf?---Mmm.

Would that be something that would fall within clause 5.1?---Yes.

10 Yeah. What if someone asked you to write a reference to an education institution on behalf of someone's child? Could that be something that would fall within that?---Yes, and that reference was never sent.

I might come to that later on. Now, I want to now ask you some questions about certain events that have taken place during your period of mayorship. And, now, could I please ask the witness be shown volume 1.2, page 9? First, could I just ask you to just read the email from Mr Kenzler. And this is not the first time that you've seen this email today, is it?---I don't have a copy of this.

20 Well, could I just firstly ask you to focus on the email from Mr Kenzler dated 30 May.---Mmm.

You're still the mayor at this stage. Correct?---Yes.

See the email addressed to all councillors? You see that, from Mr Kenzler? ---Yeah.

30 Just seeing that there, is it your recollection around this period of time that if emails were addressed to that email address that you would receive them? It would be likely, wouldn't it?---The, the, the mayor's on a different email.

I see. Well, then are you able to help us out if you look at the first email at the top of the page. It looks like you've forwarded the email on to Mr Furlong?---Yes.

Yeah. There's no other reasonable description of what happened there than the fact that you received an email from Mr Kenzler and forwarded it on to Mr Furlong. Is that right?---Yes.

40 Because you did do that. You recall doing that now, don't you?---Well, I can't recall.

Sensitive

You don't recall doing that?---No, but it's got my details there and I can't recall.

Well, is that - - -?---Sorry?

So you're doing your best to - - -?---Well, I'm, yeah, I'm trying to recall this email, but - - -

- 10 So if I was to ask you about just looking at the email from Mr Kenzler, does that, and you can read it if you like. I want to ask you whether that assists you in your recollection of forwarding on to Mr Furlong?---Sorry? Say that again? You - - -

Reading the email from Mr Kenzler - - -?---Yeah, yeah.

- - - does that assist you with your recollection of forwarding on to Mr Furlong?---Well, I can't recall this email.

- 20 I see. Now, just in relation to Mr Furlong, can you tell me how you know him?---He was a planner at Drummoyne Council.

He wasn't employed by Drummoyne Council at this stage, was he?---No.

Right. So when you say he was a planner at Drummoyne Council, is that all you know about him?---He also acts for clients as a planner.

Well, when you say "clients", does that include developers?---I don't know.

- 30 Right. Well, who do you understand he acts for then? What clients do you understand he acts for?---Well, you'd have to ask him. I, I know that he's, he's a, he's a planner and acts for a lot of people.

Right. Okay. And was that your understanding as at 31 May, 2016?
---I really don't know who he, he was working with or for at the time.

Right. Is that an honest answer?---Or, no, I don't know the clients but I know that he was working for I-Prosperty.

- 40 Right.---If that's what you're getting at.

Sensitive

So I'll unpack that a little bit. When you say you didn't know what clients he was working for - - -?---Mmm.

- - - but you say you knew he was working for I-Prosperity at the time.
---Yeah.

Do I understand your answer when you say you don't know the clients you don't know all of his clients?---That's right.

10 I see. Sorry. So you did know at the time you sent this email, forwarded this email to him that he was working for I-Prosperity?---Yes.

Right. And at that time you knew that I-Prosperity was a developer in the - - -?---Yes.

- - - Rhodes area?---Yep. One of many.

One of many. Yes. Now, why did you forward this email to Mr Furlong?
---I can't recall.

20

Is it because you looked at the attached resolution and you formed some view in your mind that what was in the attached resolution would be of relevance to Mr Furlong?---Yes.

Yeah. So from that answer we can take it that you looked at Mr Kenzler's email. Correct?---Mmm.

You looked at the proposed resolution. Correct?---Yes.

30 You decided Mr Furlong would be interested in this so I'm going to send it to him. Is that right?---Yes.

Okay. Let me just ask you to help me, why would you send this to Mr Furlong?---Well, this resolution was not a council resolution. It was a proposed resolution from a councillor and the, I thought we, it could assist with moving along in getting a better planning outcome with the planner to understand what was happening.

40 Sorry, do I understand that answer as that you were trying to get some assistance from Mr Furlong?---Not assistance. To get an understanding on how things would better move forward. If you read that report, it mentions

Sensitive

a lot of items that were being dealt with, and I thought that to get a better outcome we could get some input, it might give council a better outcome.

Well, let me just ask you about that. So did you have a call with Mr Furlong before you sent the email to him?---I can't recall.

Well, is it likely you just forwarded it on out of the blue?---I can't recall back then.

10 Right. Well, it seems, could I suggest this to you, that it's likely you either had a conversation with Mr Furlong before you forwarded the email on or you had a conversation with him after you forwarded the email along to discuss what you had just done, i.e. sent him some document that wasn't otherwise addressed to him?---Yeah. Look, I can't recall.

Yeah, but it would be likely, though, wouldn't it?---I can't recall.

Now, perhaps if I could just ask the witness be shown page 15. This is an email from Mr Furlong back to you. You accept it's after the time but on
20 the same day that you forwarded the other document to him. Correct?---So what time is this?

This is, you can see it says 2.44.---Okay. Yep. Yes.

So does this assist you with your recollection now about whether you had some conversation with Mr Furlong?---Well, I can't recall this.

Sorry, when you say you can't recall this, you can't recall the email coming
- - -?---Email, yeah.

30 You don't recall it coming back. I see. What about the question I asked you about, do you recall now having some conversation with Mr Furlong between the time that you forward the email on and this coming back to you?---Look, I can't recall that period. I was, last council meeting I was running a federal campaign. Lots, had lots of things going on.

Well, it would seemly likely, wouldn't it, Mr Tsirekas, that you must have had some conversation with Mr Furlong in relation to the resolution or the proposed resolution that had been sent to you by Mr Kenzler?---Look, I
40 can't recall.

Sensitive

You can't recall. Well, let's step back one little bit from this conduct generally. The conduct seems to be you've received a draft proposed resolution from one of your fellow councillors. Correct?---Mmm. Mmm.

You've forwarded that draft resolution on to a town planner who you know works for developers. Correct?---Yes.

Then there's an email that's come back from the town planner who you know works for developers at this time with a draft resolution as amended.
10 That's right?---Yes.

How many times has that happened when you have been a councillor that you've engaged in that type of conduct?---What sort of conduct are you referring to?

The conduct that I just outlined to you that's disclosed by this correspondence, that is, a proposed draft resolution has been sent to you by a fellow councillor, you've forwarded it on to a town planner who you know works, who you know works for developers and then they've sent it back to
20 you amended.---Mmm.

How many times has that happened?---I, I, I can't recall it happening.

Does it - - -?---I've got to say with the best intentions advice and information from experts that help get a better outcome is what I'm after. As a council and a community you need expert advice from all sorts and if it's going to help the process that's what it's about.

Sure, but doesn't the council have at its disposal or ability to obtain its own
30 experts?---Yes.

Yeah. So in this circumstance if you wanted some assistance or advice in relation to this proposed resolution you could have gone to council staff. There must be experts within the council surely.---Again, I would never put anything up that's illegal. Any resolution gets debated. We would be informed if any resolution was not appropriate. This only assisted the process that is being recorded in a lot of reports of council so I didn't think I was doing anything illegal. I was only trying to get the best outcome in regards to the whole Station Precinct that's been recorded in reports. So
40 there was nothing new in that resolution.

Sensitive

Sure. Sure. My question is slightly different though. It's focusing on what your answer has said about getting advice of experts and the like, and my question to you was that surely council engaged or employed experts of their own that could assist with whatever you're asking Mr Furlong.
Correct?---Correct.

10 You could have, can I suggest to you there was nothing stopping you in May 2016 when you received Mr Kenzler's draft resolution of utilising those resources.---Again, that resolution wasn't illegal. It was actually attempting to provide an outcome that council reports are very clear what we wanted to do for that area. I wouldn't have put up anything illegal or anything that was against what council strategy and vision and proposals were for that area.

Weren't you providing this to Mr Furlong because you knew at that stage that he was acting for I-Prosperity?---Ah hmm.

That's right?---That's right, yeah.

20 Yeah. You were providing it to him so that he could look at it and suggest any changes to the resolution that would benefit his client, correct?---Okay. Whether it's his client or anyone else's client, if the same situation happened with anybody else, all I was doing was trying to get the best outcome, following council's reports and vision for the area and I wouldn't have put up anything that was illegal.

30 Sure. Again, I guess I could come back and ask you the question of how many other times have you done this in relation to other developers, where you've engaged them directly, or their planners, and asked them for their comments on something, a resolution of the council?---No. No.

You haven't ever done that before?---No, no.

Now could I, I just want ask you to, if you could be shown page 11. Now, I want you to focus on paragraph 7. Just read that to yourself for the moment just to familiarise yourself again.---Ah hmm. Yes.

40 Now this proposed resolution that had been sent to you by Mr Kenzler, this was about Billbergia's planning proposal, that's right?---Yes.

It wasn't about I-Prosperity's planning proposal, that's right?---That's right.

Sensitive

Right. I just want you to focus for the moment on paragraph 8 and just consider its terms because I'm going to show you another document in a moment.---Yes.

Could the witness next be shown paragraph, sorry, page 15? So this is back to the email from Mr Furlong. Do you see that?---Yeah.

See that?---Yes.

10

“Draft resolution as amended.” So can the witness be shown the next page? You can see part (a) Contact, just to follow it through. And then if the witness could then be shown the next page. Right. Now, just draw your attention, well, you can have a look at – do you agree with me that at least paragraph 7 is the same as the draft resolution, that's right?---Yes.

And if I could then ask you to go to paragraph 8. Paragraph 8 is in the same terms?---Yes.

20

Now, paragraph 9 and 10, these were paragraphs or clauses inserted by Mr Furlong. You accept that, don't you?---I can't remember all the words but it's included a particular area that was – if you take this in isolation, you've got to read the whole report because the whole, the report, council's officer report didn't mention I-Prosperity, they do mention some merits and do mention that this would be a best outcome if all properties, all the Station Precinct were included. In isolation it, it looks like it's just been thrown in there but in this regard it's a complete of the area, which makes better planning sense and which is not illegal and which only refers to including the whole site.

30

Now, just in relation to those answers, what do you say, do you say or do you deny that the inclusion of these two paragraphs benefited I-Prosperity? What do you say about that?---It would have benefited any, any owner of that land. It would have benefited any - - -

THE COMMISSIONER: You're not – just focus on the question.---Yeah.

Benefit to I-Prosperity was the question.---Oh, yes.

40

MR DARAMS: Yeah. Well, given you knew that Mr Furlong's client was I-Prosperity and you had forwarded it to him, you would hardly expect that

Sensitive

he would put something or suggest something if he did do it, which we know he did, that wasn't in his client's interest. Is that correct?---His client's interest, correct.

Yeah. And so I know you say you haven't recalled but now that we've spoken about it for a little bit of time I'm wondering if it assists you now in your recollection, given you've read some of these clauses. Do you recall having a conversation with Mr Furlong, either before or shortly after sending him this draft resolution?---Look, I can't recall.

10

But you would have to accept that it's highly likely and probable that you did have a conversation with him?---It, it was in the last meeting at council. I was leaving, or not, I think it was, yeah, look, I can't recall.

20

THE COMMISSIONER: What was the I-Prosperity proposal referred to in paragraph 9, what was the nature of that development?---The Station Precinct had been master planned. There was difficulties in ownerships of certain properties where they couldn't be included in master planning. The objective of council's strategies was to include the whole lot so previous owners couldn't, you know, merger sites, they were trying to put in their own planning proposals in but council said "No, we want the sites merged."

Okay. Just pause there for a moment. Come back to the point of my question.---Sorry, Commissioner. Sorry, sorry, what was your question?

What was I-Prosperity proposing at this time in terms of the subject of paragraph 9 you see on the screen?---Oh, I, I don't know. I can't remember their proposal.

30

What was it? Was it to build a cottage on that site or was it build a multi-level development or what was it?---The whole site, the whole site was to be redeveloped and towers - - -

This is the I-Prosperity site?---Yeah.

To be redeveloped?---Redeveloped.

What was the existing at that time before the development?---Oh, cottages.

40

A cottage of some kind?---Yeah.

Sensitive

And what was I-Prosperity proposing to council by way of a new development or redevelopment?---I, I can't, I don't know the specifics. What I understood was that they wanted to be included in the master plan for that area. I, I can't tell you - - -

But did they at this time have a development proposal that - - -?---No, it's not a, it's - - -

10 That is, in the location referred to in paragraph 9?---That's, it's not a development proposal, it's, they would be putting forward a planning proposal and I can't - - -

The planning proposal being?---Ah - - -

What was the planning proposal?---It was to be redeveloped. I can't tell you the heights or the, it, it, the whole area was redeveloped into towers. I'm, I'm - - -

20 What was I-Prosperity proposing to do with the land?---Sorry?

What was I-Prosperity seeking to do by way of a redevelopment?
---Redevelop the site. I can't tell you - - -

As what?---As, as towers, as - - -

Tower.---High density.

High-density tower block redevelopment?---Yeah, yeah.

30 That's all I was asking you for.---Yeah, sorry, Commissioner. Sorry, apologies.

MR DARAMS: So this email comes back to you. What do you do with the draft document that came back from Mr Furlong?---I, I can't remember. There was the proposal that was put up on the screen like we normally do for councillors to consider and it was moved and seconded.

40 But can you recall, so the email comes back to you. Correct?---Well, I can't, you know, I, more than likely. I can't remember it but - - -

Sensitive

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A. TSIREKAS
(DARAMS)

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Well, did you forward the email on to any other councillor?---I can't remember.

Did you print something off and go and hand it to someone?---Look, I, I can't remember.

Okay. Well, if you'd like me to I can come to the formal minutes where these paragraphs that Mr Furlong drafted end up in the formal minutes or the formal resolution adopted by council.---Mmm.

10

Do you understand that to be the case?---This was adopted by council on the night.

Yep. I'm asking you if you can assist us, how does the version of the resolution that is sent to you end up being adopted that evening? What do you do with it?---Well, I either gave it to one of the councillors to put it up. If they were happy with it, it would be put up on the screen then councillors would debate the two resolutions.

20 Now, so just understanding that answer, you do and you did take this resolution and give it to another councillor?---I can't remember whether I gave it to a councillor or gave it to the PA to put it up on the screen.

Right.---I can't remember.

Right. Did you have a conversation with Mr Kenzler about this?---I can't remember

30 You can't remember. But whatever, to the best of your recollection whatever happened you were the person who caused this amended resolution to be put before council. Correct?---For consideration.

Yes.---Yes.

No other councillor was involved in that process, it was you?---I put it forward, yes.

40 Now, well, when you say, the question was no other councillor was involved in it and you said you put it forward, do I accept your answer to mean that no other councillor was involved in this other than you?---I was the one that put up the resolution for it to be debated, yes.

Sensitive

Now, if we just go to, can I ask the witness be shown page 21 of volume 1.2. So these are the minutes of the, or the first page of the minutes of the council meeting of that evening. Do you see that?---Yes.

That's identified you as being present. That's right?---Yes.

Your recollection is you were present that evening.---Yes.

10 Yes. If the witness could be shown page 23. Now, the minutes don't record any declarations including any non-pecuniary interests by you.---No.

Right. Now, so the case is you never disclosed any non-pecuniary interest in respect of what had happened on the 30 – I withdraw that – what had happened in respect of the email correspondence between you and Mr Furlong. That's right?---No.

20 You never then, generally you didn't disclose any particular non-pecuniary interest in relation to IPG.---What's IPG?

Sorry, I-Prosperity I should say.---No.

No.---No.

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? ---Look, in hindsight would have been probably the best to disclose a non-pecuniary interest.

30 Right. 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?---In hindsight I should have been more aware of my disclosures.

