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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, 7 APRIL 2022

AT 10.30AM

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.

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**Sensitive**

THE COMMISSIONER: Apologies for keeping everyone waiting. I had another matter I had to attend to. Now, Mr Darams, are you ready to proceed?

MR DARAMS: I am, Chief Commissioner.

THE COMMISSIONER: Yes. Mr Latham, I think I granted you leave to appear on the last occasion to appear for Mr Tsirekas.

10 MR LATHAM: Yeah. I think so, Your Honour.

THE COMMISSIONER: Yes. I continue that leave. Thank you.

MR LATHAM: And, Your Honour, I don't need to make an application for a declaration, given it's an adjournment, I understand.

THE COMMISSIONER: The section 38 declaration?

MR LATHAM: Yes.

20

THE COMMISSIONER: I'm sorry, I can't hear you. You have to speak - -  
-

MR LATHAM: Sorry, Your Honour. Given the matter has been adjourned, I take it I don't need to make another application for a declaration for today's evidence.

THE COMMISSIONER: I'll put it on the record, Mr Latham, so it's clear.

30 MR LATHAM: Thank you, Your Honour.

THE COMMISSIONER: Thank you. I direct that the following persons may be present at this compulsory examination: Commission officers, including transcription staff; the witness, Mr Tsirekas; his legal representatives, Mr Ian Latham, instructed by, I'm sorry, Mr Latham?

MR LATHAM: Oh, sorry. By Zoe Elliott of Colin Biggers & Paisley.

40 THE COMMISSIONER: Yes, thank you. His two legal representatives, as specified. I make a direction pursuant to section 112 of the Independent Commission Against Corruption Act. The effect of the direction will

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prevent those present today, other than Commission officers, from publishing or communicating any information relevant to the compulsory examination. It will permit Commission officers to publish or communicate information for statutory purposes or pursuant to further order of the Commission. The direction may be varied or lifted by the Commission without notification if the Commission is satisfied that it is necessary or desirable to do so in the public interest. I again put it on the record that it is a criminal offence for any person to contravene the terms of the following section 112 direction.

10

Being satisfied that it is necessary and desirable in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by the witness, Mr Tsirekas, the contents of any exhibits that may be tendered, the contents of any documents that may be shown to the witness, any information that might enable Mr Tsirekas to be identified, the fact that he has given evidence today shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to a further order of the Commission.

20

**SUPPRESSION ORDER: BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY THE WITNESS, MR TSIREKAS, THE CONTENTS OF ANY EXHIBITS THAT MAY BE TENDERED, THE CONTENTS OF ANY DOCUMENTS THAT MAY BE SHOWN TO THE WITNESS, ANY INFORMATION THAT MIGHT ENABLE MR TSIREKAS TO BE IDENTIFIED, THE FACT THAT HE HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO A FURTHER ORDER OF THE COMMISSION.**

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THE COMMISSIONER: I note on the record that on the previous occasion that Mr Tsirekas was examined in the compulsory examination held application was made for a declaration under section 38 of the Independent Commission Against Corruption Act. On that occasion I made a declaration

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under section 38 and I note on the record that that declaration continues to apply to the evidence to be given today. Mr Tsirekas, you might remind me whether you take an oath or an affirmation to give evidence.

MR TSIREKAS: Oath, oath, Commissioner.

THE COMMISSIONER: Thank you. I think there's a Bible there. If you wouldn't mind standing, I'll get my associate to administer that oath.

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THE COMMISSIONER: Yes, thank you. Thanks, Mr Tsirekas.---Thank you.

Yes, Mr Darams.

10 MR DARAMS: May it please. Mr Tsirekas, on the last occasion you were here in your compulsory examination you will recall I asked you some questions about a draft council resolution that was sent to you and other councillors by Neil Kenzler on 30 May, 2016. Do you recall those questions?---Yeah.

You accepted on the last occasion that you forwarded that draft resolution to Mr David Furlong. That's correct?---Yes.

20 You accepted that when you forwarded that draft resolution to Mr Furlong you knew that he was acting for I-Prosperity at that time.---Yes.

You also accepted that Mr Furlong provided what I might refer to as an amended resolution where he proposed some additional clauses to the resolution. That's right?---Yes.

You also accepted that the amendments proposed by Mr Furlong then, for want of a better description, found their way into the resolution which was passed at the council meeting on 31 May, 2016.---Yes.

30 I then also asked you some questions about whether or not you should have declared any conflicts of interest in relation to the circumstances on 30 May and 31 May. Do you recall that?---Yes.

Now, you did give some evidence where you conceded that you should have declared a number of – sorry, declared or disclosed a number of interests, and I'll come to those in a moment, but you do remember broadly doing that?---Yes.

40 Just before I do that, were you the person who recommended to I-Prosperity Group that Mr Furlong be engaged by it?---I cannot recall. They, the first time I saw them they had their own architect planner so I, I can't recall

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whether I suggested Furlong or his name came up. I, I – whether it was me or someone else.

When you say you first met I-Prosperty Group, that was in October 2015 or around about that time.---Yeah, I'd say so, around about that. I, I can't be sure of the date.

As at October 2015 you did know of David Furlong and the fact that he was a town planner.---Yes.

10

Yeah. Would you know of anyone else who might have recommended Mr Furlong to I-Prosperty Group?---Not personally, no.

No. So it's possible that it was you who recommended Mr Furlong?---Well, I can't recall. I know that the first time I saw them they had their own architect planners, so at what stage he was put on by them I'm not too sure.

Right. Now, as I indicated when you were here on the last occasion, you accepted that as at 31 May you had or you should have disclosed an interest in relation to Mr Furlong. Do you remember that?---At the time or at the last interview here?

Sorry. When you were here on the last occasion - - -?---The last occasion.

- - - you accepted that as at 31 May, 2016 you should have disclosed or declared an interest in relation to Mr Furlong.---Look, I can't recall whether it was he that I was referring to when I should have declared an interest or not.

30 Well, let me just help, can I help you out?---I can't, yeah, if you can.

Yeah. So I put this question. So the question, Mr Tsirekas, was, "You've said in hindsight, it should have been, you should have disclosed a non-pecuniary interest, correct?"---Okay.

You say, "Correct." I then say, "When did you come to that view in hindsight?" You said, "Very recently when I re-read the code of conduct."---Right.

40 I then said, "Right. Now, having done that, can you tell me what it was you should have disclosed a non-pecuniary interest?" You say, "A conflict of

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A. TSIREKAS  
(DARAMS)

1176PT

interest.” “Which is based upon being a financial or pecuniary or non-pecuniary. Correct?” You say, “Correct. Yeah.” “Now you’ve identified a conflict of interest?” “Mmm.” “Tell us what the conflict you have assessed existed on 31 May, 2016.” You then say, “Relationships with David Furlong.”---Mmm. Yeah.

So I want you to expand - - -?---Yeah.

10 - - - and just explain the nature of the relationship.---Well, that conflict was a non-pecuniary interest conflict ‘cause I knew the person. I may have been confused with, but it should have been a non-pecuniary conflict.

THE COMMISSIONER: Yes.

MR DARAMS: Yes.

THE COMMISSIONER: Just before you go on, Mr Tsirekas, if you could direct your answers - - -?---Yeah.

20 - - - closer to that microphone.---Yes, Commissioner.

You’re dropping your voice a bit. It’s very hard to sometimes pick up - - -?---Okay. Thank you.

- - - the odd word here and there. So if you just speak as if, so the person - - -?---Sure.

- - - at the back of the room can hear you.---Yeah.

30 Yes.

MR DARAMS: So you accept you should have disclosed a non-pecuniary interest?---Yes.

You’ve identified that as being the relationship with Mr Furlong. Correct?---Yes.

40 Can you explain why you should have disclosed the relationship with Mr Furlong? What was the basis of that relationship?---He, he was someone that I, I’d known and he was dealing with the application.

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A. TSIREKAS  
(DARAMS)

1177PT

When you say “dealing with the application”, do you mean I-Prosperty’s  
- - -?---Yes.

- - - development application before council?---Yes. Yes.

THE COMMISSIONER: When you say, the basis of the relationship you  
said you had known him, what are you there referring to? Are you talking  
about disclosing a friendship that existed - - -?---A friendship.

10 Friendship relationship, yeah?---Friendship relationship.

Right. Over what period of time, approximately, did that relationship exist  
- - -?---Over twenty - - -

- - - up until that date in May 2015?---20 years.

And apart from, well, when you say you had a friendship relationship with  
him, you’re talking about a relationship of - - -?---Not, not a social  
relationship or anything. That, I’d known of him, working at Drummoyne  
20 Council as a former planner.

Former planner?---Yeah.

But I think you’ve indicated your relationship with him was one built on  
friendship. Is that what you said? You regarded him as a friend?---Well,  
well, I, a friend, yes.

Okay. And did you have any matters in which you shared an interest with  
him?---No.

30

No. Okay.

MR DARAMS: Now, you also in the same questioning, you volunteered  
that you should have also disclosed an interest in relation to Joseph Chidiac.  
Do you remember that?---Yes.

Now, again, can you explain the nature of the relationship that you should  
have disclosed in relation to Mr Chidiac?---He was a, a friend that I’ve  
known for a number of years.

40

How many years?---I think to, 10 to 11.

**Sensitive**

Right.

THE COMMISSIONER: And what were the other aspects, apart from the fact that he was a friend, that should have led you to disclose the relationship with him?---Can you just expand? What other aspects of what, what? Of this?

10 Okay. You're saying you should have disclosed - - -?---Yeah.

- - - to council this relationship?---Mmm.

Why would it have been relevant to council to have known of your friendship? What, in other words, connection did Mr Chidiac have in the context of the council?---Yeah. I, he, he was involved locally. He'd had, you know - - -

20 Involved in what sense?---Well, I don't know what, what sense but I, I knew he was, in that local area he was well known and people would go to, go to see him and he was, you know - - -

Well known because he's a nice guy or well known for other reasons?---Oh, he's well known, he's, he's, he's well known, he's a nice guy.

Yeah. Mr Tsirekas, I want you to directly answer these questions and cooperate with this Commission.---Sure.

You say you had a friendship with the man?---Yes.

30 You should have disclosed it to the council?---Yes.

Why should you have disclosed it to the council? Why, on what basis?  
---Well, some - - -

What's the connection between Mr Chidiac and the council, in other words? Do I have to spell it out any clearer?---No, you don't.

40 Would you answer my question, please?---Yeah. Well, I, I think he, he would have had some, you know, discussions with the applicant and the me about the, the application.

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A. TSIREKAS  
(DARAMS)

1179PT

He would have or he did?---Oh, no, he did.

Yeah, that's right.---He, he would have - - -

I don't want this "I would have", "I think he might have".---Yep.

It's a question of whether he did and - - -?---No, he did.

10 - - - that's the basis upon, that's a basis upon which you felt obliged or - - -  
?---That's right.

I withdraw that. That formed part of the basis upon which you now concede you should have declared an non-pecuniary interest with Mr Chidiac, is that right?---Yeah, yes. Yes.

All right.---Yes.

20 MR DARAMS: Now, Mr Tsirekas, it's also the case though that you knew, as at 31 May, 2016, that Mr Chidiac had actually been engaged for financial reward by I-Prosperity? You knew that.---No, I didn't.

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

Are you suggesting that Mr Chidiac didn't tell you that he was charging I-Prosperity about \$20,000 a month for his advisory services?---No.

30 THE COMMISSIONER: You knew he was acting, representing for I-Prosperity?---Acting for them, but I didn't – I don't know at what level but he was - - -

I'm not asking you that - - -?---I, I don't - - -

Please answer my question directly - - -?---But I don't know the details.

No, no. Don't talk over me.---Sorry, apologies.

I'm not asking at what level. Did he, to your knowledge, in discussions with him, come to appreciate that he was acting on behalf of I-Prosperity at different times?---Yeah.

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The answer to that is yes or it is no.---No. I had no discussions about his relationship with I-Prosperity.

No, I didn't ask you about discussions, I didn't mention discussions. Mr Tsirekas, please don't avoid the point of each question.---No, I - - -

As I have spoken to other witnesses in other matters, it is your function and duty to listen to the question of Counsel Assisting - - -?---Yes,  
10 Commissioner.

- - - and answer the point of the question and not to add and obfuscate any other matters than the point of the question.---Yes, sure.

And the question now is, you were aware that Mr Chidiac, in relation to matters concerning council, did represent the interests of I-Prosperity, is that right?---Yes. But at what level - - -

And did you gain that understanding from discussions, at different times,  
20 you had with the man?---Yeah. Yes.

Okay, thank you.

MR DARAMS: You said you don't know at what level. What do you mean by that?---I, I don't know their private discussions.

Did you assume that he was doing it for free?---I don't know.

Sorry?---I wouldn't know.  
30

No, did you assume he was doing the work, or acting on behalf of them, for free?---You would have to ask him. I didn't know.

No - - -?---Did I assume?

Yes.---Well, I can't answer that, I don't want to assume something that I don't, I don't want to, you know, I don't have the answer to.

Did you believe that he was doing it for free?---Again, I, I, I didn't go down  
40 that track to ask him what their relationship is, so I can't answer that.

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A. TSIREKAS  
(DARAMS)

1181PT

THE COMMISSIONER: Well, it was evident what the relationship was.  
---Yeah.

He was a representative for I-Prosperity - - -?---Well, if he was.

No, no. Let me finish my question. Please do not talk over me when I'm asking you a question. Do you understand the ground rules?---Yes.

10 Please abide by them. You knew that he was representing the interests of I-Prosperity in relation to matters that concerned the council from time to time, is that right?---Yes, yes.

And you knew that based on discussions that you had with him from time to time.---No, I didn't. I, I never had discussions about what he was doing with whoever in the community. I mean, he'd come to me - - -

No, I didn't ask you about that.---Yeah, but - - -

20 I asked you about whether or not you knew from - - -?---I - - -  
I haven't finished.---Apologies.

Whether you knew from discussions you had with Mr Chidiac from time to time that he was in fact representing I-Prosperity, I think you've agreed with that.---Yes.

And representing them in relation to matters that, from time to time, council were dealing with concerning I-Prosperity.---Yes. Yes.

30 Okay.

MR DARAMS: Now, just to follow up, so do you also not know – because you weren't told by Mr Chidiac – that from June 2016 he started charging I-Prosperity \$35,000 a month for his services?---No.

No. Did he not tell you that in June 2016, after the resolution we spoke about just a short time ago was passed by council, he issued an invoice to I-Prosperity, which they paid, for \$165,000?---No.

40 Never told you that?---No.

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A. TSIREKAS  
(DARAMS)

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So do you say it comes as a surprise that over the period between February 2016 and October 2018 he, Mr Chidiac, received in excess of \$1.2 million from I-Prosperty for his services?---No.

Surprise to you?---Yes.

Yeah, right. Now just want to ask you, could the witness be shown volume 1.1, page 138. Now just read this email, the first email at the top of the page, to yourself. Could we expand it?---I can read it now. Yeah.

10

Have you read that email?---Yes.

Now, this was an email that you sent from your private email account to Mr Chidiac.---Mmm, mmm.

That's right?---Yes.

The body of the email was an email sent to you from someone associated with I-Prosperty, is that right?---Mmm, yes.

20

Who was the person from I-Prosperty?---I can't recall.

But the body of the email suggests you had a meeting with someone from I-Prosperty, is that right?---Yeah, yeah.

You did have that meeting?---This would have been the first meeting we had.

Yes. Can you recall who was at that meeting, the first meeting you had?

30

---They had their architect there, I know that. A few, a few people there, I can't remember all their names, but.

Right. I want to draw a couple of things to your attention and ask you to assist us with.---Yeah.

If I could ask you to go to the penultimate or second-last paragraph. It starts "Joseph has also engaged me."---Yeah, I don't know what that reference is to.

40

Isn't that – well, "And we're going to meet up with him tomorrow in regards to collaboration with Billbergia."---Yeah.