THE COMMISSIONER: That doesn't answer the question at all. Would you please attend to the questions and answer directly - - -?---Sorry. Apologies.

40 - - - questions put otherwise, amongst other things - - -?---Apologies, Commissioner.

Sensitive

- - - it draws these proceedings out over a longer period of time than otherwise should be the case.---Apologies. Okay.

There are other possible adverse consequences of witnesses who don't answer questions directly because it may be seen that they're seeking to avoid the question or the point of the question.---Mmm.

10 I'm not saying that's the case at the moment but I'm just forewarning you because there's going to be several more questions put to you. I don't want to have to keep interrupting to direct you to answer the question. Do you understand the procedure of this Commission?---Yes, Commissioner.

The procedure is designed to serve - - -?---Yes.

- - - a particular purpose, that is, to obtain information and for a witness to assist - - -?---Yes.

20 - - - this Commission in its inquiries. Do I make it very clear?---Yes, Commissioner.

Please listen from this point forward to each question, the point of the question and answer it directly.---Yeah.

Thank you. Yes, Mr Darams.

MR DARAMS: So the question, Mr Tsirekas, was you've said in hindsight it should have been, you should have disclosed a non-pecuniary interest. Correct?---Correct.

30 When did you come to that view in hindsight?---Very recently when I re-read the code of conduct.

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, yeah.

40 Right. Now, you've identified conflict of interest.---Mmm.

Tell us what the conflict you have assessed existed on 31 May, 2016.

Sensitive

---Relationships with David Furlong.

Right. And?---Well, there would be Joseph Chidiac.

Yes. And?---Ah - - -

Belinda Li?---Oh, yeah, and Belinda, yeah, Belinda.

Belinda Li. Harry Huang?---I didn't, didn't know him at all.

10

No.

THE COMMISSIONER: You didn't know - - - ?---No, I don't.

- - - Harry Huang as at - - -?---Yeah.

- - - the time we're talking about which is May 2016.---Look, I - - -

20 Is that what you're telling me?---I, yeah, yeah, I can't recall if I did meet him before then or not because it was very, Belinda was the one that - - -

All right. I take it that you did come to know him at some point in time. ---Oh, not come to know him. I was introduced to him.

All right. Well, use your words.---But I did - - -

And over what period of time did you have any relationship with Mr Huang?---With, sorry, with?

30 How long did any relationship you have with Mr Huang, if there was one, how long, what bracket of years are we talking about, was it three years, two years, one year, five years, what was it? And if possible, what years - - -? ---Yeah.

- - - you had any association with him?---Yeah, I can't, I can't recall. It would have been around that period but I can't recall the length.

That's the period of - - -?---Yeah.

40 - - - May 2016 we're talking about?---Yeah.

Sensitive

All right.

MR DARAMS: What about Michael Gu?---Yeah.

The same as Harry Huang?---Yeah. Yeah, look, I may have met him once but I - - -

10 Okay. Now, I want to ask you some questions a little bit to unpack the, if I can accept it as the concession or admission in relation to your relationship with Joe Chidiac.---Mmm.

You mean Joseph Chidiac?---Yes.

20 Right. Can you explain to us now the nature of your relationship with Mr Chidiac as at 31 May, 2016. And please take as much time as you want to explain the breadth of that relationship, when it started, how you knew him, and all those things and I'll ask you some questions to assist you along the way.---Yeah. Well, I think I've known him since around 2011. He's a local. He gets involved in local campaigns. He's assisted me on campaigns.

Sorry, just in relation to when you're talking about assisting local campaigns, you mean the local council election campaigns?---Oh, state, federal.

State and federal, yes.

30 THE COMMISSIONER: Sorry, he's involved in local campaigns, you said, in what levels of government?---State campaigns, federal campaigns, local government campaigns.

All right.

MR DARAMS: When you say he gets involved in them, can you just assist us, what are the sorts of things he does?---Normal campaigning.

Right. Putting up pickets and - - -?---Normal campaigning.

40 Running fundraising?---Yeah, yes.

He had done that for you?

Sensitive

THE COMMISSIONER: What was he - - -

MR DARAMS: Sorry.

THE COMMISSIONER: In relation to state, federal, local government, was his campaigning in relation to a particular group or party?---The Labor Party.

10 The Labor Party.---Yeah, yeah.

MR DARAMS: And you were previously a member of the Labor Party, is that right?---(NO AUDIBLE REPLY)

When did you cease – I’m sorry. You have ceased now though?---Yeah.

When did you cease?---In the last, last election. 2021.

2021. So you met him in 2011. Did you know of him before that?---I was
20 introduced, by Andrew Ferguson, at a Labor Party fundraiser or branch meeting.

THE COMMISSIONER: When was that?---Oh, 2011.

MR DARAMS: Right. So my question was slightly different and I apologise if I’ve confused you, but did you know of Mr Chidiac before 2011, before the introduction?---No, no.

30 No. So we’ve diverted you slightly from explaining to us your relationship with Chidiac. Can you please continue now describing your relationship with him, what are the things you did together, what did he do for you, what did you do for him, those sorts of things?---Well, you know, we’ve, we’ve become friends since that time. We’ve been away on holidays together. He is still active in the area.

Well, let’s just - - -

40 THE COMMISSIONER: Could I just ask you, over the period, take 2011 going forward, to your knowledge, was Mr Chidiac in employment with any company or entity or did he conduct a business on his own?---I, I, look, as

Sensitive

far as I'm aware, he did have a security, security company which he sold and then he's his own business person now.

Yeah. Well, since 2011, what business activities has Mr Chidiac been involved in to your knowledge?---I, I, I don't, I don't know.

You don't know?---No.

Not a clue in the world?---No.

10

Hmm?---No. I know he owns a few properties that he gets money from but I don't know what he does, no.

Do you know whether he has acted, I'm talking about the period now from 2011, as what might be described as a lobbyist?---I've never asked him that question.

20

No, but whether you've asked him or not, from information that has come your way, are you aware of the fact as to whether he's been, from time to time, a lobbyist?---He's asked me to assist on a few occasions, on a number of things. Whether that's a lobbyist or someone trying to help, but you would have to ask him that question if he's a lobbyist.

Well, what sort of things has he asked you for help with?---Well, just to help assist residents in the area.

Sorry?---Assist residents in the area if they've got a problem.

30

What does that mean?---It could mean a number of things. I mean - - -

Such as?---He's, well, you know, could be a tree out the front or it could be something to do with - - -

Sorry, I missed that. It could be what?---Could be dealing with a tree issue, it could be to do with, you know, a, a local business having a hard time. It's just he, you know, he's, he's there and sometimes he would call me to try to either solve things or help with matters locally.

40

And what about areas involving property development?---I don't know. I don't know.

Sensitive

What, you don't have knowledge of any activities of his, that's Mr Chidiac, since 2011 associated with property development at any level or in any respect?---I don't, yeah, I don't know.

That's your honest evidence, is it?---Yeah, yeah.

MR DARAMS: Can I just follow up a little bit from what the Chief Commissioner asked you? In answer to the relationships or interests at 31 May, 2016, you identified Mr Chidiac. I want to suggest to you, the reason
10 you identified Mr Chidiac is because you knew at that stage, in May 2016, that he had an association with I-Prosperity.---I, I've got no idea about the association but I, I, I knew that, that he knew a bit about that area. I think there was some relationship with the other developers back there before I-Prosperity.

THE COMMISSIONER: But with I-Prosperity, you may not have known exactly what he was doing in relation to I-Prosperity, but you do know, don't you, that he was linked to I-Prosperity in some respect?---In some
20 form.

And when you say in some form, I understand you don't know exactly what that form was, but it related, did it not, to planning or property development matters. Is that right?---At that particular stage, yes, with the particular issue you're referring to, yes.

In particular in relation to, I think we're talking about, just to make it clear, in relation to the activities or proposed activities of I-Prosperity, is that right?---Yes, yes.

30 And who was behind I-Prosperity?---I, I really don't know.

Sure, but, well - - -?---Yeah. The only person I - - -

I'll ask you to pause there just to, I want to give you every opportunity to think about it because sometimes people say things and then later they realised what they've said is not correct.---Sure, yeah.

So just pause for a moment. Firstly, what was I-Prosperity to your knowledge?---I think they were a property investment fund, to my best
40 knowledge, and investing in property.

Sensitive

I'm sorry?---Investing in property.

In property in relation to the Canada Bay Council area?---Well, I mean, only in that area.

Yeah. In that area.---In that particular area, yeah. I don't know of any, anything else.

10 No. So, to your knowledge, I-Prosperity had interest in property in the Canada Bay area but no other area that you know of?---Oh, I mean, not that I know of, no.

Is that what you say? Do you agree with what I'm putting or not?---Yes. I agree, yeah.

Yeah, right. I just want to be clear about what you're saying.---Yep.

20 And do you take it that, correct me if this is not right in any respect, but I-Prosperity would be, from what knowledge you had, described as a prospective or actual property developer?---Oh, yeah.

Would that be right?---Yeah. Well, I, property developers, as far as I know, yeah.

Yeah, okay. When you say property, we're talking about real estate? ---Real, well, that's the only property development that I know that I-Prosperity have. So - - -

30 What property did you know they had as at 2016?---Well, I think it's, I think it was those three or four properties in Marquet and, and, well, the other streets.

Now, I asked you before who was behind I-Prosperity, and by that expression I mean who is either a shareholder, director or - - -?---Yeah.

Did you ever - - -?---I met Belinda a couple of times but - - -

40 What relationship did Belinda Li have with I-Prosperity to your knowledge? Was she employed by them or was she part of the action? Was she a director - - -?---I, I don't know her - - -

Sensitive

Just, just let me talk and then we'll - - -?---Sorry.

If you talk over each other then it's very hard for the transcript to be printed up. I'm just seeking information, that's all, at the moment. Belinda Li you've mentioned. I just wanted to know whether she was part of the I-Prosperty organisation or whether she was separate from them and working with them or what the arrangement was.---Yeah. I, I don't know, the arrangement.

10 You don't know?---No.

But she has some connection with the interests of I-Prosperty?---Some connection, yeah.

Is that right?---Yes, Commissioner.

Okay. And we earlier mentioned Mr Chidiac, and to your knowledge did he have some association as at 2016 with I-Prosperty?---Yeah, yes. Yes, Commissioner.

20

Yes. Thank you. Yes, Mr Darams.

MR DARAMS: Thank you. Just to clarify a couple of your questions and answers. You knew by no later than 31 May, 2016 that I-Prosperty was a property developer because if I understand your answers before you knew Mr Furlong was associated with them and that was his client. That's correct?---Yes.

30 And this proposal in relation to I-Prosperty planning proposal was about property development, so you must have known all of that.---Known what?

That I-Prosperty was a property developer.---They're developers, property developers.

Yes.---Yeah.

Yes. There was no doubt about that in your mind.---No.

40 No, couldn't be. Now, just focusing again on Mr Chidiac.---Mmm.

Sensitive

I want you to assist us if you can on this association. Now, what did you understand this association was about?---You'd have to ask Mr Chidiac. I don't know.

You're telling us you have no - - -?---No.

- - - understanding at all?---No.

10 Did you understand that whatever the association between Mr Chidiac and I-Prosperity was that he was receiving some financial payments from them?---No.

You didn't understand that at all?---No.

All right. So can you assist us with what you understood – sorry, when you tell us there was some association why did you use that word? What was it that allowed you to say yes, there was some association?---Well, he's not a, there was an association of somewhat. I don't know what it was.

20 Sure.---And I don't know.

But why do you come to the description of an association? Tell us the things that did or involved I-Prosperity - - -?---Oh, right. Okay.

- - - and Mr Chidiac - - -?---Yeah.

- - - that led you to describe some association?---He, he was assisting I-Prosperity from time to time and he'd, you know, contact me or ring me and, you know.

30

So what would he contact you about? What would he say?---Well - - -

He'd say, would he call you Angelo?---(NO AUDIBLE REPLY)

Would he refer to you as Angelo? Would he say mayor or did he say Mr Tsirekas? How would he, how would he - - -?---All three.

40 All three. How was the common, would it be, "Hi, Angelo. I want to talk to talk about this?"---No. It varied. Mr Mayor, Angelo, Sir, Mayor, like it'd vary.

Sensitive

All right. Okay. So just you said he would contact you. Can you assist us with the things that he would contact you about?---I can't recall all the, all the items but if there was a, a hold-up somewhere where he, he or whoever thought there was a council hold-up he'd say, "Well, can you assist in moving this forward?" I would pass that message on to the director or general manager and leave it at that.

When you say can you assist - - -?---Mmm.

10 - - - did you turn around and say to him, "No, I can't assist?"---The only way I assisted was by passing on the message.

So is the answer to - - -?---So it was, "I can't help you but I'll pass on the message and let the officers deal with it appropriately."

Did you not say to him, "Ring the council office"?---He probably did on occasions. I don't know.

20 Didn't you say to him when he would ring you, "Can you see what's going on, can you do that?" didn't you tell him, "Just ring the council office"?---In hindsight, you know, being overfriendly and nice to people I, you know, if I did that with every caller, the mayor is there to help. The mayor is there to assist everybody. In hindsight it may not have been appropriate.

Well, can you tell us why you've come to that hindsight view?---A refresh of the code of conduct. Reading the obligations under the code. Looking back I probably didn't deal with that appropriately.

30 Now, we're still focusing on this relationship between you and Mr Chidiac, so I take it you accept that as at least 31 May, 2016 there was a non-pecuniary interest that you should have disclosed in relation to your relationship with Mr Chidiac?---In hindsight that would have been the best approach.

THE COMMISSIONER: Well, would it have been just one of other possible approaches or do you accept that it was the approach that should have been taken?---The approach, yes.

40 So you say that from time to time if there was a council hold-up I think was your expression, - - -?---Mmm.

Sensitive

- - - something along those lines, in a particular matter involving council he would contact you and ask you whether you could do something to move it along.---Mmm.

Or words to that effect. Is that right?---Yes.

So he would make that contact with you from time to time if there was a situation that arose?---Yes, Commissioner.

10 But he wasn't asking in relation to a project of his own but he was asking on behalf of whoever he was working with if you could move it along.---Yeah.
Oh, look - - -

Is that what you - - -?---Commissioner, that's right but there would be occasions where he would ring for his own purpose or his relatives' purposes.

Oh, yeah.---So there'd be other occasions, yes,

20 MR DARAMS: Just on these other occasions. So - - -?---Yeah.

Now reflecting back and giving evidence here today, so in addition to I-Prosperity there were occasions that Mr Chidiac would ring you in relation to issues involving his family?---Oh, his, I mean I'm talking about the Maronite family.

So just a broader community - - -?---The broader community.

- - - of which he was involved in?---Well, is part of our community.

30

So just random individuals in the community?---Well, he sits in coffee shops a, a lot so a lot of people.

I'm just trying to understand other than, just trying to understand the relationship between you and Mr Chidiac.---Mmm.

And I'm trying to understand the other circumstances.---Yeah.

40 Or the other matters you've referred to that he would call you on in relation to as I understood it one of the things might be moving matters along in council.---Mmm.

Sensitive

Okay. So can you just assist me with that. What are the other circumstances you remember in relation to other members of the, let's say the Maronite community?---Yeah, Maronite community. There'd be trucks parked in the street in a local area that had been there for a long time that council weren't attending to or there'd be a tree issue, that his aunty or so were tripping over the seeds with. They were general issues, local issues.

10 Right. What about in relation to other, I'll call them non-local issues, what about other developments or matters?---I don't, I can't recall too many developers.

Well, what about Billbergia's development?---Oh - - -

Do you remember him ringing you about that?---Yeah, I don't, I don't know the association there either but I can't recall, you know, him ringing or, about that.

20 THE COMMISSIONER: Well, did Mr Chidiac ever make contact with you - - -?---Yeah.

- - - on behalf of Billbergia - - -?---Yeah.

- - - projects?---Yeah. Yes.

He did?---No, I can't recall. More, it was more with I-Prosperty than Billbergia.

30 You know the name Billbergia though, don't you?---Oh, look, I do. I mean he's been - - -

Wasn't it a prominent property owner in the area - - -?---He is.

- - - of Rhodes?---Yes. He's been there for a long time, yes.

In fact it is a major developer or has been - - -?---He is, yes.

- - - in the area?---In the area, yes.

40 And who is behind Billbergia that you know?---Oh, there's Rick Graf. There's - - -

Sensitive

He's an employee.---Yeah.

He was an employee anyway.---Yeah, yeah.

Yes. Who else - - -?---Bill McGarry.

- - - associated with Billbergia?---Bill McGarry.

10 He was another employee of Billbergia.---Employee, yeah. Yes.

Yes.---As in employer, can I just ask - - -

Anyone associated with Billbergia that you know - - -?---Oh, I think - - -

- - - whether they be - - -?---Yeah.

20 Just let me finish. Whether they be employees and I think you've mentioned two already or people in the position for example of directors of the company.---I don't know directors, no.

You don't? Are you sure about that?---I've never - - -

Who is the main - - -?---Oh, sorry. John Kinsella.

Who?---Is it John Kinsella?

Yes.---Yeah.

30 What's Mr Kinsella's link with Billbergia? He's not an employee firstly, is he?---No. I thought he was part of the owner, ownership of the - - -

That's right.---Yeah.

Well, I was asking you before - - -?---Yes.

- - - anybody who - - -?---So, apologies. Yeah.

40 - - - such as directors and so on. He was a director.---Oh, when you refer to Billbergia I always think of John Kinsella so when you're saying Billbergia.

Sensitive

Anyway - - -?---Yeah.

Well, in the past, is this right, I just want to understand your evidence, that Mr Chidiac would have spoken to you in relation to a Billbergia project or projects. Is that right?---I can't recall for Billbergia, nor I can recall for I-Prosperty. And again, Commissioner, I would deal with any phone call to me, whether it was Mr Chidiac or anyone else, I would refer it on. I can't always solve issues as the mayor.

10 Yeah, you've told us that.---Yeah.

Do you know Mr Kinsella?---I've, I've met him on, on occasions, yes.

Would it be true to say he's more than an acquaintance, he's a friend of yours?---Well, we don't hang around each other. We might have coffee, he might - - -

Please just be direct with me.---Sure.

20 Would it accurate to describe him as a friend of yours?---More as an acquaintance than a friend.

Well, let's tease that out a bit if we have to. Do you have a social contact with him?---I've been to a couple of his charity nights, I've been out to dinner with him.

No, I'm just talking about personal, social events.---Yeah.

30 Do you go to the football together or go to each other's place for dinner?
---No, I haven't been - - -

Or go to a restaurant or - - -?---A restaurant, yes, but haven't been to his place.

You know him well, don't you?---I, I've known him for a long time. He's been in the area a long time.

40 Yeah. I was going to say, for a long time. Because he's been in the area as we were discussing before - - -?---A very long time, yes.
- - - as a property developer.---He's active in the area, yes.

Sensitive

As a property developer?---As a property developer, yeah.

Yeah. All right. I see it's midday. We'll need to adjourn to deal with another matter. Is this a convenient time?

MR DARAMS: It is convenient, Chief Commissioner.

THE COMMISSIONER: All right. Now, Mr - - -?---Tsirekas.

10

Tsirekas. You did hear me make a direction under section 112. Just to refresh your memory, an order under section 112, or a direction under that section prohibits, well, in your case yourself from disclosing to anyone, other than the lawyers who are present here, any information about this matter or about your evidence that you've - - -?---I understand.

20

- - - given to date, or might give. In other words, it suppresses information being publicised in any form to any person other than those to whom there has been an authorisation to be present or to be able to use the information, which is Commission officers. You are not to speak to any person about this investigation, about your evidence, about your attendance here even. You are not to disclose that.---I understand.

Do you understand what I'm saying?---I understand.

30

I am emphasising it both to ensure the integrity of the Commission processes are protected but also for yourself. I don't want you to go and talk to people about the matters I have just referred to, having forgotten that I made an order under section 112. So I'm just reminding you so that you don't fall into that trap, as it were, or slip.---No, I understand. Can I ask a question, Commissioner?

Yes, certainly.---I understand the suppression order. How would anyone know that I'm before ICAC when it's leaked to the papers and branch members?

40

How would any - - -?---How would anyone find out that I'm before ICAC when branch members are telling me "Oh, you're going to ICAC and it's being put out in the paper"?

Sensitive

I have no idea and I'm not here to answer questions but - - -?---I just wanted to, I just wanted to know how that was happening. Thank you, Commissioner.

So 1.15?

MR DARAMS: 1.15.

THE COMMISSIONER: I'll resume at 1.15. I'll adjourn.

10

LUNCHEON ADJOURNMENT

[12.04pm]

Sensitive

24/03/2022
E17/1221

A. TSIREKAS
(DARAMS)

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24/03/2022

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EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

COMPULSORY EXAMINATION

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY, 24 MARCH 2022

AT 1.30PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

Sensitive

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Could I ask that the witness be shown volume 1.2, page 119? Sorry. The next page, please. Could I just ask you, Mr Tsirekas, just to, again to yourself, just look at that email and the content of it.---Yes. Yes.

10

Now, I understand one of your answers earlier today, you indicated that the reference wasn't sent. Do you remember saying that this morning?---Yes.

Yes. When you say "the reference wasn't sent", you're referring to this document. Correct?---I was advised that the reference was not sent off to the - - -

The school?--- - - - the school.

20

I see. I'll come back and ask you a few questions about that in a moment. At this time, April '17, Heather Crichton was your partner. Is that right? ---Yes.

She's still your partner?---Yes.

And can you just assist us about how it came to be that you were preparing this reference on behalf of - well, I'll come back on that. So just the "To whom it might concern", I mean, there is a spelling error in the first line but Harry Huang is associated with I-Prosperty?---Yes.

30

You were being asked to provide a reference that could be provided to a school - - -?---Yes.

- - - on behalf of his children?---Yes.

This, when I say "this", the content of the reference appears to be drafted by Ms Crichton and it's sent to you. Is that right?---Yes.

40

And if we follow this email through, Ms Crichton sends it to you, you send it on to Mr Chidiac where you say, "Please send to Harry to see if this is okay before I print." You see that at the top of the email?---Yes.

Sensitive

So in the body of that draft reference in the second paragraph, you say in the second paragraph or you, it was drafted that, “As Mayor of City of Canada Bay from 2004 to 2016, I’ve met Harry,” and how do you pronounce the second name? Fanhua?---I don’t know. I don’t know.

You say “over many years”.---Mmm.

10 And you say you’re appreciative of their support. Do you see that?---Mmm.

Okay. Can I just first ask you is what’s set out in that paragraph, is it actually true?---The reference explains the circumstances and I suppose the reference is done in a way to express my knowledge of how - - -

THE COMMISSIONER: No, you were just asked a simple question.
---Yeah, yes. Yes.

20 MR DARAMS: So in that second paragraph, in particular, you’re saying that you had met Mr Huang and his wife over many years. And can you just assist me with the “many years”. So - - -?---It’d be a couple of years, many years, a couple of years.

So you recall the Chief Commissioner asked you some questions about your relationship with Mr Huang?---Yeah.

If I’m reading this correctly, that suggests your relationship with Mr Huang extended back at least until 2015 and potentially before?---Well, I can’t recall how far back from that date.

30 THE COMMISSIONER: No, but if you go by the date of the - - -?---It’s, its
- - -

- - - letter that’s on the screen, 12 April, 2017 - - -?---Yeah.

- - - that would follow, wouldn’t it, that the relationship went back to at least 2015?---’16, yes.

Is that right?---Yes.

40 MR DARAMS: Well, I think you just said 2016, Mr Tsirekas, but - - -?
---Yeah.

Sensitive

- - - you might have misheard the Chief - - -?---Yeah.

My suggestion is it went back at least to 2015 and potentially further - - -?
---No, yeah - - -

- - - if the “many years” - - -?---I, I can’t recall how far back it goes but it was a couple of years.

10 Okay.

THE COMMISSIONER: Well, what about the first sentence of the reference? Does that assist?---First sentence?

MR DARAMS: Yeah.---Are you referring to “have been close associates and friends of mine for over five years”? I don’t know what that’s referring to.

20 THE COMMISSIONER: Sorry? I can’t hear you.---I don’t know what that’s referring to.

Well, it’s referring to the period of your association, isn’t it? “Close associates and friends of mine, for over five years”.---Mmm. I, I - - -

That’s what it says. Is that truthful?---I, I - - -

Was that accurate?---I’d have to go back to see what information I built the reference from, so - - -

30 So it could be correct, then?---Could be correct.

Right.

MR DARAMS: So if that’s right, then that suggests that your relationship, which you describe as a close associate could have existed from at least 2012?---No.

Why is that?---Because I didn’t know Harry at 2012.

Sensitive

But doesn't that suggest then that the first sentence is not correct?---No. That, he may have been friends of, of, friends of other people that I know over five years.

No, that's not what it says.

THE COMMISSIONER: That's not what the letter says there, does it?
---Yeah. Well, it's probably what I was referring to.

10 MR DARAMS: Well, then in terms of friends of, or close associates of - - -
?---Close friends of others.

Of others?---Yeah.

THE COMMISSIONER: "Close associates and friends of mine" is the expression, yes.---Yeah, yep. Yes.

MR DARAMS: When you say yes, are you accepting that the statement in
the first sentence is accurate?---The way I interpret it, it's friends of mine
20 not friends of, with me for over five years.

I see. So let's use that interpretation. Let's just use that interpretation. Who would these friends of yours that they are close associates with, if we take that interpretation?---Well, I, I would have to say, you know, Joseph Chidiac is one, other local people from the area that I know in that locality. I'm, I'm, I couldn't name them for you but it's an expression of friends of mine.

Well, that's on that interpretation.---I can't, I can't recall the, the basis
30 behind this reference.

So on your interpretation of those words, you were referring to them being close associates and friends of your friends.---Yeah.

That's your interpretation.---Yes.

The person you can identify as Mr Chidiac as being the friends who Mr Huang is friends of.---Yes.

Sensitive

And on your interpretation, that means that Mr Chidiac has known, or been a friend or close associate of Mr Huang and his wife for over five years, that's right?---Well, I don't remember fully.

I see.--- I've got it here - - -

THE COMMISSIONER: Was it the case that Mr Chidiac was asking you on behalf of Harry and his wife to in effect do him a favour to write this reference?---Yes.

10

Okay. So Chidiac was the instigator, was he? Well, perhaps I'll withdraw that. You had contact with Joseph Chidiac - - -?---I can't, I can't remember where it came from, whether it was - - -

Well, but do you think it came directly from Harry - - -?---Oh, yeah, that's right, yes, but I - - -

No, please don't - - -?---Yes, yes.

20 Well, who were you doing a favour for? Were you doing a favour for Chidiac or were you doing it really as a favour for Harry or who, or both? ---Well, for both.

Both, okay.

MR DARAMS: And can I ask you why you were doing this type of favour?---Because they requested a, a reference. I get lots of requests for references.

30 Right. And because of the relationship you had with both of them at this stage, you decided that you would prepare this reference?---That's right, yes.

Now, I accept at this period of time you're no longer the, as this time, the mayor of the council, that's right?---Yes.

2017, April in particular.---Yes, yes.

40 But we know you subsequently became the mayor again in around September 2017.---Yeah, yes.

Sensitive

There were a number of occasions where the IPG planning proposal came before council after that period of time?---Yes, yes.

You recollect that now?---Not specific dates but I do recollect coming back to council, yes.

And if I was suggest to you that on none of those occasions you made any declaration regarding the, in particular, a non-pecuniary interest? Would that - - -?---Correct, yes.

10

Yeah. You would appreciate all that?---Yes.

And you accept that you didn't do any of that?---Yes.

And if we understand your evidence earlier this morning, you would accept now that you should have disclosed the - - -?---I should have disclosed.

20 THE COMMISSIONER: And do I infer from that that knowing, as you've told us, what the obligations under the code of conduct were, you decided that you would not on any of those occasions that Counsel's just referred to make a declaration of a non-pecuniary interest in relation to - - -?---Look, Commissioner, I should have done that.

You should have, but what I am putting to you is you've given evidence that you were mindful, you were aware of the obligations under the code of conduct. Is that right?---Yes.

30 But notwithstanding your knowledge as to what your obligations were, you decided for whatever reason, you would not make any declaration of conflict of interest or of non-pecuniary association, is that right?---Yes.

Why would you choose not to have disclosed your association, for example, with either Mr Chidiac or Harry, referred to in that reference? Why would you have not?---Well, I didn't think that it was required, yeah, because I assisted with a character reference to then declare an interest and Joseph Chidiac wasn't the applicant. So, I - - -

40 I'm not just talking about – no, just follow what I'm saying. Forget about the reference for the moment. You've told us that you were, during the period in which you've held office as a councillor and as mayor, been aware

Sensitive

of, mindful of the fact that there are obligations under the code to declare non-pecuniary interests, as that term is specified in the code.---Yes.

And you've told us that you decided, however, in relation to any of the meetings of council dealing with the I-Prosperity project that you would not declare that interest.---Yeah. And it was an error - - -

10 And my question then was why would you have chosen not to declare that non-pecuniary interest so far as at least Mr Chidiac was concerned and Harry?---Yeah. I, I didn't look at that issue for reference or the association with Chidiac in regards to my obligations but now looking back that association required a non-pecuniary interest to be put.

I don't think I'm following your - - -?---At that stage I didn't, I didn't, I didn't correctly do it, that's right.

20 Well, we know that but you were mindful of the obligations to do that, to make a declaration of your close association with Mr Chidiac and your association with Harry Huang, right?---I, I, yes.

And you've said you decided that you would not make declarations at the various points in time Counsel just referred to.---Yes.

And my question to you is why did you choose not to declare those non-pecuniary interests in relation to the I-Prosperity matters that were before council from time to time?---It was a, an error on my behalf.

Why? Why did you - - -?---There was no, no - - -

30 Why did you decide, as you've now said, not to disclose it? There must have been a reason. What was the reason?---Commissioner, there was no reason. I should have done it and I didn't do it and it's my error.

I know you didn't do it but I'm trying to get to the rationale as to why you didn't do it. I think I've made that clear.---I, I - - -

40 Why did you choose not to make those declarations of the non-pecuniary interest? Was it because you didn't want to embarrass them or that you just didn't want the council to be mindful of the fact that you had these friendships? What was the reason?---I, to be honest, and I'm going to be

Sensitive

honest, I didn't think back then that I required to do it even though you're telling, you know, that I should have been aware.

But you've already told us you were aware.---Yeah, I was aware - - -

Counsel has taken you through step by step - - -?---Yeah, he took me through the steps, yeah.

- - -this morning of the code of conduct.---Yeah.

10

And what you knew in 2013.---Yes, yeah.

Did he not?---He did take me through the steps, yes.

So you did know what the code required in relation to nonpecuniary interests.---Yes.

Yes?---Yes.

20 Namely, declaration of the interest.---Yes.

Yeah. And you still can't provide to me a reason as to why you chose not to.---Oh, there is no reason. It is my, there was no reason why I did it. There was no pressure on me. It was my determination at that stage which is in error. There's no - - -

Well, is the reason that you didn't declare it is that you wanted to suppress knowledge as to your relationships with those two gentlemen?---No, no.

30 Yes.

MR DARAMS: Is an explanation, following on from the Chief Commissioner, that you realised because you understood your obligations under the code of conduct that you would have then had to manage that conflict of interest including by way of not participating in any debate or voting on any of these proposals?---No, no. It was my error and looking back I should have declared that interest.