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A. TSIREKAS  
(DARAMS)

1183PT

Are you seriously suggesting, under your oath, that you have no idea what that's a reference to?---(NO AUDIBLE REPLY)

Well, Mr Tsirekas, can I just ask you - - -?---No.

10 Let us go back to the email. Why are you forwarding this on to Mr Joseph Chidiac?---I can't recall at the time or now but it would have been, within that area I know that he had some relationship with Hossa or B1 and that was all included in, in this. That particular area that's involved and I would have suggested for him, if, if that's him Joseph has engaged me this morning or that's not me saying that. So they've included him in the email.

Now, just - - -?---Yeah.

20 I don't think you've answered my question but I'll come back to my question in a moment. Are you seriously suggesting that the reference to Joseph in the body of this email, you didn't understand that to be a reference to Mr Chidiac?---Well, it could have been but I really, I really can't remember and I don't know what the reference is to "engaged me". What does that mean? I don't know.

Doesn't this suggest, Mr Tsirekas, because you've accepted that you had a meeting with someone on behalf of I-Prosperity - - -?---Yeah.

- - - before this email was sent to you.---Yeah.

Accept all of that.---Yeah.

30 Doesn't it suggest that in that meeting with I-Prosperity there was a discussion about a Joseph?---No. No.

So are you suggesting this, that someone from I-Prosperity is sending you an email where they've referred to a person's name that you would have no idea about?---Well, this might go back further. I mean because Joseph was involved at B1 and that particular block of houses they may have found his name from there. I don't know.

40 Don't worry about how they found his name.---I don't know.

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A. TSIREKAS  
(DARAMS)

1184PT

I'm suggesting to you that you had a conversation or a part of the conversation you had with I-Prosperity involved a discussion about a Joseph. That's the first proposition.---Yeah. Look, I can't recall that. I mean this was the first meeting. It was just a high-level thing. You know, they're talking about, you know, jury panels and that, you know.

Well, let's go back to the question I asked you before. Why did you send this email referring to a meeting you had with I-Prosperity to Mr Chidiac?  
---Look, I can't recall why I did it. I mean I know that he was involved with  
10 the other properties down there and it may have been just, you know, something that I thought he might be interested in. That's all.

THE COMMISSIONER: Well, it certainly suggests that you, it suggests, doesn't it, this email, that you knew at the time you sent the email to Mr Chidiac that Mr Chidiac had some involvement with I-Prosperity?---I don't read it that way sorry, Commissioner - - -

Do you not concede that it - - -?--- - - - because I don't know what "engaged" means. I mean - - -  
20

Are you denying that, that it - - -?---No, I'm not denying it but I'm just saying I don't know what "engaged" means. I mean I didn't have a conversation around that. I didn't - - -

But Mr Chidiac had some form of interest in what I-Prosperity were doing.  
---Well, I presume - - -

The email suggests that.---I presume so.

30 Yeah. And that you appreciated that his interest was not just as one of hundreds of thousands of citizens but that he - - -?---Sure.

- - - that he had a particular interest in the project.---Sure.

That's why you were passing on the information that you had had a meeting with them. Is that right?---Mmm. That's right.

Is that right?---Yeah.

40 Is that a fair reading?---A fair reason, yeah.

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A. TSIREKAS  
(DARAMS)

1185PT

So at the time of the email what did you understand his interest was in the project?---I would, would have no idea, Commissioner.

Well, you knew how Mr Chidiac operated in terms of providing services to developers, did you not?---No.

Are you serious?---Yes.

10 Are you truthful when you say that answer?---I, I don't know what services he provides to developers.

As of the date of this email we're talking about.---Well, the date of the email, 14 October, 2015, yes.

Mr Chidiac has got no qualifications or experience as a town planner or as a specialist expert of any kind, is that right?---I, I couldn't answer that but I, I, you know - - -

20 He doesn't hold himself out as holding - - -?---I don't know.

- - - professional qualifications relevant to the development of land or council approvals or anything of that kind?---No, no, no.

No. But he, whatever the basis of his interest, it's evident that you knew he was sufficiently interested in the projected project by I-Prosperity for you to bring him into the loop, as it were, as to what you had discussed with I-Prosperity. Is that fair?---Not, not with, again, it's to do with his history down in that area with those particular blocks of land.

30 Sorry, to do with his history. What's that - - -?---Well, I mean with, you know, I think he had some relationship with B1 or Hossa, Hossa Properties, and that was all happening at the same time and for whatever reason they've included him in this email but I don't know the, the background to that.

Well, the email suggests that in the discussions that you had with the I-Prosperity people that they had mentioned Mr Chidiac.---I can't recall at that meeting, no, no.

40 MR DARAMS: Another possibility, Mr Tsirekas, is that you suggested Mr Chidiac to I-Prosperity.---Ah hmm. I can't recall that. They were asking a lot of questions about the area and wanted to know how, you know, what,

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A. TSIREKAS  
(DARAMS)

1186PT

what, what the process is for them to, you know, have an understanding, you know, and who they should speak to at council and what, basically that meeting was, they were outlining what their proposal was and then wanted to form a jury panel and get a – well, that’s, that was my understanding anyway.

10 What I want to suggest to you is, because you forwarded this email onto Mr Chidiac, to the extent that you understood that Mr Chidiac had some association with, or involvement with I-Prosperty, you knew that, at that stage in October 2015?---No.

That’s the only reason, I want to suggest to you, that you would be sending this email onto Mr Chidiac?---No. I don’t recall that as being the reason, that I knew he had a relationship with them, no.

I want to also suggest to you that you knew at this time that Mr Chidiac had some involvement with Billbergia and its development proposal.---No, I didn’t.

20 You didn’t know that at this time?---No.

See, I want to suggest to you that this, that is the relationship between Mr Chidiac and Billbergia, was something that you discussed with I-Prosperty at this meeting.---I can’t recall that.

30 Because what I want to suggest to you is that that’s the natural and obvious reason that I-Prosperty refers, in that second to last paragraph, of engaging Joseph, which I am suggesting is Mr Chidiac, because he’s got some involvement also with Billbergia, and you knew that.---No, I didn’t. And that, what I recall from that meeting, it was very high level, it was the first time that they were putting to me what they would, you know, like to put to council, this high-level jury to get a good building design. That’s all I took out of that meeting.

You must have taken something else out of the meeting because you forwarded this email to Mr Chidiac.---Yeah. I, yes, I did.

40 You didn’t forward this email to anyone else, did you?---No. I, I don’t know, I don’t think so.

Do you have any record of forwarding it to anyone else?---I don’t think so.

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A. TSIREKAS  
(DARAMS)

1187PT

Why did you forward it from your personal email account?

---'Cause it may have appeared on my personal email account.

Is it possible that you might have forwarded something from your council email account to your personal email account?---I, I may have. I can't recall.

10 Well, when you met with I-Prosperty, were you meeting with them as the mayor of the Canada Bay Council?---15 October, I was still the mayor.

Were you meeting with them in your capacity as Mayor of Canada Bay Council?---I was catching up for a coffee to meet the team - - -

Were you doing that as private citizen Angelo Tsirekas or were you doing that in your capacity as Mayor of the Canada Bay Council?---Well, I, I was still the mayor, but I, I don't understand the basis of the question. I was still the mayor, so - - -

20 THE COMMISSIONER: It simply was were you - - -?---I was still the mayor.

Were you writing this email, writing in the course of your duties as mayor as distinct from sending a friend an email?---Well, yeah.

Which one?---I, I, I don't have a real reason for sending it, I mean, I - - -

Well, it's not the reason. It's the capacity.---Yeah, I, I - - -

30 Are you passing on the information as part of the daily work of being a councillor or is this more of a private email sent to Mr Chidiac as a friend, friend to friend?---Yeah, I can't really answer that, I - - -

Why can't you?---Well, because I'm, I'm the mayor.

I think we know that.---But I - - -

Why can't you answer? What's the difficulty in answering that simple question?---But I, I - - -

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A. TSIREKAS  
(DARAMS)

1188PT

Were you doing it as a mate, a friend, or were you doing it in your capacity as a matter arising in the course of council duties?---If, if, if we're going to have a distinction there, it's probably as a friend, as a mate.