Now, I want to ask you about Mr Frank Colacicco.---Mmm.

40

How long have you known Mr Colacicco?---Since I've been on council.

Sensitive

So when you say since you've been on council, do you mean the predecessor council or do you mean - - -?---Oh, probably around 2000 or just a bit before.

Right. I'll ask you straight up.---Mmm.

By 2016 would you describe the relationship between you and Mr Colacicco as being one of close personal friends?---Close personal friends?

10

Yeah.---Yes.

And certainly no later than 2016 and most likely well before that period of time?---Yes.

Yeah. Now, there's no doubt about the closeness of your relationship with him because you've travelled overseas with him many times.---Yes.

Yep. You've had numerous dinners with him.---Yes.

20

His family.---Yes.

You've been to his children's birthday parties.---No.

No. Has he been to any of your children's birthday parties?---No.

Are any of your children friendly with each other, that is, your children and his children?---Oh, they know each other but not - - -

30 I see.--- - - - going out together or anything.

What about lunches with Mr Colacicco?---Yes.

Too many to remember during that period of time you met him up to 2016?---There was a lot.

A lot. You socialised. Did you go to the footy with him?---Sometimes.

You had coffees and catch ups.---Yes.

40

You must have called each other thousands of times.---Yes.

Sensitive

You must have texted each other thousands of times.---Yes.

THE COMMISSIONER: Where has he lived over the years?---In Five Dock.

Five Dock.---Mmm.

10 MR DARAMS: You've celebrated his birthday with him.---I'd say so.

Yeah.---Yeah, yes.

He celebrated your birthday.---Yes.

Yeah. Now, can I ask you as of 2016 did you have anyone you regarded as a closer friend than Mr Colacicco?---Well, I've got lots of friends. He's one of the close friends.

20 Yeah. So he might be a handful of two or three people that you regarded as close personal friends?---Yeah, yes.

Yeah. Now, I want to ask you some questions about a unit in Ashfield. I think the development company was Abacus. That's right?---Mmm.

You had put down a deposit to purchase that unit.---Mmm.

That's correct?---Yes.

30 THE COMMISSIONER: How much was the deposit?---I can't recall.

Sorry?---I can't recall.

Approximately.---The deposit?

Mmm.---Oh, 100,000.

MR DARAMS: Around 94,000?---94. Whatever, yeah.

40 Okay. Now, just when you met with the – I just want to ask you in relation to the deposit monies.---Mmm.

Sensitive

Where did you get those from?---It was money from super, money from my resignation.

THE COMMISSIONER: Sorry, superannuation and what?---And my resignation from Canterbury Council.

MR DARAMS: So you paid for the deposit from monies you received in relation to entitlements paid to you upon resignation from Canterbury Council.---Yes.

10

You also paid for the deposit from funds you received from your superannuation fund.---Yes.

Was there any other source of the funds for the deposit?---As far as I can remember now my father helped me as well.

THE COMMISSIONER: Sorry, I couldn't hear that last bit.---My father helped me as well.

20 MR DARAMS: Okay. How much did your father help you with?---Oh, I can't remember.

Well, can you just assist us, was it five grand? Was it - - -?---There was a few payments and I don't know which payment. There were a few instalment payments for the deposit. It wasn't one big payment.

30 Sorry, I don't want to, I don't want to focus on the payments of the deposit per se. I'm asking you about the payments from your father to you.---Yeah. Look, I, I can't remember. I'd have to get back to you. It's been a while now. That wasn't successful and I had to get rid of it because I couldn't get the rest of the deposit.

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

Well, just can you assist me with the amount your father gave you, would it have been 10 grand? Would it have been five grand?---No. Look, I, I'd have to have a look at the figures because I don't have the figures in front of me.

40 THE COMMISSIONER: Just approximately will do. Not the precise figure. Just approximately how much?---It would be more than five grand.

Sensitive

Yeah, but how much approximately?---Approximately 10 grand. I, I, it could - - -

MR DARAMS: So when you say you would have to look at the figures, what would you be looking into? Like what resources, sorry, what records would you be looking into to find that out?---Oh, whatever, whatever records I do still have for that unit.

10 I see. Now, do you recollect how your father gave you those funds? Did he transfer them into a bank account of yours or - - -?---I can't recall. I can't remember and I'd have to have a look and see what I can find for you.

THE COMMISSIONER: Was your father working at this time?---Oh, he's retired.

Retired. Did he have a house of his own?---Yes.

It's his own home?---Own home, yeah.

20

Hmm?---Yes.

MR DARAMS: Right. So he, about \$10,000 - - -?---Oh, yeah.

- - - as an approximate figure?---Approximately.

Right. And you say that amount you contributed towards the deposit? ---Deposit, yeah.

30 Right. Now, when you resigned to run for the federal seat of Reid you were employed by Canterbury Council at that stage.---Yes.

Right. Is there ever a time that you considered running, sorry, resigning from Canterbury Council and offering your services as a consultant?---I did consider that but it never eventuated.

So when did you consider that?---When I was - - -

What year, sorry?---Oh, 2016, middle of 2016.

40

Sensitive

So about the time you resigned to – I’ll withdraw that. So you resign to run for the federal seat of Reid.---That’s right.

You were unsuccessful.---Mmm.

So was it about that time after being - - -?---Around that time, yes.

About that time you - - -?---Yes.

10 - - - thought about offering your services as a consultant?---Yes.

And so in terms of, did you do anything in furtherance of that, those steps? Did you take any other steps?---I opened up a company account.

Right. What was company account called?---Krokos.

Sorry, can you - - -?---Krokos.

20 Can you spell that?---K-r-o - - -

K-r-o.--- - - - k-o-s I think.

K-o-s. So is Krokos, Krokos Pty Ltd or - - -?---I, I, Pty Ltd.

Yeah. So when you say you opened that up, did you do that yourself or did you engage the services of someone to do that for you?---No. My accountant helped me.

30 Who was your accountant?---Con, Con Christie.

Con Christie. So, to the best of your recollection, were you a director of Krokos?

---I was the sole director.

Sole director. This Krokos company was formed so that you could provide your services through that entity. Is that right?---That was my thought. That was what the intention was.

40 Right. This intention being around sort of mid-2016?---I, I’m not 100 per cent sure what date but it was around that time, I, or before, I don’t, yeah. I don’t know.

Sensitive

And so, what, you go to Mr Christie, say to him, “This is what I’m thinking about doing,” and he suggests to you, “Do that through a corporate entity,” or did you say to him, “I want to do it through a corporate entity”? Can you recollect now?---I, I can’t recollect. I think I just got the best advice and went that way. I’m not that - - -

So what were the consulting services you were going to actually provide?
---Local government consulting services.

10

But what does that mean? Seems pretty broad in my understanding.---Well, that, that’s right. It is broad.

So you would offer it to, what, councils or developers or - - -?---It, it, I never, I never, it never took off but it was, it was a vehicle that I thought may have been an opportunity which, it never took off.

Right. But in terms of sitting down and thinking about providing your services, did you think about who you would actually provide them to, who would be your market?---Not really.

20

Not really?---No.

Did you have discussions about this business with anyone other than Mr Christie, can you recall? Did you bounce ideas off anyone?---A few people.

Mr Chidiac?---No. No, I think just Frank Colacicco.

Frank was the only person?---Yeah, well, as far as I can recall.

30

Right. I see. Now, have you ever asked someone to be a director of a company on your behalf?---Have I ever asked someone to be a director on my behalf?

Director of a company on your behalf. So you’ve gone to them and say, “Start a company and I want you to be the director of my company”?
---No.

No. Have you ever gone to anyone and said to them, “I want to open a bank account but I want you to control the bank account on my behalf”?---No.

40

Sensitive

No. If the witness can be shown volume 4A? Bear with me one moment. Page 33. Now, I just want to draw your attention to the address label there. See that director, Machonic or Machonic? See that?---Yes.

Does the company Machonic Pty Ltd, does that, well, I'll say ring any bells or is that familiar to you?---No.

No. And so this is a bank account for Machonic.---Yeah.

10 See the period of time? January 2015 to 31 March, 2015.---Yeah.

See that?---Is this my account?

No, I'm just asking you whether or not – when you say is this your account, what do you mean?---Is this for Krokos?

Well, it's not addressed to Krokos. You see that?---Yeah, I - - -

20 I'm just asking you some questions as to whether you know - - -?---No, no
- - -

- - - do you know what Machonic or who Machonic is?---No.

THE COMMISSIONER: Have you ever heard of that name before, Machonic Pty Ltd?---No.

30 MR DARAMS: Well, if you haven't heard about this company before, I take it that you never had a conversation with Mr Colacicco where he had formed this company on your behalf?---Not to my recollection, no.

That would be something you would recollect, though, wouldn't it, you would hope so?---Well, I can't remember it.

So I just want to ask you then, just if I could draw your attention to 14 January.---Mmm.

It says there "cash deposit \$1,250".---Mmm.

40 Can I ask you this question? Did you give that money to Mr Colacicco to deposit in this bank account?---No.

Sensitive

Okay. 22 January. See the \$2,500 cash deposit? Did you give that amount of money to Mr Colacicco to deposit in this bank account?---No.

30 January, \$2,000. Did you give this amount of cash to Mr Colacicco to deposit in this bank account on your behalf?---I can't recall any of this.

Well, can I just ask you, just on that. There's a few more that I want to ask you about. You've denied the first two transactions.---Yeah.

10 But 30 January, you're now saying you don't recall this. Can I just unpick that a little bit with you?---Mmm.

Do you recall circumstances where you did give amounts of cash to Mr Colacicco to put into a bank account on your behalf?---Into a bank?

Into a bank account on your behalf?---He did loan me money into that bank account, yeah.

20 We'll come to the loans later on. I'm talking now about where you've gone to Mr Colacicco and handed him cash to put into this bank account on your behalf.---I, I can't - - -

See, I want to suggest - - -?---Yeah, I can't - - -

- - - to you that if you had gone to Mr Colacicco with cash amounts, that's something you would remember, wouldn't it?---Yes.

Yeah. Okay. So - - -

30 THE COMMISSIONER: Well, do you remember - - -?---No.

- - - giving amounts of cash to Mr Colacicco to bank into an account on your behalf?---No.

You don't. Do you say that did not happen, to your knowledge?---Well, can't, I, I cannot recall this at all.

So are you positively saying - - -?---To the - - -

40 - - - you did not do such a thing or are you saying, "I might have but I can't recall"?---Well, I cannot - - -

Sensitive

Well, what are you saying?--- - - - I, yeah. I cannot recall doing this.

Does that leave open the possibility that you might have?---Look, I can't recall, Commissioner.

MR DARAMS: The Commissioner's question, Chief Commissioner's question - - -?---Yeah.

10 - - - was slightly different, is that, and I just want to explore this with you, but this is a process where you would be going to Mr Colacicco with amounts of cash that he would then deposit into a bank account on your behalf. I want to suggest to you that that would be something memorable? ---Yes.

It would be?---Yeah.

20 So when you say you don't recall, doesn't that suggest you do recall and that you didn't do this 'cause you would remember if you had done this? ---Yes, I would remember.

So can we accept then that at least in relation to those transactions I've just asked you about, your evidence is that you did not give Mr Colacicco cash to put into a bank account on your behalf?---To the best of my knowledge, I cannot recall. I cannot - - -

We're now back at this don't recall - - -?---Yeah.

30 - - - and the best of your knowledge and I can come back and start that questioning again.---Sure.

But I had understood your evidence under oath that this would be a memorable event if you had done this. Now - - -?---Yes.

- - - am I right about the evidence you gave, that it would be memorable if you had given him amounts of cash to put into a bank account on your behalf?---Yes, I would, I, I would remember.

40 You would. So, again, I'll ask you, just to reflect on your answer about not recollecting or don't recall it and can we assume that what you're really

Sensitive

saying is, “No, I didn’t do that because, you know what, I would remember that”?---Well - - -

That’s right? We can accept that that is your evidence that you didn’t do this?---No, I cannot recall.

Well, the Chief Commissioner asked you this and perhaps I’ll ask it now to see whether this is the issue, but are you therefore saying it’s possible that you went to Mr Colacicco with round amounts of cash and gave it to him to
10 put into a bank account on your behalf?---You know, I cannot recall.

What circumstance would you be going to Mr Colacicco and giving him amounts of cash, round amounts on different occasions, to give to him, to put into a bank account on your behalf? In what circumstance would that happen?---I don’t know. What, what do you mean by “what circumstance”?

Well, I’m just trying to explore your answers with you ‘cause it’s, ‘cause, with respect, it seems to be slightly inconsistent because I’d understood that you would say, “If I had done that, given Mr Colacicco amounts of cash to
20 put into a bank account, I would remember that,” that’s one set of answers you’ve given and then you say, “I don’t recall,” which seems to permit the possibility that you did do this, you’ve forgotten about doing it.---Yeah. Well, I just don’t recall this and I probably have to look back and see if I’ve got any records. I just don’t recall this.

But why would you need records to - - -?---Well, ‘cause I don’t recall Machonic - - -

Can I just finish with this? Why would you need records to assist you on a
30 recollection as to whether you’ve gone to Mr Colacicco with cash to put into a bank account in the name of a company called Machonic that you don’t seem to recognise on your behalf? Why wouldn’t you recall that?---Well
- - -

And why would you need a record to assist you?---Yeah. Look, I cannot recall this at all. I, this is, I don’t even recognise the company.

Well, what about the, not sure if I asked you about this, but what about the
40 transaction on 10 February, another \$2,000?---Well, yeah, I cannot recall it.

Sensitive

Well, do you say that, we've got you those transactions. Do you say that this money is your money?---I don't even recall the account.

That seems to suggest that this is, you'd accept this is not your money or not your funds?---Well - - -

THE COMMISSIONER: Do you ever recall asking Mr Colacicco to look after some money for you at any point in time, that is to say, just to look after it, to hold it for you?---I can't recall.

10

MR DARAMS: Did you ask him to, in the vernacular, hide some money on your behalf?---Hide money?

Hide, hide money on your behalf? You're shaking your head.---Not that I can recall.

Does that mean to say that you didn't do that?---No, all I, is this account still open?

20 Don't worry about whether it's open or not. Let's just focus on these events here.---Yeah.

THE COMMISSIONER: What's Mr Colacicco's line of business been? Real estate?---Real estate, yeah.

Real estate agent?---Mmm.

And developer?---No, I wouldn't call him a developer. I - - -

30 Well, are you suggesting he's only a real estate agent, to your knowledge? ---As far as I'm aware.

You have no knowledge of him having developed any real estate?---No, I've got no knowledge, no.

It would be news to you, would it, if it were the case - - -?---Is - - -

- - - that he - - -?---It would be, it would be news - - -

40 Pardon?---Would be news.

Sensitive

Yeah. Okay. Where was his office?---He had an office in Victoria Road
- - -

The address on the bank statement?---It probably is, yes.

And did you visit him there from time to time?---On occasions, yes.

And were there any occasions when you visited his office and it had,
without specifying what it was, something to do with business matters?

10 ---Yes, yes.

And what sort of business matters were they?---They'd centre around what
he'd be doing, selling properties. I did on occasion go with him to the
accountant to talk about setting up an account on my own. And he would
talk to me about his, you know, business people that he knew in the area,
what they're doing.

And did he have in common with you particular people as associates or
friends, that is, people who were associates or friends of both of you?---Yes.

20

Who were amongst that number?---How many?

No, who were - - -?---In a social sense or a, a business sense?

Well, either. Social or business. Or perhaps I'll make it a bit easier for you.
Was Mr Chidiac one of those people who you shared friendship with him,
that is, shared it with Mr Colacicco?---Yes, I was a friend of his, yes.