MR DARAMS: So you were forwarding this on to Mr Chidiac as a mate. Is that right?---As a mate, it, it, again, I, when, when I forward things, I don't distinguish between being a mayor or a mate. I, I, it's - - -

10 THE COMMISSIONER: You're being asked now, though, to distinguish it - - -?---Yeah, yeah, I know.

- - - and you've answered the question.---Yeah, yeah.

You've sent it to him, you said, as a mate, as a friend?---Mmm.

Okay.

20 MR DARAMS: Now, I just want to go back, please, in relation to you sitting down with I-Prosperity and ask you were you sitting down having this conversation with them as Angelo Tsirekas, individual, or were you doing it in your capacity as the mayor? Are you having a conversation with them as the Mayor of Canada Bay Council?---Yeah, again, I, I was the mayor. This, this, this was a, a, a meeting that was organised after I'd bumped into one of them at the Wests Tigers launch. He said, "We're out there with a few of the team if you want to come out, have a, have a chat, so we can tell you what you're doing," and that's the way I took it. So I probably went out there as the mayor.

30 Yeah. Well, perhaps if the email could be brought up again, page 138? I just draw to your attention the last paragraph.---Mmm.

Now, I know this is an email sent to you.---Yeah.

40 But doesn't that suggest that in terms of this meeting you had with them, you were meeting with them as the mayor of the council because they're explaining to you that they were looking forward to working with you and the council?---And, and, and that's what I probably would have said to them, "If you want to have these particular, you know, matters raised about your submission, you need to work with council."

Yes.---Okay. Yeah.

**Sensitive**

Now, what I want to go back to is your email, because if you were meeting with them as the mayor or in your capacity as Mayor of the Canada Bay Council, it's unlikely that you would have provided them with your personal email account or address at that stage. Correct?---I can't remember that, whether I gave them my personal email or not - - -

Well, were you in the habit at that stage of giving your personal email account when you were acting in your capacity as mayor?---It's a bit easier than the Canada Bay email address. If, you know,  
10 angelo.tsirekas@canadabay.nsw.gov.au and atsirekas@[REDACTED].

Were you in the habit, when you were meeting persons in your capacity as the mayor in relation to matters that were clearly - - -?---No, I wasn't in the habit.

- - - clearly you had indicated - - -?---I wasn't in the habit, no.

Okay. So this is what I want to suggest to you, is that the reason the email comes from your personal account is because you forwarded this email on  
20 and then forwarded it onto Mr Chidiac.---Ah hmm.

Would you accept that?---Say that again. I got the email?

At your Canada Bay email account.---Yeah.

Forwarded it onto your personal email account and then forwarded it onto Mr Chidiac.---Yeah. Look, I could have. I can't remember. I can't remember. But again, this was, if you read it, it was high level and best way  
30 forward was them to contact council and work with council.

Well, where do you -- I withdraw that. Now, just going back to Mr Chidiac and Billbergia - - -?---Ah hmm.

Are you also saying that you had no knowledge that Mr Chidiac had received \$550,000 from Billbergia in the period September 2015 to July 2018?---I've got no knowledge.

No knowledge at all. So no knowledge whatsoever that in that period  
40 September 2000 to October, sorry, September 2015 to October 2018, that

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1190PT

Mr Chidiac had charged and been paid by I-Prosperty and Billbergia about \$1.75 million for his services?---Got no knowledge.

And are you also then saying that you have no knowledge that Mr Chidiac received any financial payment from either I-Prosperty or Billbergia in that period of time?---I wasn't aware of any.

Did you believe that he was receiving payment from either one of those companies?---I didn't know of any payments.

10

Did you believe that he was receiving payments?---I, I don't know of any payments. How can I answer do I believe or not? I don't know.

Now, I just want to ask you, you travelled numerous times with Mr Chidiac during 2015 to 2019, that's correct?---Ah hmm, ah hmm. Yes.

You travelled to Shanghai in January 2016 with Mr Chidiac?---Yes.

20 What was the purpose of that travel?---I was invited to go to Shanghai with Joseph and I went along.

Who invited you?---Joseph.

Did you ask him why you were going to China?---No.

All right. Do you remember going to Harry Huang's wedding in January of 2016?---No, I don't.

30 How many weddings have you been to in China?---I, I don't, I don't, I can't remember any. What - - -

Is that a serious answer?---Yeah. I can't, I can't recall.

THE COMMISSIONER: Well, you would recall if you went to a wedding in China, wouldn't you?---(NO AUDIBLE REPLY)

Or are you saying you have no recollection ever of being, travelling to China - - -?---No. I - - -

40 No, I haven't finished.---Sorry.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1191PT

Please do not talk over me when I'm putting a question. How many times do I have to keep telling you?---Apologies, Commissioner.

Will you do it?---Apologies.

You are here to cooperate with this Commission.---Yes.

Please do as I have asked. Do you understand?---Yes, Commissioner.

10 Are you saying you have no recollection of ever making a trip to China to attend, or be present, at a wedding?---I've been to China and I was in China but I can't recall a wedding.

You have no recollection of ever attending a wedding in Shanghai, is that right?---That's right. I can't recall.

Thank you.---But I was in China with him.

Right. You've answered the question.---Yeah.

20

MR DARAMS: Well, can I ask you this. Do you deny going to a wedding in China in January 2016?---I can't recall.

THE COMMISSIONER: Who invited you to go on the trip to Shanghai?  
---I went with Joseph Chidiac.

Right.---Yeah.

30

MR DARAMS: Did you travel out of Shanghai in January 2016?---I can't recall.

You can't recall.---I've been to China a few times. I can't recall the visits.

Did you travel to Nanjing?---I can't recall.

Have you travelled to Nanjing before?---I honestly don't know. I don't recall. We've been on many bus trips and train trips with the, the trips to China. I can't recall each particular one, no.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1192PT

Well, can I ask you this. Have you travelled on any of your trips to Nanjing?---I can't recall the places and it's honest. I, I can't recall Nanjing. I, I really can't recall.

Now, who is Kevin Fan? Do you know Kevin Fan?---The name doesn't ring a bell.

What about the name Justin Wang?---Oh, I can't recall names like that with - - -

10

Property Investors Alliance?---No, I don't know that group, Property Investments - - -

Investors Alliance. Don't know that group?---No. I, I can't recall, no.

Well, don't know who Justin Wang is.---If I see a photo I might recognise him but I don't know names that well.

20 Now, when you were here on the last occasion you also accepted that as at 31 May, 2016 you should have disclosed a conflict of interest in relation to the relationship with Belinda Li. Do you recall doing that?---At the last hearing?

Yes.---Yeah, yes.

30 Yes. Now, can you please explain the nature of that relationship with Ms Li that you should have disclosed?---It was, she was the, originally I didn't and I don't really know her position there but she was acting for I-Prosperity and that we had discussions about it and I think I caught up with a coffee and a, a dinner and I should have disclosed it.

Right. Where was your dinner with her?---Oh, in the city somewhere.

You can't recall where?---No. In, it might have been in Chinatown somewhere but I can't recall.

40 What about these coffees you caught up with her. How many times did you do that?---Oh, once that I can recall. It was at the bottom of Harris Farm, [REDACTED]. I, I can't really recall too many others. I, I can't - - -

Were you with anyone else?---Not at the coffee or the dinner.

**Sensitive**

So it was just you and Ms Li?---Yeah, yeah.

On both occasions by yourself?---Mmm.

Did you meet Ms Li in China in January 2016?---I, I can't recall. There was one occasion where we met but I don't know which trip it was.

10 Where did you meet her on that occasion?---Oh, it was in Shanghai somewhere.

No, but where? Was it in a hotel? Was it in a coffee shop? Was it in a restaurant? Was it in a nightclub?---The only one I can recall is, is a restaurant somewhere.

Who else was at the restaurant with you and Ms Li?---Joseph was there.

Joseph. So just the three of you?---Yeah.

20 Did you pay for the dinner that night?---I can't remember Joseph or – I can't remember. I can't recall.

Well, did you pay?---Did I pay?

Yeah.---No.

No. So either Belinda Li or Joseph paid for the dinner?---Yes, that'd be right.

30 Now, I asked you on the last occasion whether you should have disclosed a conflict or a relationship with Harry Huang, H-u-a-n-g, as at the 31<sup>st</sup> of May, 2016. Do you recall me asking you that?---Yeah, can you refresh – Harry Wong?

Huang. One of the founders of I-Prosperity.---And the question was did I declare a pecuniary interest or not?

I asked you whether you should have in relation to Mr Huang - - -?---Oh, should have.

40

- - - and you said you shouldn't.---Should have. Well - - -

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A. TSIREKAS  
(DARAMS)

1194PT

Shouldn't. You said you shouldn't have.---Shouldn't have?

Correct. The question I'm going to ask you is should you have, at any stage, declared or disclosed a relationship or interest in relation to Harry Huang?---As of the 2016?

10 At any stage.---Well, well, it's difficult to say the timing of it, 'cause I really didn't know him that well. So I didn't, I don't know what stage that you wanted me to declare, I don't, like, what, at what stage?

I'm just asking - - -?---If I didn't know his, if I didn't know him.

I'm asking you, should you have ever disclosed a relationship in relation to or disclosed an interest in relation to Harry Huang, in relation with Harry Huang. Should you have ever done that?---Depending on the timing of – once I'd known his relationship, then after that I should have been disclosing an interest that I knew him.

20 Okay. So tell me when you should have done that.---Oh, depending on when applications were dealt with and at what stage I'd known him would determine if I needed to declare an interest or not if I knew him.

Well, when do you say you knew him from?---I can't recall. I really can't.

Well, can the witness be shown volume 1.2, page 119. Now, I asked you some questions about this - - -?---Yeah, you did.

30 - - - reference on the last occasion you were here. That's right? Mr Tsirekas, that's right?---Yeah, that's right, yeah.

You were, you appeared to be keen to let me know that the reference wasn't sent. Do you remember that?---Yes.

I understand that you wanted to let me know the reference wasn't sent, so I know all of that. I want you to just focus on the questions I have about this reference.---Sure.

40 Sure. So this is a correct summation of this email chain that I'm going to put to you, and tell me whether you agree or not. Your partner, Ms Crichton,

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A. TSIREKAS  
(DARAMS)

1195PT

prepared a draft reference. That's set out in the email she sent to you?---  
Yes.

You read that reference that she prepared?---Well, I, I must have read it,  
yes.

You've then sent it on to Joseph Chidiac to inquire whether Harry was okay  
with what had been written. That's right?---That's right.

10 Now, the "Harry" that you refer to in the email is the Harry who is referred  
to in the body of the reference. Correct?---The, this, this was a draft and it  
was never sent and, and really, until I signed it, I wasn't prepared - - -

I don't want you to tell me that it wasn't sent.---Right.

I know that. I want you to focus on my question. The "Harry" who you  
refer to in your text message, sorry, your email message to Mr Chidiac, is  
the Harry referred to in the body of the reference, the same Harry?---I can't  
remember that far back if it's the same bloke. I was - - -

20

Is that an honest answer?---Well, I - - -

Mr Tsirekas, it's obvious - - -?--- - - - I do, I do these a lot, like, references  
and sometimes, you know, they're, they're wrong and they've got to be  
redone. This is a draft. It, and it never went.

But you, please don't tell me it never went. I understand that. Just focus on  
my questions.---Yeah.

30 When you sent this to Mr Chidiac, you were comfortable with what you  
were saying or what was being said from you. Correct?---No, no, 'cause it  
was never signed.

You send it to Mr Chidiac - - -?---That's right.

- - - "Please send to Harry, see if this is okay, before I print." So you were  
comfortable, you were happy with what was sent in the message. Correct?  
---Not really, no.

40 You were only interested in knowing whether you had said enough or had  
written enough for the purposes of Harry, not that you were uncomfortable

**Sensitive**

with what was written in this.---The, these are drafts and I, I can tell you now that drafts like this are rewritten and, again, before signing, I would have checked it all again, all right?

Well, what would you have checked again?---Well, well - - -

So just take us through this draft and tell us what you would have checked again.---Well, I, I would have checked its spelling mistakes, everything.

- 10 Fine. Let's not worry about the spelling mistakes 'cause there is a mistake in there. But in terms of the detail that you are going to send out under your name, what would you have changed?---That would have depended on the time when I was re-reading it.

Well, reading it now?---I would have just checked the details of the, the, the, the details more than anything with, to do with specifics as in, well, I would have, I would have, and I could have missed it. It's, it's the date, I mean, five years is not right, of course.

- 20 Well, what would have been more accurate?---Oh, you know, when I-Prosperity were coming into the area, whenever that, you know - - -

What would have been more accurate?---Well, since I-Prosperity was starting to submit applications, whenever that was.

THE COMMISSIONER: Applications of what kind?---Oh, for their, their, there site, yeah, the I-Prosperity sites.

Site at where?---Pardon?

30

Where, what site?---In, in, in Rhodes. In Rhodes.

It's apparent, isn't it, from the email that Mr Tsirekas had asked you to assist Mr Huang by writing a reference, is that right?---Ah hmm.

That's how you came to write it?---Yes, yes, yes.

At Mr Chidiac's request?---Yes.

- 40 And he was trying to in turn assist Harry's child getting admitted to a school, correct?---Yes, yes.

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A. TSIREKAS  
(DARAMS)

1197PT

All right. And - - -?---Well, it should have been to - - -

The Harry, with I-Prosperity that you came to know, was a director and financial controller of I-Prosperity, is that right?---Ah hmm. After a while. I, I, I really didn't know his position but I knew he worked, know he worked for I-Prosperity.

10 No, but you did over time, with council having to attend to the application of I-Prosperity, come to know that Harry was a director of that company and financial controller. Is that right?---I knew he, he was in a high position, I did - - -

No, no. Please, don't avoid my question. You knew that the Harry you were dealing with from I-Prosperity was involved with I-Prosperity at the least as the financial controller, whether you knew he was a director or not? ---No, I didn't know his position. I knew he worked for I-Prosperity.

20 Well, what sort of work did he do?---I don't know.

Well, you knew he worked - - -?---For I-Prosperity, yeah.  
- - - for I-Prosperity.---Yeah.

And I remind you you're on your oath. Are you saying on your oath you had no idea what his role in I-Prosperity was?---No, I didn't.

You didn't know he was a director, is that what you're telling me?---No.

30 Hmm?---I, I knew he had a high position there. I didn't know what was, I didn't ask him what your position is there. I knew he has a high position but I didn't know the title.

What sort of matters did you discuss with him which gave you the impression that he held a high position with I-Prosperity?---He, he was, he, he was - - -

Answer my question.---Yes. What meetings did I have?

40 No, I didn't ask that.---Sorry, could you repeat - - -

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1198PT

You're either not listening when I put a question or you're obfuscating.  
---No, I'm sorry, I didn't hear that properly.

This Commission has to form an opinion about a witness as to whether they're telling the truth or they're not.---I understand.

Whether they're cooperating with the Commission or they're not, both by what they say and how they act in not answering questions directly. I said nothing about meetings. I simply asked you, whether from your dealings  
10 with Harry in relation to the I-Prosperity site, you came to know that he held a high position.---Yes, yes.

Right. And from what sort of discussions did you have with him that conveyed your knowledge that he obviously did hold a high position with I-Prosperity? What were the sort of discussions from which you could draw that conclusion?---Yeah, yeah. Okay. A meeting with him once in the city with Joseph Chidiac, I didn't see too many people from I-Prosperity, so it was only Belinda and Harry. So I would assume that they had a position there, a high position.  
20

From the discussions you had, how could you deduce that he was obviously in a high position with I-Prosperity?---Well, there was no real discussion about his position or the discussions – I didn't meet too many people from I-Prosperity so - - -

I'm not talking about the discussion of what his position was, but what were the nature of the discussions from which - - -?---Oh - - -

Would you please listen to my question and stop interrupting. Mr Tsirekas,  
30 you're going very close to the wind in obstructing this Commission, which is an offence under the Act. Do you understand what I'm saying?---Yes, Commissioner.