30 Sorry. Was Mr Colacicco a friend of not only you but of also of Mr
Chidiac?---Yes.

What about Mr Kinsella?---I, I don't know the relationship there.

Okay.

MR DARAMS: What about the Jacobs brothers and Mr Colacicco ?
---Who? Which one?

40 The Jacobs brothers?---I'd say off, off and on, they'd, they'd talk but I don't
know how close they were.

Sensitive

THE COMMISSIONER: The Jacob brothers were developers, were they not?---Yes.

Under a corporate vehicle?---Yes. Prolet.

MR DARAMS: Well, I'd like to go back to these, just to get your evidence about these transactions if I may? So perhaps if we could please go back to page 33? So 2 March, cash deposit, 3,500. Did you give that money to Mr Colacicco to put into the bank account on your behalf?---Again, I, I, I
10 cannot, cannot remember. Again, I cannot remember or recall doing that.

Could you think of a reason why you would do that if you had your own bank accounts?---Well, that's right.

And if the witness could be shown page 39? The entry on 13 April.
---Mmm.

I'll ask you the same question. I suspect you're probably going to give me the same answer that you don't have any memory or recollection of giving
20 Mr Colacicco \$5,000 on or about that date to put into a bank account on your behalf?---No.

No. Again, can I ask you that, I assume you'll give the same answer, that you can't think of any reason why you would have done it on that day?
---No.

No. I also wanted to suggest to you that if you had done it, that would be a matter that you would remember 'cause it would be memorable?---Yes.

30 Yeah. Likewise in relation to the deposit on 1 June, \$5,000, Mr Tsirekas?
---Yes, I don't, I can't - - -

I could ask you the same series of questions and you would give me the same answer. Is that right?---Well - - -

Just let me know if there's an entry that you do recollect doing that and perhaps if the witness could be shown page 46. I'll just draw your attention to the 16 December deposit of \$10,000. It's slightly larger than the other amounts I've taken you to. Is that correct?---Yes.
40

Sensitive

24/03/2022
E17/1221

A. TSIREKAS
(DARAMS)

849PT

And so we're talking 16 December, 2015. Does that assist you with the timing of these things, Mr Tsirekas?---Sorry, the date?

Yeah. 16 December, 2015.---Mmm.

Again I'd ask you the series of questions about whether you gave this money to Mr Colacicco in cash to put into the bank account on your behalf. ---Yeah.

10 The answer would be the same. Is that right?---The same, yes.

So if I would understand your evidence, in relation to each one of these cash deposits you can't think of any reason why you would be giving Mr Colacicco cash amounts to put into a bank account on your behalf. That's correct?---Correct.

You say you don't recollect giving Mr Colacicco each of these individual amounts in cash to put into a bank account on your behalf. That's right? ---That's right.

20

I wanted to suggest to you and you accept that if you had done so, that is, given Mr Colacicco these different amounts of cash to put into a bank account on your behalf it would be a memorable thing because it's not likely that it's happened and you would remember doing that. That's right, you accept that?---I would.

So I wanted to just suggest to you that your evidence would be that these are not amounts of money that you gave to Mr Colacicco to put into the bank account on your behalf.---I can't remember these figures at all.

30

Right.

THE COMMISSIONER: You've been asked about a number of the deposits shown on those bank statements.---Yeah.

Aside from those particular deposits into the account shown has there been any occasion whereby you have given money to Mr Colacicco?---Yes, I have. I've transferred money back to Frank for a loan.

Sensitive

We'll come to that in a moment. Apart from that have you ever given him money either by way of loan or by gift or for any other reason?---Not that I can recall.

MR DARAMS: Now, I just want to go back and ask you some questions about the deposit for the Ashfield unit.---Mmm.

10 Can you recall how you made the deposits? And what I mean by that is did you go and, did you transfer the money from your bank account to another bank account or did you go to the bank and get a cheque for the amount?---I think it was a cheque from the bank.

Right. I think I recall your evidence previously where you said that the deposit was paid in was it two amounts, can you remember?---It might have been three amounts.

Right. And so what were the breakup of those amounts, can you remember?---No. No, I can't remember.

20 Right.

THE COMMISSIONER: Well, did most of it come out of your superannuation or - - -?---Super and the - - -

Sorry?---Super and also the funds from my retirement.

Where were you banking at the time that this deposit was made?
---Drummoyne Commonwealth.

30 Sorry?---Drummoyne Commonwealth Bank.

Drummoyne Commonwealth. All right.

MR DARAMS: Can I ask you this question, did Mr Colacicco pay any of the deposit of the Ashfield unit on your behalf?---I, I did that, I don't think so.

But you would remember.---I would remember that, yeah.

40 Yeah, you would remember if Mr Colacicco paid some of the deposit on your behalf.---Mmm.

Sensitive

Right.

THE COMMISSIONER: Sorry, just to get a bit more detail. The unit you're talking about is a unit at Ashfield. It was a new unit, was it?---Yes.

And do you recall what company or person you were purchasing it from?---I think it was Abacus.

10 Hmm?---Abacus.

Right. And was that unit within a new development?---Yes.

Right. Do you know who the developer was of that unit?---No.

MR DARAMS: Do you remember the law firm that you were dealing with, not your law firm but their law firm?---No.

Does the firm Mills Oakley ring any bells?---Yeah, I don't know.

20

It doesn't - - -?---No.

It doesn't ring any bells. I see. Could the witness be shown page 51 of volume 4A. So we're in the Machonic bank statement for the period 1 January to 31 March, 2016. Do you see that?---Yeah.

I just want to draw your attention to the entry on 29 February. Do you see a withdrawal from the bank account of \$39,750. Do you see that?---Yes.

30 That was made on you'll see 29 February. Do you have any knowledge about what that amount was withdrawn in relation to?---Yeah, I can't remember that amount but, yeah.

Well, this isn't as we understood your evidence - - -

THE COMMISSIONER: This is the same bank account we were talking about before. You appreciate that?---Yeah.

40 And do you have any knowledge about or concerning that withdrawal 39,750 from that account?---I didn't withdraw it but - - -

Sensitive

24/03/2022
E17/1221

A. TSIREKAS
(DARAMS)

852PT

No. You have nothing which indicates what that withdrawal is about. Is that what you're saying?---It'd, it'd appear like it is a deposit.

A deposit.

MR DARAMS: I see.

THE COMMISSIONER: It's a deposit, is it?---(NO AUDIBLE REPLY)

10 So not a withdrawal a deposit, yeah.

MR DARAMS: So when you say it would appear that it's a deposit but a deposit in relation to what?---I don't, it's a deposit into the, sorry, that's a debit. That's a debit. So the money's been taken out. What the Chief Commissioner is asking if you had any knowledge of why that money was taken out of the bank account for?---Commissioner, it looks like the deposit for the unit. That's what it's (not transcribable)

20 THE COMMISSIONER: A deposit for the unit.---It looks like the amount.

MR DARAMS: You know that it's for the deposit for the unit, don't you?
---Well, it looks like it.

No, no.---Yeah.

When you say it looks like it, you know, don't you, that this is part of the deposit for the unit in Ashfield that was purchased in your name, don't you?---Well, it, it is the deposit, I think.

30 Part of the deposit?---Yeah.

Yes. Well, I would like to ask you some questions about that. Can you tell us, under oath, how it came about that these funds were used to pay part of the deposit for the unit in your name?---Frank and, he, this account, it looks like it was getting funds into it to help me get the unit.

When did you know about this?---Oh, when did I know about this?

40 Yeah.---Yeah, I can't recall the date but it would have been in that period when I was purchasing the unit.

Sensitive

24/03/2022
E17/1221

A. TSIREKAS
(DARAMS)

853PT

Yeah. Sorry, we need to be a little bit clearer. When did you have a conversation with Mr Colacicco where he said that he would be putting funds into an account for you to pay part of the deposit of this unit?---It would have been early on in the piece when I was looking at the unit.

Okay. Well, where is Mr Colacicco getting these funds from?---I don't know.

Is he getting them from Mr Chidiac?---I don't know.

10

Did you ask him where he was getting these funds from?---No.

Why not? Did you not want to know the answer?---I don't know, yeah. I don't want to - - -

No, did you not ask him because you didn't want to know the answer?---I, that's probably correct.

Did you have some suspicion where these funds were coming from?---No.

20

Did you ever wonder where these funds were coming from?---No.

Has Mr Colacicco ever told you where these funds were coming from?
---No.

So you're saying to us you have no idea what the source of these funds are?
---No. I've got no recollection of it.

That's slightly different than having - - -?---No. Yeah, I don't know.

30

You don't know. But you knew that funds were being, I think your words, collected on your behalf, is that right?---I, I cannot recall this company opening or where the funds were coming from.

What about the conversation with Mr Colacicco about why he would be collecting, your words, collecting funds for this part of the deposit?---You would have to, you would have to ask him.

40 I'm just asking you about your conversations with Mr Colacicco.---Ah
hmm. I can't recall conversations about where the, the money was coming from.

Sensitive

THE COMMISSIONER: But you accept, as I understand it, correct me if I'm wrong, that Mr Colacicco, through this account, was collecting monies into it?---I accept that.

And that those moneys that came into it, you assume I suppose, provided the funds for the monies that were taken out of it in February '15 of \$39,750. Is that right?---That's right.

10 Money coming in, collecting it over time and then coming out on 21 February, 2015, in the amount of 39,750.---Yes.

And are you suggesting that Mr Colacicco is simply providing you with a convenient vehicle to use his account?---Ah hmm.

Is that the explanation, is it?---Providing me a vehicle?

Yeah.---Yeah.

20 A bank account vehicle.---Well, yeah.

Is that right?---It would appear so, yes.

Yeah. So this payment out of 39,750, I think you've accepted, related to the purchase of the unit insofar as least it represented a part deposit?---Yes.

Can you provide an explanation as to why this somewhat elaborate collection procedure was in place to fund your purchase rather than simply you being the purchaser, withdraw it and pay it to the vendor?---I'm, I'm not very good at this and, and Frank helped me with it. I'm not, I mean, as a business person and doing it through, I opened my own one, so why wouldn't I put it in, into my own account?

Ah hmm. You accept this, on the face of it, this is an unusual arrangement, isn't it?---Yes.

It doesn't involve your account.---No.

40 It involves the account of someone else but it seems to be an account that's containing money, as it were, intended eventually to be paid out for your benefit.---Yes.

Sensitive

Well, can you just provide some explanation as to why this rounded approach, or circular approach if you like, somewhat circular approach, was being adopted?---Well, I can't.

MR DARAMS: Do you also accept, we've been referring to the 39,000 payment, do you also accept, and I can take you to the documents if you want me to, but another \$10,000 was withdrawn from the account and paid to Mills Oakley as part-payment of the deposit? Do you accept that or do
10 you need me to show you that?---Another 10,000?

Another 10,000.

THE COMMISSIONER: You should show it to the witness, I think.

MR DARAMS: Sure, I will.---Yeah.

So could the witness be shown page 46? I'll just draw your attention to the entry on 23 December. See that?---Yes.
20

Someone's gone into the Drummoyne branch and they've withdrawn \$10,015. Do you see that?---Yes.

Could the witness be shown page 50, please? Can we just, my terminology, blow it up or zoom in on the bank cheque? So you see that, is that a little bit too much? So page 50. Zoom in on the bank cheque. Do you see the date of 23 December?---Yes.

It's a little bit faint but you can see Mills Oakley Lawyers. Do you see
30 that?---Yes.

Do you see the amount of \$10,000?---Yeah, yes.

Yes. So, similar to the \$39,000-odd there's another amount of 10,000 that's been withdrawn, a bank cheque obtained on the same date payable to Mills Oakley Lawyers.---Yes.

Yeah.

40 THE COMMISSIONER: I take it that Mills Oakley Lawyers are known to you?---No.

Sensitive

Sorry?---No.

Were they acting for you?---No.

In relation to either the purchase of the unit or otherwise?---No.

No. Never heard of them, have you, or - - -?---No.

10 Never heard of them.---I, they're not lawyers that I know.

MR DARAMS: Did you have any understanding as to whether they were lawyers for the vendor of the unit?---I don't know. My lawyer was a, a local lawyer.

Is that Mr Mercuri?---Mr Mercuri, yeah.

Yeah. Well, could I, perhaps the witness could be shown volume 4D - - -

20 THE COMMISSIONER: Sorry? Volume?

MR DARAMS: 4D, page 319. So can I just first zoom in into the bank cheque and get some details from there. So you'll see the date, it's a little bit - - -?---Yeah.

You'll see it's 29 February.---Yeah.

It's the \$39,000 one.---Mmm.

30 Mills Oakley. If we can just zoom out a little bit and then just scroll down so we can see the top of the page. So on its face, it's a trust receipt advice from Mills Oakley.---Yeah.

Can I just ask you to look at the details that appear in the body of that page, in particular, I'd ask you to focus on matter description.---The, the unit.

The apartment.---Yeah.

40 That number there, does that, again I'll use the term, ring any bells to you? That seems to be the apartment you had purchased, isn't it?---That's right.

Sensitive

And then if we see in the trust details “received from Angelo Tsirekas”.
---Mmm.

Could I ask you this. Do you actually now remember being given this bank cheque by Mr Colacicco to do something with?---No, I can’t remember.

You can’t remember. Is it possible that Mr Colacicco gave it to you then you gave it to Mr Mercuri to attend to or is it possible that he gave it to you and then you attended somehow Mills Oakley and gave it to them?---It
10 could be possible that I, I got it from Frank and then it was taken in to the, the lawyers, yeah.

You just don’t have any recollection now at all?---No.

Just for completeness, could the witness be shown page 326 of volume 4D?

THE COMMISSIONER: So it’s volume 14, one four, is it?

MR DARAMS: Sorry. 4D.
20

THE COMMISSIONER: E? Thank you.

MR DARAMS: D, D for dog. Volume 4D, page 326. Just if we note, again it’s a trust receipt advice from Mills Oakley, the date 24 December, 2015.---Yes.

We see the similar matter description in relation to the unit - - -?---Yeah, yeah.

30 - - - you had, when I say “purchased”, you’d exchanged contracts on?---Yes.

Again, it seems to be received from you, although misspelled, I see. Then can we just zoom in on the cheque details? So the date first.---Yes.

This is the 23 December bank cheque and \$10,000?---Yes.

Yeah.

THE COMMISSIONER: So you’ve been shown the transaction - - -?
40 ---Yes.

Sensitive

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(DARAMS)

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- - - banking records.---Yes.

So it's plain there was a transfer by way of bank cheques - - -?---Yes, yes.

- - - two amounts, 39,750, 10,000, both bank cheques to Oakley lawyers and it seems that you accept, do you, that the total amount of those moneys went towards the purchase - - -?---Yes.

10 - - - of the Ashfield unit being sent, it seems, to the lawyers then acting for the vendor?---Yes.

Yes. All right.

MR DARAMS: Now, it's the case, isn't it, Mr Tsirekas, that you ultimately arranged for the rescission of the contract for the purchase of the unit?
---That's right.

20 You did that, that is the rescission, you did that on the advice of or part-advice of Mr Colacicco?---Sorry? When you say "rescission"?

Yeah. Mr Colacicco told you that you should arrange to have the contract rescinded so that you would get back the stamp duty. Remember having that conversation with him?---Well, the real reason was is that I couldn't afford to purchase the unit.

I accept the reason why you didn't proceed with it.---Yeah.

30 But in terms of how you got out of the transaction, you unwound the transaction for want of a better description, Mr Colacicco told you that you needed to have the contract rescinded so you could get the stamp duty?
---No.

You don't remember that?---No.

Did you have any conversation with Mr Colacicco about this contract?
---Had conversations with my lawyer and basically was told this is the only way that you can get out of the sale 'cause you can't afford it, is to try to rescind it or, but didn't - - -

40 THE COMMISSIONER: Can I ask you, at the time you decided to buy the Ashfield unit, what was the condition of your financial position at that

Sensitive

time?---It was not the best. I was waiting for a divorce settlement on property and that took longer than what I expected, so just getting by on - - -

So did you have any other real estate apart from the house that was the subject of matrimonial proceedings?---No.

And in terms of assets of different kinds, whether they be equities, shares and the like - - -?---Perpetual trusts, I think I had two.

- 10 So, well, what was the value of your assets, leaving aside for one moment the property the subject of the matrimonial proceedings?---I didn't, I didn't have an assets portfolio.

And as of the date of purchasing the unit in Ashfield, what was your indebtedness? Did you have any debts owing?---Debts then?

And if so, approximately what sort of amount are we talking about?---I can't think of any debts that I would have.

- 20 Was the house subject of the matrimonial proceedings subject to a mortgage?---No.

All right. And so far as income is concerned, at the time you bought this unit, what was your position in that respect?---Probably was still working at Canterbury but then I resigned, mayor, and probably a board position on local government but I, that was not until I got back on council, so basically the mayor's, mayor's income and - - -

- 30 What was that as at, well, you were mayor, were you, when you were interested in this Ashfield unit?---I think so, yes. Yeah.

What sort of annual income did you earn as mayor?---Well, I think around, around seventy or 80,000 plus car, about, with car.

Right. Thank you. Yes, Mr Darams.

MR DARAMS: Perhaps the witness might be shown volume 6.5, page 258? I just want to, some text messages, Mr Tsirekas, between yourself and Mr Colacicco.---Mmm.

40

Sensitive

So the blue balloons are text messages from Mr Colacicco, the green is your response.---Yep.

And I want to draw your attention to the second blue balloon.---Can you just blow that up a bit? Okay, thank you.

Now, just firstly, next to the number it says Frank Colacicco. Do you recognise that as his number?---Yes, yes, yes.

10 Yep.---Yes.

So does this assist you now with the question I asked you before? You had some - - -?---Well, I was getting advice from people that know about this business. But he wasn't involved in it rescinding or - - -

No. No, but you got Mr Colacicco's advice in relation to the circumstances of the rescission of the contract and why it was important, that's right?
---Yes.

20 Is it the case that the contract was ultimately rescinded?---Ah hmm.

That's right. It's also the case that the entire deposit, including the 49,000-odd that came from the Machonic bank account, that was returned to you into one of your personal bank accounts.---Yes, yes.

You never thereafter repaid or transferred back to, well back to Machonic or Mr Colacicco, the half-deposit?---Yeah.

30 Did you ever have a conversation with Mr Colacicco around the time of the rescission of the contract in relation to the return of the deposit, about whether you would have to return any amount?---I, I can't recall. I, I could have but I can't recall.

Can I just ask you this, were you under any understanding in December 2015 and early 2016 that whatever happened in relation to the unit that you would owe any money to anyone in relation to the, I'll call it the part-payment of the deposit that came from the Machonic bank account or did you understand that that was yours free of any obligation?---Well - - -

Sensitive

And when I say obligation, to repay.---Yeah, repay. Yeah. I can't recollect the conversation but the reference was that I should have, money should have gone back but it never did, no. There was no - - -

THE COMMISSIONER: Money should have gone back to?---There was no conversation about it.

Sorry. What are you saying, that money should have gone back to?---Well, owing, owing Frank Colacicco that amount.

10

And you didn't, is that what you're saying?---Pay him back.

MR DARAMS: Sorry, I need to understand this. Do you say that you had a conversation with Mr Colacicco that money would have to go back to him? ---I can't recall the exact conversation.

Right.---I can't recall.

What about the effect of the conversation?---Sorry, the - - -

20

What about effect of the conversation?---The effect of the conversation.

Yeah. You said you can't remember the exact conversation.---The conversation, yeah.

Well, I'm asking you, what was the gist of the conversation or the effect of the conversation, whether you can remember, putting aside whether you can remember the exact conversation?---He would have, knowing Frank, he would have suggested I, you know, that the money goes back. I don't, I never did it.

30

THE COMMISSIONER: Mr - - -?---I can't, look, I can't recall the conversation and it, and it didn't transpire.

- - - Tsirekas, I just remind you, you are giving evidence on oath. You understand that?---Yeah.

And to give false evidence can constitute a criminal offence.---Yes. I understand.

40

So I just want to be checking what you're saying here.---Sure, thank you.

Sensitive

Are you saying that was the effect of the conversation or are you saying that you think it might have been something along those lines but you're not sure. What do you say?---Yeah. It, it might be but I'm not sure.

MR DARAMS: Well, can I just explore that a little bit? Because on one, if you've had a conversation with Mr Colacicco about repaying, if I can use that terminology, part of the deposit, that suggests that you owe him this amount of money now that it has been refunded to you, correct?---Correct.

10

Right. So, presumably, when we go back to the beginning of the transaction, at that stage you intended to complete the transaction and purchase the unit, complete the purchase?---Yeah. At the beginning of the - -

Yeah.---I wanted to complete it.

Yeah. So going back then, what conversation did you have with Mr Colacicco about the part-payment of the deposit? What was the nature of that transaction? Was it a loan from Mr Colacicco, was it a gift from Mr Colacicco, was it your money?---No, it's not a gift. No. He was helping me out, trying to get me on my feet and supported me with, with the funds.

20

But did you understand that Mr Colacicco or others who he had collected it from would have any claim over the property that you would purchase with those funds?---I don't, claim over the property? As in part-ownership?

30

Yeah. So they contributed to at least part of the cost to purchase it. Did they have any, did you understand that they would have any part-ownership in the property?---Well, it wasn't, wasn't discussed.

But what was your understanding?---Well, we were so far from purchasing that it, it didn't, it didn't materialise. We couldn't, I couldn't go through with the purchase, I couldn't afford it, so any discussions like that would have - - -

40

Yeah. But presumably at the time that you proceed – sorry. Presumably at the time in 2015/2016 where you're paying part of the deposit, at that stage, in your mind you must have been able to at least proceed with the purchase because why would you go through with it in the instance? ---Well, I, I was hoping to go through with it but - - -

Sensitive

Sure.---I, and I can't recall conversations about part-ownership or, you know, people other than me living in there, except for my daughters.

So it's possible that, your understanding was that it was just - - -?---It, it, there may have been discussions about, you know, how, if I was going to, you know, have my daughters living there for a little while or, or, you know, living there myself or, I might use it as a rental property or – so it was not, it was a moving item where, when it came to a head I couldn't proceed.

10

Did you ever understand that you had – sorry. Did you ever understand any obligation on your part came attached to the part-payment? Like, what would you have to do in return for this part-payment?---If, you know, if, the conversations around that didn't go any further because we didn't proceed. If things were to materialise, then those discussions or what and how that unit would operate would have gone further, but it, it didn't even get to that stage because I couldn't get the settlement done, I couldn't find the funds, so it all went - - -

20 Yeah. Sorry, I might have confused you. What I was talking about was the part-payment of the deposit. Did you understand that you had any obligation in respect of that amount of money when it was withdrawn from the bank account and to - - -?---Look, the obligation, I mean if they would have, discussions would have continued of course there would have been some arrangement.

Now, just, I understand this, you said Mr Colacicco was assisting you out to get you back on your feet.---Mmm.

30 Do you say that he did this simply out of the goodness of his heart because he was your friend?---Oh, he's a, he's a good friend.

Yeah. My question is - - -?---Well, he's a good friend. Whether it's, you know, I think he'd do those sort of things.

Right. So did you understand that he was effectively gifting you \$49,000, \$50,000?---He supported me with the deposit, yes.

40 Why didn't you ever disclose this transaction particularly when you made amended disclosures?---Yeah. Oh, look - - -

Sensitive

THE COMMISSIONER: Sorry, I can't hear you.---It's - - -

MR DARAMS: Sorry. Why didn't you disclose this transaction in your council disclosures - - -?---Yeah.

- - - particularly when you also disclosed the loan of \$21,000 from Mr Colacicco to you?---Yeah. It's my error and again it should have, should have been there but it wasn't. It's my error and, and lack of judgement.

10

So at this time in December 2015 or February 2016, that period of time, we've got Mr Colacicco on one interpretation loaning you almost \$50,000. On another interpretation just collecting money and giving it to you. Two interpretations.---Sure.

Do you accept that, you accept then that that transaction should have been disclosed in your council disclosures?---Yes.

20 Now, that nature of that transaction I think you've accepted this but I put this question to you. That suggests that there's quite a close, strong friendship between you and Mr Colacicco at this time.---We're good friends.

Yeah, but I've got good friends and no one's done that. I suggest to you that – well, I'll come back, sorry, I'll withdraw that. I'll come back another way. How many of your other good friends have done what Mr Colacicco did? None?---No.

30 I asked you before whether you had any closer friends than Mr Colacicco but it seems that Mr Colacicco has gone one step further in this respect.---He is a close friend and I agree with what you're saying.

In answer to one of the Chief Commissioner's questions previously, you spoke about attending Mr Colacicco's office and talking about business matters. Is that right?---Yeah. General discussion about everything including it may come up as business things but I can't recall each conversation.

40 No, I'm not – yeah. But you do recall prior to 2016 where you in conversations with Mr Colacicco spoke about his business.---Yes.

Sensitive

About what he was doing in terms of his real estate agency and the like.
---Yes. Yes.

So it was common for you to talk about those matters with him.---Oh, not,
not common but it was raised.

But you did, yeah. See, you knew that Mr Colacicco was one of the parties
who was associated or behind the purchase of the council property at 231
Victoria Road, the car park, don't you?---No.

10

Right. So what I'm saying to you today that Mr Colacicco was a third
partner in the companies that purchased the council car park - - -?---Yeah.

- - - this is news to you?---Yes.

Does this surprise you at all?---Well, it may have been a reason for him not
to tell me but no, I didn't know.

20 Right. So sitting here today is the very first time that you've been told
about - - -?---Yes.

Right. Despite this close relationship, strong, close relationship with
Mr Colacicco where you to this period of time have spoken about business
matters, and when I say this period of time I'm talking March 2016.---Yeah.

Never once in that conversation said, "Hey, look, I'm buying the council car
park"?---That's right.

30 Right.

THE COMMISSIONER: Mr Tsirekas, tell me about this car park. Where
was it?---Victoria Road.

Owned by the?---The council. It was - - -

The council - - -?---Yeah. Excess land that - - -

The council that we're talking about?---Yes.

40 Yes. Had it been on the market for some time?---No. My recollection is
that the person who was interested, and I don't know whose name or the

Sensitive

person, was going to put forward a proposal for the site because he had purchased sites along there and came to council to put a proposal to purchase the site to amalgamate the site.

And the council land in question here was just simply an open space car park?---It's Ashfield car park, yes.

And were you party as councillor to the decision ultimately reached by council to put it on the market to sell?---Yes.

10

And what price was put on it do you recall for a sale?---What price?

Yeah.---No.

Well, council presumably had some valuation done.---Yes. In the valuation it was depending on how the site was going to be merged or used but my best recollection is around \$2 million, 2.1 or something.

It was obviously, would you say, potentially a prime redevelopment site?

20

---Depending on how you would read it. If it was merged with other properties, yes. If it wasn't lesser value on it. It's very small.

And was there some offers and counteroffers put before a sale price was eventually reached?---I, I think there was but I wasn't privy to that.

Anything to do with contractual sale of land is, is dealt with the general manager and with the officer (not transcribable) sale and they would process the application as they would normally do when they're offloading land.

And when was it eventually sold? Do you recall - - -?---No, I don't.

30

- - - approximately or not?---No, I don't.

And how did you come to know it was sold?---How did I know when it was sold? That's a good question. I didn't know when it was sold.

Well, eventually it became public knowledge I suppose that the property had been sold off by council.---Yeah.

Well, when did you first hear about it?---I can't give you a date when I, I knew that the land was sold. I knew there, there was negotiations - - -

40

Sensitive

Right.--- - - - taking place to settle the contract sale but that's as far as, I wouldn't know when it was sold.

Do you say that you had no knowledge of what the negotiations over the sale were?---No, but there was a holdup for some reason with the DA and, and sale of the land but apart from that I didn't get involved.

Was it sold with the DA approval?---I think it was part, part of a DA that started to go through I think. It was conditional I think.

10

But you were not involved in the negotiations at all?---No.

And you weren't aware of what was happening in the negotiations?---No.

And eventually did you come to learn who the purchaser was?---No. No.

Have you ever?---No, I don't know. I don't know who it is.

20 So is the position that if it was, well, presuming it was bought by a corporate entity if that be right, did you know who was behind the purchasing company?---No, I don't.

Or who had an interest in the purchasing company?---No, I don't.

Right. Thank you.

MR DARAMS: So just following on from the Chief Commissioner's questions about that, do you mean to say sitting here today you don't know the individuals who were behind the purchasing companies?---No, I don't.

30

And no idea at all?---No idea.

So if I told you that, when I said to you Mr Colacicco was partly behind it, that was a surprise to you?---It was.

Shocking?---Not shocking but a surprise. I know that he was wanting to get involved as a real estate and get the contract for sale of units but apart from that, I, you know, I didn't know that - - -

40 Sorry? He was wanting to get the contract for sale of units?---He's a real estate agent, that's, that's - - -

Sensitive

THE COMMISSIONER: But you say you had no inkling at all - - -?---No.

- - - no knowledge at all that he had a potential interest in - - -?---No.

- - - he, alone or with others, had a potential interest - - -?---No, I didn't.

- - - in purchasing that property?---No.

10 MR DARAMS: What about [REDACTED] ?---[REDACTED] ?

Yeah.---Yes.

How do you know [REDACTED] ?---I've known him, him for a while - - -

THE COMMISSIONER: How long?---10 years.

10 years, did you say?---Around 10 years or - - -

20 In what context have you been associated with him?---Well, he's, knows a lot of people that I know and we'd catch up for a coffee. I'm, you know, I know that, I think he had a company in Mortlake but I don't know if they're there still. But, I've, yeah, I've known [REDACTED] for a little while.

What has been his line of business?---His business?

Pardon?---His, [REDACTED] 's business?

Yes.---I think he's an investor or a, a property person, as well.

30

"Property person" meaning what?---Well, I don't know if he finances things or does development deals? I don't know if he's a builder or developer as such, but that's as much as I know.

Well, you know he is or has been a property developer. Is that what you're saying?---I don't know what he's built, but he, he calls himself that. I don't, I don't, I don't know whether you call him a financier or property speculator or a developer?

40 You've known him for about 10 years I think you said?---Yeah, could be a bit more but, could be - - -

Sensitive

And are you saying that you are uncertain as to whether you know he has been a property developer or do you, in fact, know that he has been a property developer?---I think he was involved in a property development at Leichhardt a long time ago but outside that, I don't know what he's been involved with.

Thank you.

10 MR DARAMS: Now, so what about, I take it then if I suggest to you Mr John Bartolotta, does that name - - -

THE COMMISSIONER: Sorry? I'm just having a bit of trouble with the microphone. It's not picking it up so well.

MR DARAMS: John Bartolotta. You ever heard of that name?---Heard of it but, don't - - -

I take it then, given that you say you don't know any of the persons who
20 were behind or associated with the purchase of 231 Victoria Road - - -?
---No, I don't know.

- - - you wouldn't have any idea or understanding Mr Bartolotta- - -?---Not, not to my best recollection, John Bartolotta.

Yeah. Okay.---He may have sent me an email about the contract if he's part of the, 'cause I do recall a - - -

30 So Mr Bartolotta, do you know what he looks like?---(NO AUDIBLE REPLY)

You're shaking your head.---No, I don't know what he look - - -

Do you remember when you met him on Lipari Island in Italy?---No.

You don't remember that?---John Bartolotta?