How many times have I asked you not to interrupt my questions, and you keep doing it. That could be deliberate obstruction by you of this Commission. This Commission, under statute, is acting in the public interest, to ascertain facts. Do you understand that?---Yes, Commissioner.

Do you understand you have an obligation at law to cooperate fully with this  
40 Commission?---Yes, Commissioner.

**Sensitive**

Do you understand that?---Yes, Commissioner.

Are you going to do that?---Yes, Commissioner.

From this point forward?---Yes. Apologies.

Are you going to do that by listening to the question and answering the question?---Yes, Commissioner.

10 And in answering the questions, are you going to speak the truth?---Yes, Commissioner.

What were the nature of the discussions you had with Mr Harry which led you to believe he held a high position with the company?---Well, of course the discussions were around their development at Rhodes, and he mentioned other interests of I-Prosperity that they had going in Sydney and Melbourne. They were the general discussions.

20 Well, did he convey by what he was saying that he was in a position in effect of management or control of the company, rather than being some underling?---He had a high position.

You keep saying that, but my question is, in what he said did he give you the impression he was not a lowly employee but he was involved in the management side of the company?---Management side, yeah.

Yeah?---Yes.

30 The management side of it.---Well, management side at a, at a high level, so we, yeah.

Yeah.---Yes.

So, for example, in the course of the discussion it was, he'd discuss about financial matters, for example, associated with the project?---No.

He didn't?---No.

40 What sort of matters did he talk to you about the project?---How the project was going. And again, I can't recall him telling me about any financial

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A. TSIREKAS  
(DARAMS)

1200PT

matters to do with it because I, I, that's, I don't want to get – I mean, why would he talk financial matters with me? 'Cause, you know - - -

Mmm, well, that's the question to be asked.---Yeah. Well, no, he didn't.

You say he was obviously a management person.---Yeah.

And you came to know that he was a financial controller.---No, I didn't.

10 From what he said.---No, I didn't.

You didn't?---I, no, I didn't.

The man you acknowledge was on the management side of I-Prosperity is the same man who's been referred to in the reference, isn't it?---Yeah, I know, yes, yep.

Is that right?---Yes.

20 And in the reference you describe him as financial controller.---Controller, yeah.

Is that right?---Yes, yes.

Where did you get that from, that piece of information, that he was financial controller, and put it in the reference?---I can't remember. I got it, but I can't remember.

30 Do you think it came from Mr Chidiac or did it come from Mr Harry himself, Harry Huang?---No, I, yeah, it could have been one of those two, but I can't remember.

MR DARAMS: Yes, now, just perhaps if you can be shown this reference again. Now, the only thing you've identified, Mr Tsirekas, that you would change, excuse me, is that reference in the first sentence "for over five years", is that right?---Yes. It, yeah.

Yeah. You're happy, you're comfortable with what else is set out in there? ---Well, it's a, it's a basic structured reference, so yes.

40

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A. TSIREKAS  
(DARAMS)

1201PT

See I asked you before – excuse me – in relation to timing of disclosing a relationship involving Mr Huang. Remember I asked you those questions?  
---Yes, yes.

You were struggling with periods of time, weren't you?---Yes.

You would have to accept that by no later than this date going forward, when you ever came to consider or do anything in relation to I-Prosperty's application before council, you would have had to disclose a relationship  
10 between you and Mr Huang. Do you accept that?---In, in hindsight, yes, I accept that and it should have been done as a non-pecuniary, yeah, because I knew - - -

Wasn't this one of those obvious – if you were saying all these things about the relationship between you and Mr Huang, if they are true then it would have been obvious that you had an interest or conflict that you had to declare. Not in hindsight but obvious at the time.---No, no. If I, sorry, Commissioner, I, I give out a lot of references, all right, and every reference  
20 that I would give would I have to declare an interest on any matters that come before council if it was just a DA or, or whatever, would I? But I accept the fact that in hindsight I should have declared it from that date onwards, yes.

THE COMMISSIONER: Declare the conflict of interest?---Yeah, yes.

Or the pecuniary interest or both.---No, a non-pecuniary interest.

Well, did that non-pecuniary interest therefore involve the potential for conflict and you would have been bound to put that on the record?---On the  
30 record, yes, Commissioner.

MR DARAMS: Likewise in relation to your relationship with Mr Chidiac. You were bound to put that on the record. Correct?---In, in hindsight I, I should have declared it as an interest as well, yes.

You should have declared it well before April 2017, Mr Chidiac that is.---In hindsight, yes.

THE COMMISSIONER: Do you accept that - - -?---Knowing now that I  
40 accept - - -

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1202PT

And do you accept that you should have done so - - -?---Yes.

- - - because of an actual or potential conflict of interest?---Yes, that's right.

MR DARAMS: Now, I want to move to a slightly different matter. On the last occasion you were here in the compulsory examination I took you to the bank account for a company called Machonic. Do you recall that?---Yes.

10 We went through, if you might recall, a number of transactions in that bank account where amounts of money were deposited into the bank account. Do you recall that?---Yes.

You accepted or acknowledged when you were here on the last occasion that moneys that were put into that bank account were then used to pay part of the deposit on your Ashfield unit that you had purchased. That's right? ---Yes.

20 Now, I asked you a question when you were looking at the accounts and you said that it looked like Mr Colacicco was getting in funds to help you pay the unit. Do you remember that?---Yes.

Right. You also said on the last occasion you didn't know where Mr Colacicco was getting the funds from. Do you remember saying that? ---I think I, I said I couldn't recollect.

30 Right. Okay. Well, can you perhaps with the passage of time and thinking about this since the last occasion, can you recollect now where Mr Colacicco was getting those funds from?---In answering it back there when you showed me it was, I couldn't, couldn't recollect and that's what the answer I gave you. So what, when I was answering, I thought that, you know, I was being, you know, not telling you the, the, the, the truth behind the thing by answering that way. So on, on reflection and, it's fair to say that I was, wasn't, wasn't being truthful.

Okay. Well, here's your opportunity under oath to be truthful about your knowledge of where these funds came from.---Yeah. At the time, I was with my father a lot 'cause he was very ill. We, we spoke about - - -

40 THE COMMISSIONER: I'm sorry. I'm having trouble hearing you again, if you just - - -?---Sorry. Yeah. Okay. The money's not Frank Colacicco's money. It's money that I was receiving from my father to put in the

**Sensitive**

account. We didn't want, and I didn't want, my father didn't want my ex-wife to get her hands on that money 'cause I was going through settlement. And those funds were put away there. And I gave Frank the cash.

MR DARAMS: So each of those cash deposits, do you now say came from your father?---Yes.

When I asked you the question on the last occasion in relation to each of those transactions - - -?---Yeah.

10

- - - you lied about it?---I was embarrassed, I was ashamed that we were, and I was doing it that way to hide the money from my ex-wife.

Yeah, so my question was that each time I asked you about - - -?---Yeah.

- - - these transactions - - -?---Yeah.

- - - you lied about it?---I, I had a mental block 'cause I couldn't remember the name or the amount but it was never Frank's money, cash that went in.

20

It was my father's.

Now, do you want me to ask you again about whether on each occasion I asked you about where that money came from and you lied about it?---In, in, I, I thought when I was answering it I wasn't being untruthful.

THE COMMISSIONER: Just answer the question.---Yeah.

Put the question again.

30

MR DARAMS: Sorry. Each time I asked you on the last occasion you were here, whether that cash came from you and you gave it to Mr Colacicco, you said "No" on each occasion. Remember that?---Yes, I did say that.

So all of those answers were lies?---Well, I was embarrassed and ashamed to say that I was trying to hide money away from my ex-wife.

THE COMMISSIONER: Whether you were embarrassed or not, you accept that they were lies?---Lies.

40

MR DARAMS: You do accept that?---Yes.

**Sensitive**

Now, tell me how this money was given to you by your father?---My recollection was that he would, he, he's always saved cash. He did a lot of cash work at home, cleaning, detailing cars. And, you know, he always had cash on him. He didn't want to see me rent all the time so he said, "Look, I can give you a hand. I can give you some cash to get you going, do it, you know, do it in a way that your ex-wife can't get her hands on it." So he, I'd see him on occasions, I can't remember and he'd, and he'd give me the cash and I'd give it to Frank.