Yeah, Bartolotta.---Could you show me his face and then I might? I met a
40 lot of people on Lipari.

Sensitive

Yeah, but Mr Bartolotta isn't one of them?---Well, he, he may have been, but I met a lot of people on the island.

Okay. Can I ask that the witness be shown volume 6.5, page 222? Again, these are text messages between you and Mr Colacicco.---Yeah. Can you
- - -

And, again, the blue balloons are Mr Colacicco's - - -?---Yeah.

10 - - - messages to you and your responses in green. Perhaps if we could zoom in on the first blue balloon? So this is a message from Mr Colacicco to you in February 2018.---Yeah. Can we scroll down there?

No. I'd just like you to focus - - -?---Okay. Yeah.

- - - on the first balloon. Read that to yourself.---Yeah.

So we'll just ask you on the first sentence, what's the letter for [REDACTED]
[REDACTED]?---I don't know.

20

But is this just, it seems to be Mr Colacicco's inquiring about something related to council.---It must be, yeah.

Is that what he commonly did with you?---Look, he, he would send through things or telephone me about things.

Yeah, but did he do this commonly with you in your relationship with him? ---Well, when, not, it's not overly commonly, like, regularly, no.

30 Well, when you say "regularly" what do you mean is regularly?---Well, it might be months between things or - - -

THE COMMISSIONER: But this time, that is 28 February, 2018 - - -?
---Yeah.

- - - who was the general manager?---Could, hang on, 28th of the 2nd, 2018, could have been Peter Gainsford, Peter Gainsford - - -

40 You think it would have been him at that time?---Well, I don't know if he started then, new GM, well, it would have - - -

Sensitive

Well, who was his predecessor?--- - - - it would have to be.

It would have to be him?---Peter Gainsford, yeah.

And who's John Onslow or what was he at that time of the email?

---John, he's, he's a director of, of technical, director of council.

Director of what?---He's, Technical Services.

10 Technical Services?---Yeah.

What does that embrace, Technical Services?---Sorry? What?

What does it embrace, Technical Services?---Outside, outside staff.

Outside staff? What's that mean?---Well, your, your garden staff, your, your garbage, your roads, footpaths, things like that.

20 So this is an email concerning a meeting for John Bartolotta to meet with the new general manager and John Onslow regarding 231 Victoria Road, Drummoyne, car park?---Yeah.

What was the meeting being requested for, for what purpose to meet these gentlemen?---I, I, I don't know. I presume open up discussions to see if council were willing to proceed with a dialogue about the sale of the car park.

Sorry? To proceed with?---If council were interested to go into dialogue about the future use of the car park.

30

The future use of the car park?---Yeah.

What do you mean by the future use of the car park?---Well, where the council would, considers selling it or keeping it.

Well, what was it - - -?---I presume.

You presume then, do you, that it wasn't on the market at this stage, 28 February, 2018?---Well, I don't know, I can't recall.

40

Sensitive

You don't know. Well, I'm just trying to work off your explanation as to why this meeting was being called or sought.---Yeah, yeah.

You mentioned something about the use of the carpark.---Yeah. It was derelict, it was excess council land that was always going to be considered to sell. It wasn't the first time that this was, you know, we always had this as land that may have eventually been sold to someone that would negotiate an appropriate price to sell.

10 So do you consider, having seen the text, thought about it, that this was seeking a meeting over a possible sale or purchase of 231 Victoria Road?
---Yes.

MR DARAMS: Do you recall any conversation with Mr Colacicco about arranging a meeting for Mr Bartolotta?---I can't recall. Again, if he did ask, I, I, you know, I would try to assist like anyone else to, you know, to bite an opportunity, to go through the, the channels.

20 The reference to Onslow, could that be Mr Osland?---Osland.

Osland, yeah. So Mr Colacicco's got that wrong but you understood that to be Osland?---Yes.

And are you saying that when you received this text message, you had no idea that Mr Bartolotta was in any way associated with the companies that purchased 231 Victoria Road?---No, no.

30 Well, why do you think that Mr Bartolotta was wanting a meeting regarding 231 Victoria Road?---I can't answer that.

THE COMMISSIONER: I thought you said you thought that the request for the meeting had everything to do with purchasing it.---Yes, but, yes, you're right, but I, I don't know whether he was going to say – look, you know, I can't predict what they were going to talk to them about.

No, of course not.---About what was at the meeting.

40 Well, of course you wouldn't be able to predict it unless you had been told what they were going to say.---Yeah. No way.

Sensitive

But it appears to me plain that they were seeking, this meeting was sought to be held with no lesser than the general manager, as it indicates, presumably as a meeting of some significance.---Organise a meeting, yes.

Right?---Yes.

Yeah. And then also the added significance was that the meeting was somehow related to 231 Victoria Road.---Yes.

10 Probable sale/purchase, right?---Yes.

Right. So it's not an everyday sort of meeting, this is a, a fairly significant meeting because it involves the potential sale of a capital asset belonging to the council, is that right?---Yes, yes.

Okay. So - - -?---And – sorry.

So, what we have here, we know, that the person who's obviously seeking the meeting is a John Bartolotta.---Bartolotta, yes.

20

And coincidentally or not, the person who's seeking to set up the meeting is your friend, Mr Colacicco.---Yes.

So, you would have put one and one together, I suppose, and said, well, Bartolotta is either a mate or a business associate of my friend, Mr Colacicco. Is that right?---You're presuming that I know that they're business partners. I didn't know.

30

But you would infer that Mr Colacicco is trying to assist Mr Bartolotta - - - ?---Yeah, well, I agree with that.

He had a meeting with a senior officer of the council about the possible purchase or sale of the property.---Yes, yes. Yeah, yes.

Right.---But I didn't know their relationship.

Well, you know that somehow Mr - - -?---Were friends.

40

That they were related with one another. Bartolotta, sorry - - -?---Bartolotta.

Sensitive

And Colacicco were in some way either friends or associates or acquaintances.---Acquaintances, yes.

MR DARAMS: And you knew this at the time of this text message?---No.

You didn't. So then just, I asked a question before then, does that suggest that this type of text message from Mr Colacicco, can you do this, can you make this organisation, does that suggest that this was a regular occurrence between you and Mr Colacicco?---Not a regular occurrence. As I said
10 before, it, it, it, it may happen for a little short while on, on an issue or it could be any issue, and then there would be a big break, like months.

Because of your friendship with Mr Colacicco, did you therefore do the things for him, in particular what he's asking you here, did you go ahead and do those things, did you go and arrange a meeting and did you go and find out at that level?---Oh, I would either ring up the general manager's PA or my PA and say, "Look, this person wants to have a meeting. Can you arrange the meeting?"

20 Did you feel that you were somehow obligated to Mr Colacicco to do it because of all of the - - -?---No.

No?---No. I'd do it with anybody.

THE COMMISSIONER: But it was open to Mr Colacicco, wasn't it, to simply pick up the phone, ring the general manager and say who he was and say, "Look, I've got a prospective buyer or person who's interested in the sale," purchase I should say, "of this property. Can you arrange a meeting?" He could just ring in direct, couldn't he?---I understand what you're saying, yes, and I, and I - - -
30

Well, why would he be – it seems that Mr Colacicco was somehow employing your services to facilitate this meeting. That's the way it looks to me. Is that right?---The, the, the mayor is not a service, the mayor is there to provide support and help to the community. Whether it's Frank or anyone else, I wouldn't call it a service. It's a duty of the mayor to, to assist. Whether it was Frank or, you know, if, even if John Bartolotta rang me and said "I want to have a meeting," you know, it's a new GM, maybe they don't know the new GM, but I would have done the same thing, sent it
40 through to the GM's PA, organise a meeting. I wouldn't organise a meeting for them.

Sensitive

Was Mr Colacicco well known to councillors and members of staff at the council at this time?---Well - - -

Was he a local identity?---He, no, he, no, he, yeah - - -

A real estate agent.---He, he, he's a real estate agent. Yeah.

10 Yes. Well why, I'm just trying to understand if there's a reason why Mr Colacicco, who is an established businessman, who would have been well known to council, wouldn't simply just ring up the - - -?---Well, I think this, this - - -

20 I'll just finish – the general manager and say “Look, I've got a person here who's interested in buying, possibly buying this property. Can you see him?” Why would he need to go via you?---I think this is, there's a new general manager, so he doesn't have a, a relationship with the general manager to ring him, so he wanted me to organise a meeting. Again, I would do that for anybody. It's not just Frank that asks for that.

But you're not acting as a personal assistant or as a messenger person.---No. I don't, I, no, I understand what you're saying - - -

30 So I'm just understanding, why would he ring you to arrange a meeting with the general manager when Mr Colacicco is big and brave enough and well known to be able to pick up a phone and ring the general manager and say, “I might have an interested party here”? Why were you involved?---I can't answer that because, again, the request to help and I did that. I wouldn't ring up myself and say “Look, you know, make sure you have a meeting.” It would be like, they would have to arrange it internally. I don't arrange meetings.

No, that's what I'm trying to work out.---I, I don't arrange meetings. I - - -

Presumably Mr Colacicco and the general manager are big boys who can look after themselves and arrange meetings.---Sure.

40 Why were you involved?---He wanted my assistance to try to get a meeting, and by that I would try to assist by getting the people that organise meetings, like the PAs, to go for the meeting and arrange a meeting.

Sensitive

Yes.

MR DARAMS: Thank you, Chief Commissioner. Then could perhaps the witness be shown volume 6.5, page 274?

THE COMMISSIONER: Page?

MR DARAMS: 274. And I just want to draw your attention to the green balloon second from the bottom. Now, the text message that you sent to Mr Colacicco – how many [REDACTED] do you know?---In Five Dock, there's a few.

How many do you know?---Well, this must be the [REDACTED] that we're referring to.

Well, why - - -

THE COMMISSIONER: I'm sorry? I didn't hear what you said.---Okay. So you're referring to the second-last email where it says "What is [REDACTED] name?"

[REDACTED] you think would be a reference to?---Probably [REDACTED].

To?---[REDACTED].

MR DARAMS: [REDACTED]?---No, I, no, because the next one up there is Marc, which is [REDACTED] name.

Yes. So what I was asking you is how many [REDACTED] do you know.---Yeah. Right.

And how many do you know? Well, which [REDACTED] are you asking Mr Colacicco about?---Probably [REDACTED].

Yeah, [REDACTED].---Yeah.

Let's go with [REDACTED].---Mmm.

Why are you asking him about [REDACTED]?---I can't, yeah, I can't recall why I asked for his name. It is four years ago. I wouldn't have a - - -

40

Sensitive

Could I suggest to you it's because there might be some correspondence or documents with, involving the sale of 231 with Marc's name on it?---Which property?

231, the car park.---Yeah, I would have no knowledge about that.

Okay. Well, then, can you assist us any further why you're asking Mr Colacicco about [REDACTED] his name?---No. All I can say to you is definitely got nothing to do with Victoria Road 'cause I wouldn't have
10 known, if that's what you're getting at, no.

No, but my question is why?---Okay. It's four years ago. I can't recall why.

Now, I want to ask you about Frank Bruzzano.---Mmm.

Now, tell me how you know Mr Bruzzano and when you met him? Explain the nature of your relationship with him?---Probably known Frank, less than
20 10 years.

Sorry? Less than 10 years?---Yeah, I'd say so. He's a local accountant. His office is [REDACTED]. He's developed a site on [REDACTED]
- - -

THE COMMISSIONER: Which site is that?---I don't know the number, sorry.

MR DARAMS: So you knew him to be the property developer?---Of [REDACTED], yes.
30

Does [REDACTED] ring a bell?---Well, that's the, must be that one, yes.

When you say "must be that one" why do you say that?---Well, I don't know the numbers off the top of my head.

Right. I see. So let's just go back to how you came to know or meet Mr Bruzzano.---How I got to - - -

How you came to meet him.---May have, maybe the local coffee shop or
40 when he came and presented to council on his proposal. [REDACTED]. I bump into him on the street occasionally.

Sensitive

So I think when I asked you before how long you've known him, you said about 10 years.---Mmm.

So we're talking 2011, around that time?---Could be shorter than that. I'm not 100 per cent sure. But it's no more than, my best recollection, less than, no more than 10, probably less.

10 Has Mr Bruzzano done anything on your behalf before?---He, he, he assisted me with some paperwork for my election.

Which election was that?---2017.

Right. What was that paperwork?---It was my, I had to put together my election, donations and expenditure. And he just put the documents together and I had to take them to an auditor to audit.

Is this in relation to when you were returning to council, is that right?
---Yes.

20

Right. How did that come about, that relationship?---Did you have a conversation with him and say, "I need this assistance," or did someone - - -?---No, I, I would have - - -

- - - Mr Chidiac bring Mr Bruzzano in?---No, I would have got, I would have probably said, "Look, I need someone just to have a quick look, put them together in some sort of filing." I'm terrible with paperwork. And he got one staff person to quickly look at it for me so I could take it to the auditor.

30

So I understand that you might not be good with paperwork, but I'm trying to understand how Mr Bruzzano gets involved in the 2017 election. Is this the council election for your return?---Yeah, yeah.

How does he get involved in that? How does this conversation unfold?
---Look, I can't recall the conversation. I mean, he's an, he's an accountant that can give me some advice on how to put these things together, so they can make sense.

40 But you had an accountant at this time, didn't you – Mr Christie?---Yes, Mr Christie's in Pymont. It's a bit hard when you've got someone [REDACTED].

Sensitive

It's just accessibility. And it wasn't a detailed thing. It was just putting together paperwork in the right order so it could go to the auditor.

The paperwork was in relation to what?---The, the, the expenditure and income from an election, the paperwork you've got to put in to the Electoral Commission.

Right. So tell me about what are the type of interactions you had with Mr Bruzzano before 2017? Would you catch up with him for a coffee? Would
10 you go out and have a - - -?---Look - - -

- - - sandwich with him or dinner?---Yeah, sandwich or a lunch with him. [REDACTED]
[REDACTED]. We'd see each other, so we, yes. We'd socialise on, on occasions.

Yeah. And when you say "on occasions", what are we talking?---I don't know.

Once a month? Once a week?---Yeah, no, it would be very sparse, you, you
20 know, once a month, there may an occasion where we see each other once every week but we do see each other because [REDACTED]
[REDACTED] and, and so we, you know, socialise.

Yeah. So just in terms of the socialisation, so - - -?---Mmm.

- - - coffee or coffee or tea or whatever other - - -?---Yeah, coffee or lunch, yeah.

Yeah. So lunch. Dinners with him?---I can't recall dinners with him, no.
30 Lunch more than, my, yeah, can't recall was he ever at dinner? More, more lunch than, than I can recall, I can't recall.

Would these lunches be just you and he or would there be other persons involved in these lunches?---Yes, I mean, on occasions, you know, Pierre and Joseph or, or Chidiac on occasions.

Right. So just Pierre and Joseph Jacob?---Yes.

So how many occasions did you have lunch with Mr Bruzzano and those
40 two fellows?---Oh, not, it's not that many, not that many. I mean, [REDACTED]
[REDACTED] and I see them and socialise when I'd see them. I, you know, if we

Sensitive

were to go out, it'd be nothing really organised. It'd be spur of the moment thing if I see them on the street or we'd go out to lunch. On occasions they'd, you know, have coffee or go to lunch, have a pizza or something. So it'd be, you know, on occasions, not - - -

And this on occasions in the time period, we're talking, what, 2011, 2012, 2013?---Well, I didn't move into the units till I thought '14 or '15, so - - -

So from when you moved in, 2014?---'14 or something, yeah.

10

Right.---So from then on.

So just focus on the lunches with the Jacobs.---Mmm.

Sorry, yeah, the Jacobs and Mr Bruzzano. What was the purpose of these lunches? Did you talk about business, did you talk about rugby league or soccer or Australian rules football?---We'd talk about everything like that, right. It was more social. Of course if his building application was being dealt with, he'd want to raise that with me, of course. But again - - -

20

What sort of things was he raising in relation to his building application?| ---Oh, well, why was it taking so long, you know, staff aren't doing their job, can you help, can you do this, can you help try to get the officers to move it along. Normal stuff that people would get frustrated with.

Sorry, what was that, "not normal stuff"?---Normal stuff.

Normal, right. And when he asked you to do these things, move it along, what did you do, did you do it?---Again, I can't force staff to do anything, but I'd refer it to the director and say, "Look, I've just had a complaint. Can you see what's happening?" I mean, I get DA complaints every day.

30

So that came from Mr Bruzzano. Did in these conversations with Mr Bruzzano and the Jacobs, did either one of them ask you about developments and moving things along?---Yeah.

Which - - -?---They were involved in East Rhodes Precinct at some level. I didn't know what level. But again that precinct was being handled by the State Government in 2017. What I recall is the master plan came out. We, as a council, put in submissions. Owners in that area put submissions in. I would say all the developers would put submissions in for the government

40

Sensitive

to review the master plan. But outside that I, I, I can't help with the east precinct of Rhodes at all 'cause it's under, under State Government Gateway.

So just so I understand, so when you were meeting with Mr Bruzzano and the Jacobs brothers that they would raise issues about the East Rhodes development?---Mmm.

10 That didn't have anything to do with Mr Bruzzano's development?---No.

No.---Not that I'm, not that I'm aware of.

What did you understand the relationship between the Jacobs brothers and Mr Bruzzano?---All, all I know is they, they are friends to a level. I don't know what business level because I don't know what they're involved with. I don't know the, the closeness of the relationship.

20 Well, what do you understand about – do you have any understanding about their involvement in Mr Bruzzano's development at [REDACTED] [REDACTED]?---All I, all I can remember is that maybe he used them as project managers on the site.

Right. How do you know that?---That's what I was told by Frank, that he's getting Prolet to project manage.

Okay. Now, you also said you had lunch or coffee with Mr Chidiac and Mr Bruzzano as well.---Chidiac would be there on occasions.

30 Yeah. Now, what do you understand was the relationship between Mr Chidiac and Mr Bruzzano?---I, I don't know.

You never asked Mr Chidiac?---No.

You never asked Mr Bruzzano?---No. He may have been his accountant for a while, I don't know.

40 Well, when you say he may have been his accountant - - -?---No, well, that I, that's the only reason why I think they'd be seeing each other. I don't know that he's an accountant. I don't know the relationship.

Sensitive

THE COMMISSIONER: So I understand that, you know, you've had the association with a lot of these people that have been mentioned by name, such as the Jacob brothers and Bruzzano and Chidiac and others. Do I take it that it was not uncommon then for you to meet with such people, many of whom were friends, if they have a problem with something that is going through council? You'd either meet them at a coffee shop to find out what the problem is and then see if you could facilitate attention being given to whatever the issue was that they raised with you. Same with Mr Bruzzano, who [REDACTED]. If he had a problem associated with a development application and needed council to get on with the job, he might discuss that over coffee with you and - - -?---Yes. It's not abnormal for people who have difficulties with DAs to come to me to try to unlock the hold-up. You know, it's not uncommon for the mayor to get those complaints.

Did you make it known to your fellow councillors that that was your practice?---What practice is that?

To meet with people who are in development who had business with council, trying to assist them by meeting with them, perhaps over lunch or having a coffee or something like that?---No, I wouldn't.

How appropriate is it, though, for you to be meeting, as it were, in private with these developers who have business with council, discussing their issues, when none of the other councillors know what's going on? I mean, going on in the sense that they don't know what these people's problems are and why aren't they coming to us, and in fact why don't you simply say, "You've come to the wrong person. "I'm the mayor, I'm"- - -?---I've done that on occasion.

No, wait a minute. "I'm the mayor." There's a whole staff of councillors, all of whom have specialist roles, most of them anyway. You don't come to me, you go to them. Go to the staff. They, they're open nine to five, five days a week or whatever. That's what they're there for is to work, assist the public - - -?---Yeah, I understand.

- - - with problems they've got or people dealing with council. I don't run a branch office in my local coffee shop. Go away. Don't tell me what your problems are, follow the normal process. Why didn't you adopt that approach?---Commissioner, they probably come to me as a last resort after doing that. So the frustration builds when they can't - - -

Sensitive

Whether it's first resort or last resort, why were you adopting this practice of listening to them in private when neither the council staff are present, nor any other councillors present? You're having these private conversations with them. Did you not see that as possibly quite improper conduct?

10 ---Commissioner, I want to just answer that by saying the role of the mayor is broad. He needs to talk to all stakeholders to discuss visions, problems, strategies, how we can improve the community. So a lot of the time that is the role of the mayor. These conversations you say would not be, would be out in the open in a coffee shop, in a, it's not - - -

In the coffee shop?---Yeah, out in the open. It's not that we want to - - -

But there's no one there. No staff members are there. None of your fellow councillors are sitting on the other side of the table listening to what they're telling you and what you're telling them. I'm suggesting that it has the appearance- - -?---Sure.

20 - - - of being an improper method - - -?---Yeah. Well, it's, well, it's never been - - -

- - - of discharging your duties as councillor.---Yeah.

Meeting in private - - -?---Yeah, yeah.

- - - in a personal capacity, dealing with matters of business involving the council – don't you see that as potentially, at least, improper because even if only for appearances' sake?---Yeah.

30 You've got a mayor here, he's meeting with property developers?---Mmm.

Don't you see anything wrong with that, even in the appearance of it?---In the appearance of it, yes, I agree.

Did you ever disclose to any of your fellow councillors that this was the practice you were adopting with property developers – meeting with them in private, listening to their problems - - -?---Well - - -

40 - - - trying to facilitate matters?---Well - - -

Did you ever tell any - - -?---Well, I, I didn't - - -

Sensitive

- - - of your councillors?---No, I didn't tell council. They, they didn't tell me, either, if they were having meetings.

Well, let's not deal with them for the moment. Let's deal with you. You're the mayor - - -?---Yes.

- - - very experienced, been there for years, meeting in private, dealing with these matters. I'm suggesting to you it obviously is open to
10 misinterpretation or at least a perception that something's going on here in private with these developers doing current business with council and the mayor. It's a bad look, isn't it?---The appearance is bad, yeah.

And appearances are important, aren't they? It's so the people have - - -?
---Well - - -

- - - confidence that the democratic process of council is not being undermined. Correct?---I understand.

20 Yes. Why then did you have this practice of meeting with developers who had business with council in a way which - - -?---Yeah.

- - - one moment's thought would think or would suggest to you this is not the right way to go about things?---I agree with you on that assessment. It would be similar if someone had an issue with a dog attack or similar with someone, the, you're, I'm getting, I'm getting council problems all the time, just walking out on the street. The appearance of me doing business on the street is, you know, why, why are you talking to that person, why are you talking to, well, they come to me with their problems. And, again, I can't, I
30 can't assist developers as much as organising things. The appearance is bad
- - -

But you're not there to provide a service - - -?---Yeah.

- - - for property developers, are you?---No.

Mmm?---Sorry?

You're not there to provide a service - - -?---No, no.
40

- - - for property developers?---Provide it to the whole community.

Sensitive

That's a matter for council, the corporate body - - -?---To make decisions.

- - - known as the council. Is that right?---Yes. Yes.

And all of the other councillors who perform the work of council - - -?
---Yes.

10 - - - alongside you equally have a responsibility to be able to know what
business is being done and what property developers are saying to council
and what the mayor is saying to them. Correct?---Well, correct.

That's why it should be done, should it not, through the staff of council
rather than picking out a particular councillor and buttonholing that person
in a coffee shop and telling them, "This is my problem"?---Yeah, yeah.

It's bad practice, is it not?---Understand.

20 Mmm?---Understand.

Well, why did you not even declare and make it known to your fellow
councillors, "Look, I'm meeting with property developers, I meet with them
in coffee shops, I listen to their problems, I give them advice, I try and help
them"? Why did you not make this an open situation rather than keeping it
- - -?---Well - - -

- - - in a way which had the appearance of secrecy?---In, in hindsight, I
agree that the appearance of me having these meetings was wrong.

30 Well, it's an acute issue, isn't it, when you've got property developers who
often are seeking, in effect, to get an enhancement in their development,
isn't it?---That - - -

They want to get as much favourable treatment as they possibly can. Is that
not right?---I understand, I understand. And, again - - -

Do you agree - - -?---I agree that - - -

40 - - - that's common to find that situation?--- - - - everybody, everybody
does.

Sensitive

Developers want to go for as much as they can get.---Yes, I, yeah, that's right.

Is that right?---That's right.

And because they have a very strong personal interest, you're there not to advance their interests, are you?---No.

10 Whose interests are you there for?---The, the, the outcome, outcome that we want, and this is my approach in everything is what is best for the whole community.

Exactly.---And, and, again, Commissioner, I, I would never, never give them any advice except, "Get appropriate, your own appropriate advice on what you want to do and then go to the council and sit down and talk to them."

Anyway - - -?---That's - - -

20 MR DARAMS: I just want to go back to this relationship with Mr Bruzzano and understand what interest you had in relation to his development. Did you have other conversations with him about it?---No financial interest. I, I was interested to see the finished product because I was in a, in a unit that wasn't suitable and I wanted to move out. So I wanted, when it finished, I went up there and had a look. But no financial interest if that's what you're referring to.

30 So it's possible that once it was completed, you might have taken a unit in the - - -?---Not possible. I was considering on finding something that was suitable and it was done, this is done after everything had been approved, so the, the, the approval process went through the right channels, right. You know, I was interested to see how, what it looked like.

Did you have discussions with Mr Bruzzano through the approval process about the possibility of you taking a unit?---I don't think so. I don't think so.

40 You don't think so. But it's possible you might have had those conversations?---I can't recall. I can't recall. But, again, you know, if the units come up nice, I might be interested in buying but that wouldn't have

Sensitive

influenced my, you know, dealing with the matter appropriately before council and, and following the recommendation of council.

Could the witness be shown volume 6.3, page 167?

THE COMMISSIONER: Sorry? I didn't get that reference?

MR DARAMS: Yeah. Volume 6.3, page 167.

10 THE COMMISSIONER: Thank you.

MR DARAMS: Just if we zoom in to the middle of the page. So this is a, the date of this, I accept you're not the mayor at this stage - - -?---Sorry? Not?

You're not the mayor at this stage, 29 April, 2017?---Yeah.

But the details, see, that's your personal email account, isn't it tsirekas@[REDACTED]?---Yes.

20

The first number suggests it's - - -?---Yeah.

- - - Mr Jacobs, Joseph, and then Bruzzano. Do we understand that to be Mr Bruzzano?---Mmm. Yes.

If we could just zoom in on the green balloon. So this appears to be you sending something to the other two persons, Mr Jacobs and Mr Bruzzano. Do you accept that?---Mmm. Mmm.

30 Do you remember now what this was about?---No, I can't read it.

If we could just go to the next page.---So it's a snippet of the council report?

Yeah.---Yeah.

So can I just ask you a couple of questions about all of this. The first thing is why are you, when you're not the mayor, providing this to Mr Bruzzano and Mr Jacobs?---Well, I'm sure they'd be interested in finding out.

40 Yeah, but you're no longer the mayor. You don't need to deal - - -?---No, no.

Sensitive

- - - with issues. Well, why are you doing this?---I can't answer that. I know that at the time, as the mayor, that they were, you know, putting together an application and for their, for their general knowledge. There's nothing more than that.

Well, where do you get this snippet from or this - - -?---I don't know where I got this snippet. Is it off the council report?

10 But you're no longer the mayor at this stage.---Yeah.

So how were you getting it?---Well, I don't know if this is off the papers when they're, when they go public. I don't know.

That's why I was wondering whether you're able to assist us - - -?---Yeah, I - - -

- - - with this because it seems the text message you've sent to those two individuals with the message "It's your time this Tuesday."---I know they
20 wanted to go to council as quickly as possible and the meeting was being held and I don't know where I got this but it's, this is a, this is the report, public documents.

Was the information public at the time?---I, I can't tell. I can't even see the date.

THE COMMISSIONER: Who were the developers?---This is Bruzzano's.

Bruzzano?---Mmm.

30

Is it his company or - - -?---Sorry, which company?

Well, I just wondered who in reality is behind - - -?---Mr Bruzzano.

- - - this development. Was it Bruzzano, was it the Jacob brothers - - -?
---No, I think - - -

- - - or all of them?---Well, I don't know. All I know is Bruzzano's.

40 Well, you're sending it to the three of them, aren't you?---Yeah. Well, they, they were all helping each other I think. Joseph - - -

Sensitive

I see. So they were all involved in the project?---Well, I don't know at what level. I know that Bruzzano was getting expert advice. I think Prolet were becoming, were going to become the project managers. But I don't know where this comes from.

MR DARAMS: I guess what I'm trying to understand as well is why when you're no longer the mayor, you haven't been the mayor for quite some time
- - -?---Mmm.

10

- - - that you are taking the step to send something to Mr Bruzzano and Mr Jacobs.---The only reason is that I know they'd be interested in, in knowing something like this because they'd been waiting for it. That's all. I mean what, what else is there?

20

Do you know they've been waiting because you've been having conversations with them at this time?---Well, I, I know that they were in a, you know, they were, you know, wanting to move along and there were some hold-ups because he had issues with, you know, other things I think so they were just in a hurry like everybody else.

Did you say to them that you would make some inquiries on their behalf even though you weren't mayor?---I, I probably did.

Yeah. Is it likely that - - -?---I probably did.

- - - you made these inquiries and someone from council gave you this information if it wasn't publicly available?---I, I can't recall.

30

Can you recall who you might have been speaking to in council when you weren't the mayor, or particular persons?---I think it might have been the general manager at one stage or the director.

Was that Mr Sawyer?---Yes.

Sorry, and then you say the director. Who is the director?---Oh, Tony McNamara.

40

Tony McNamara. Neither of them are employed by the council any longer, are they?---No.

Sensitive

Chief Commissioner, I note the time. I just, Chief Commissioner, I note the time. I've got two very short questions I wanted to ask Mr - - -

THE COMMISSIONER: I'm sorry, I couldn't - - -

MR DARAMS: I note the time.

THE COMMISSIONER: Oh, I'm sorry.

10 MR DARAMS: It's just gone past 4 o'clock but I've got - - -

THE COMMISSIONER: Yes. I'm sorry. I have a - - -

MR DARAMS: I don't wish to - - -

THE COMMISSIONER: I do have another commitment shortly so thank you for that. Mr Tsirekas, you'll have to return. I think, it's not tomorrow, is it?

20 MR DARAMS: No. 7 April.

THE COMMISSIONER: Which is next week.

MR DARAMS: The week after next.

THE COMMISSIONER: 7 April?

MR DARAMS: 7 April so the week after next.

30 THE COMMISSIONER: Mr Tsirekas, we haven't been able to finish your evidence today so I think you've been given notice by the summons that you'll be required to attend here on 7 April. So in the meantime I'll just remind you once again of the direction I've made under section 112. That is not to be infringed in any way. That means you can't directly or indirectly publish or speak or convey or communicate any matter concerning this investigation, the evidence you've given here today and indeed not even your own personal appearance here today. You understand that, don't you? ---I understand.

40 I just remind you of that. Anything else?

Sensitive

24/03/2022
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A. TSIREKAS
(DARAMS)

891PT

MR DARAMS: Nothing further, Chief Commissioner.

THE COMMISSIONER: Thank you. I'll adjourn.

THE WITNESS STOOD DOWN

[4.05pm]

AT 4.05PM THE MATTER WAS ADJOURNED ACCORDINGLY

10

[4.05pm]

Sensitive