10

Who came up with the idea to put it through the bank account Machonic, was that your idea or was that Frank's idea?---Well, it was, we, we discussed it together. He knew my situation and I, he knew the circumstances.

Does that mean to say that you discussed with Mr Colacicco this plan to hide the money from your ex-wife?---Well, I didn't, he knew my circumstances. I didn't, didn't tell him, you know, I didn't want to tell him, you know - - -

20

THE COMMISSIONER: The question was that you did discuss the matter. ---Of, of saving it for a year. Of saving - - -

No, I haven't finished, Mr Tsirekas. I have not finished my question. ---Apologies.

The question was that you discussed this money would be put into the account that's been identified with Colacicco.---Yes, yes.

30 Yeah. And where did that conversation take place with him?---Oh, could have been at the accountant's office, could have been in his office.

Well, which one was it?---It could have been the, the accountant's office because I was - - -

You think it was at the accountant's office?---I, I, I think so.

And who is the accountant?---Con Christie.

40 And when was this discussion?---I can't remember. I do, I do my tax there.

**Sensitive**

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(DARAMS)

1205PT

Approximately when did you sit down and have this conversation with Mr Colacicco?---I don't know. I, I really can't recall, sorry, Commissioner.

What did you say to him?---Well, I can't recall the, it was to just assist me in trying to have this avenue to hide dad's money from my, my wife. He knew my circumstances. I, I didn't, you know, tell him - - -

10 How much money did you mention to him?---I, I, it wasn't about how much money, it was how much money that I could, you know, that dad could help me with.

No, no. We're talking about this strategy that you've spoken about of putting money into the name of a company. What's the name of the company again.

MR DARAMS: Machonic, or Matchonic.

THE COMMISSIONER: Machonic.---Machonic.

20 Okay. How much did you discuss with Mr Colacicco would go into that account?---There was no discussion about how much. I think it was, it was - - -

Well, just start from, doing the best you can, the start of the conversation to the finish. You sit down in the office, he's there with you. Anybody else present?---In his office?

30 No, on the time that this strategy was being discussed about paying money into the Machonic account?---No.

Hmm?---No, it was just me and Frank.

Just you and him, is that right?---Ah hmm.

In the office of the accountant, is that right?---Yes, yes.

40 All right. Now, start at the beginning. You sat down, how did you start explaining thing to him? What did you say, what did he say in response? First, what did you say?---Yeah. Yeah, it was a fair while ago.

**Sensitive**

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Please, would you would you just answer my question?---Yeah. I'm trying to think.

Directly.---Yeah, yeah. I can't recall the date.

Answer my question. I'm not talking about the date, as you well-known. Stop avoiding the question. Start at the beginning, what did you say on this occasion to Mr Colacicco?---That I was going to be given some cash from dad and that I wanted to hide it so my ex-wife wouldn't be able to get her  
10 hands on it. I was looking for, you know, assistance so I could at least put a first deposit on a unit.

And how did the conversation go from that point? What else did you say and how did he respond?---Oh, I can't recall, but he, he knew my circumstances, so he, as a friend he, he wanted to help.

So what did he say? How did it come about that this company was chosen, this account?---Oh, we, I can't recall. We sat down and came up with a, with a name.

20

Well, how did the conversation go?---I can't recall the conversation.

Well, did you suggest the way in which the money should be channelled through an account or did he come up with that brilliant idea?---No, it, it was a general discussion of a way that my ex-wife wouldn't be able to get her hands on my father's money.

Now answer my question. What was discussed as to what account it would go into and how that would work?---I can't recall that.

30

Not at all?---No.

This is a highly unusual request to be making to somebody.---Well, he knew my circumstances.

Yeah, it was still an unusual request.---Well, he's a, he's a, he's a friend.

Had you ever done it before in your life?---No.

40 No. Okay. So this is a one-off situation.---Yeah.

**Sensitive**

You say you don't recall, but you must have, he must recall how it came about that the money was to go into this particular account of this particular company. How did that come about?---Yeah, I, I, I really can't recall. It, he was, he knew my circumstances. He was willing to help me. I was getting the cash from dad and I'd give it to him. And when we, first instalment was due, paid for it, the account, I don't know, closed after that or something, and he, and that's what I can recall.

10 Just try and explain this to me. What you're in effect saying is that on this occasion your father was agreeing to lend you the money, the cash, in cash, is that right?---Yeah.

So that you could use it towards a deposit.---Yes, well - - -

It was not a gift but a loan by your father.---Well - - -

Is that right?---No.

20 Is that it?---Well - - -

He had a parcel of money - - -?---Yeah.

- - - you say, in cash. He's going to give it to you, as it were, by way of a loan so you could put the deposit down using his money.---Yeah.

Is that right?---And - - -

Is that right?---Yes, it is.

30 It was his money you told us.---It was his money, yes.

Right.---Yes, it was his money.

Well, if it was his money on loan, there's no way his wife could get her claws into that. That right?---My ex-wife?

40 I'll put it in another way. If your father was giving you this money on loan towards the deposit, there is no way your ex-wife would be able to come along and say, "I'm going to take that money," because it wasn't yours. Isn't that right?---Well - - -

**Sensitive**

Basic fundamental principle. Is that not right?---Well, I didn't see it that way back then.

Well, it was obvious.---It was - - -

It was always his money, you tell us.---Yep. I - - -

It wasn't your money, it was his money, is that right?---Well - - -

10 Is that right, sir?---Yes, but in - - -

Is that right?---Yes.

It was his money.---Yeah.

Your father's money.---Yeah.

What's your father's name?---Tashel.

20 Sorry?---Tashel Anastasi.

So that he had ownership of the money and he was prepared to loan it to you so that you could put a deposit down. We've been over this. That's right, isn't it?---That's right, yeah.

Right. Then what's this nonsense you're going on about that your ex-wife somehow would be able to grab hold of this money, which belonged to your father and didn't belong to you? It doesn't make sense, does it?---He, he didn't want me to rent. He was supporting me, this way - - -

30

Yes, you've told us that but just focus my question, please.---Yeah.

It's obvious, isn't it, that your ex-wife would have no claim to this money, which didn't belong to you, but belonged to your father?---Well - - -

Isn't that right?---Well, I don't, I, I'm not a family - - -

Well, that's obvious, isn't it?---I'm not a Family Law Court expert, but - - -

40 Look, the money did not belong to you, right?---Mmm.

**Sensitive**

You did the “mmm”. You’ve got to say yes, no or something else.---Yes.  
Yeah.

Verbalise your response, please.---Yes.

It was not your money, it was your father’s, you tell us, on your oath?  
---Yeah. And he, yes.

Is that right?---Yes.

10

And he had, you say, agreed to loaning you this money so that you could put  
the deposit down?---Mmm.

Is that right?---Yes.

Right. Your intention was once you’ve got your finance organised, you’d  
refund his money. Is that right?---Well, the conversation was - - -

Was that right?---No, no, it wasn’t.

20

It was not right?---Because - - -

Well, you’ve agreed that it was his money - - -?---Yeah.

- - - that he was loaning to you. Is that part right? I think you’ve said it was,  
but - - -?---Yes.

Yes.---But can I just add to that?

30

No, no, no. No, just please stay with this. This cash money was your  
father’s?---Yes.

He made it through detailing cars, I think you said, and - - -?---Well, he had  
cash - - -

- - - or however he made it, it was his?---Yes.

Always was his?---Right.

40

Well, it was always going to be his but he was giving the benefit of loaning  
it, so that you could get this unit?---Yes.

**Sensitive**

By way of a deposit?---Yes.

Is that right?---Yes.

Well, if that was the arrangement, it is obvious, isn't it, that your ex-wife would have no claim to his money but she may have a claim to your money. Is that right?---Yes. Yes.

10 Right.---Yes. Yeah.

MR DARAMS: Now, didn't you ultimately disclose that you had purchased the unit to your ex-wife or you were in the process of disclosing it to your ex-wife?---I didn't do it for a while until a later stage where final payments were due - - -

Final payments in what?--- - - - or after the second stamp duty down the line.

20 THE COMMISSIONER: After the what?---Once the initial payments were made.

Payments to your wife, to your ex-wife? I'm sorry, I - - -?---No. Payments for the, the - - -

For the unit?---For the unit.

MR DARAMS: See, what I'm also going to suggest to you is that it doesn't make sense to come up with this plan to hide the money from your ex-wife when you were always going to have to disclose the unit to your ex-wife, that you say you were intending to purchase.---Well, we were going through settlement - - -

30

Just answer my question, please.---No, but I need to give you a time line, so, okay.

It doesn't make sense to try and hide this money which was a loan from your father - - -?---Yeah.

40 - - - from your ex-wife when, ultimately, because you accept it was for the deposit - - -?---Yeah.

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- - - of a property, you were going to have to disclose the property.---Yeah, it, it, it didn't work, no. That's right.

We know the property didn't work.---No, I know it, that, that system didn't work or it didn't, it was a protected settlement, it was - - -

But it must have been obvious to you - - -?---Well - - -

10 - - - must have been obvious to you at the time you set this process up with Mr Colacicco that you were always going to have to disclose ownership in the property to your ex-wife.---At the time, it was going through settlement. I was getting support from dad. He wanted to help me purchase a unit. He, in fact, may have gone to that unit 'cause he was sick. And he always said, "Look, I'm going to help you" - - -

THE COMMISSIONER: What's this got to do with the question that was asked of you?---Yeah, but it was just a bit of a time line.

20 No, no, no. Let's not make statements, please.---Okay.

Just give answers to the questions.---Sorry.

MR DARAMS: The evidence you've given today under oath is that you were trying to hide - - -?---Yeah.

- - - the money from your ex-wife, so you came up with this plan with Mr Colacicco. Correct?---Yeah.

30 That's your evidence?---Yeah.

But it must have been obvious to you at the same time that you were setting up this plan that you were going to have to disclose the property purchased with this money to your ex-wife.---Not at that stage, no.

That's what the money, that's what the money was for, you're telling us, to purchase the property.---Yes, it was. It was.

40 It had to be obvious that this plan that you were coming up with was not going to achieve whatever you were seeking to achieve.---Back then, yes. I was trying to get enough money so I could find something to purchase. Dad

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supported me. Dad was even looking at him purchasing it to downsize so I was in effect trying to help him but he didn't go forward with it because my mum didn't want to go into a unit and things were just falling over. You know, I couldn't get a mortgage, it didn't happen, and in settlement, yes, you know, my wife got her hands on it.

Mr Tsirekas - - -

10 THE COMMISSIONER: Mr Tsirekas, that very long answer had nothing to do with what Counsel Assisting was putting to you. You are either deliberately obfuscating and not wanting to answer the question or you misunderstood the question so I'll have Counsel Assisting - - -?---Sure.

- - - putting it to you again but this time would you please give an answer to the question.

20 MR DARAMS: It would have been obvious to you when you were setting down to set up this plan with Mr Colacicco that you were going to have to disclose the property that you were intending to purchase with these moneys to your ex-wife.---I'm not a family law expert so, you know, I can't answer that because I'm not a family law expert and it didn't work and my wife did get her hands on it.

THE COMMISSIONER: But this is not a question for an expert.---Yeah. But I didn't - - -

You knew that at the end of the day there would be a division of the marital assets. Correct?---Correct, yes, yes, yes.

30 And in some way the assets, whether they be - - -?---Well, it did.

- - - real property or - - - ?---It did, yes.

- - - some other forms of assets they all have to be put in the mix, and then if it goes to court, it's divided in accordance with the court decision.---Yes.

You knew that much. So we're not talking about expert evidence here. ---No.

40 We're talking about a matter which the question of assets and a divorce - - - ?---Yes.

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- - - involve the disclosure of assets so that a proper outcome to the dissolution of the marriage with property is achieved. Is that right?---Yes.

You're fully aware of all of that.---Yes.

And you were at the time of this plan with Mr Colacicco that that's the way the world is. Is that right?---That is right.

- 10 All right. So I'll ask Counsel to put this question which has been put I think at least twice before to put it again so that, having cleared the air, you're now in a position to give a direct answer. Just try it again.

MR DARAMS: It was obvious to you at the time that you and Mr Colacicco were coming up with this plan in relation to this money that you were always going to have to declare the property that you say was going to be purchased with these moneys.---Not obvious, no, not at that stage.

- 20 Let me ask you this question. If these were moneys that came from your father to purchase or pay part of the deposit on a property, why couldn't your father, if he just had the cash available to him, just give it to you or go to the bank and get the bank cheque at the time that you were going to purchase the property?---I, I can't answer that. Dad was old-school and he didn't sort of trust the banks that much. He didn't, you know, he wanted to help me this way and that's the way it happened.

I asked you before, but what did your dad do before he retired?---Yeah, he was in the building game.

30

What does that mean?---Worked for a building company.

What did he do?---He's a builder in the building company.

And what about your – did your mother know about the cash that your father was giving you?---I don't think so. Look, he, he liked to gamble a bit, he liked to go play pokies, play cards. He kept cash at home. I, I don't, don't think mum knew, no.

- 40 You don't think your mum knew about your father giving you all of this cash?---No.

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1214PT

Have you ever told your mum that your father had given you all this cash?  
---No.

So in terms of, when did your dad retire from the building game?---I don't know. He got a payout for compo. I don't know.

Can you have an estimate?---I don't know. I don't, I can't recall.

10 What, 1982 or 1989?---I can't recall.

You must have some ability to recollect when your father stopped work.  
---Well, he never stopped work but, you know, left the building game but I don't know when, when he left the building game.

Now, going back to this plan to hide this money from your ex-wife. You say Mr Colacicco knew about this plan because he set it up with you.---He, he knew my circumstances.

20 He knew about the plan to hide the money from your wife, ex-wife?---He, he knew that, he knew my circumstances, that's why he was helping.

Yes, but when you say he knew your circumstances, he must have known the reason why you were putting the money in the account was to hide it from your ex-wife. You must have had that discussion with him.---He, he knew my circumstances. I, I was getting money from dad and I was putting it away so I could get an opportunity to make a deposit.

30 Why didn't you just walk into the bank with the cash and deposit it into the bank account?---Because Frank was a friend and he was helping me.

You've deposited money into bank account before, correct?---Yeah, yes, yes.

It's quite a straightforward, although sometimes it takes some time, it's quite a straightforward process to walk in, fill out the form, hand the cash over and they bank it, correct?---Correct.

40 Why did you need to involve Mr Colacicco, if we accept your evidence, in each and every one of these deposits? You've given him the money, he then goes to the bank and deposits it.---That's right.

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A. TSIREKAS  
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1215PT

Why?---I can't answer that. He was helping. He, he, he was, you know, assisting, he knew my circumstances.

Just back on your plan. Why wouldn't you put the unit in your dad's name?---(NO AUDIBLE REPLY)

That would have been a better way of hiding it from your ex-wife.---Well, I'm not that smart, am I?

10

Did you think about putting the unit in your dad's name?---No, not really, no.

It would make sense, though, because if he was going, if part of the potential use for this unit was to have your father live in it, wouldn't it make sense to put it in his name?---The whole idea was he was, he was trying to help me, right? He, and I, he thought this was the best way to do it so my ex couldn't get her hands on it. It fell over, she got her hands on it, and it didn't work.

20

THE COMMISSIONER: So your wife couldn't get access to your father's money?---The cash, yep.

MR DARAMS: When you say that she got her hands on it, what do you mean by that?---Well, in settlement. I - - -

What do you mean in settlement?---Well, because during that time I was doing a lot of Family Law Court stuff, financials going backwards and forwards.

30

But the deposit was all refunded to your bank account.---Yeah, that's right.

You didn't pay any of that money over to your ex-wife.---It got split up in the settlement, yeah. All, all the funds that were in the bank and - I was doing financials since 2014, '15, '16.

Now, was there at any stage during the period 2015 to 2019 that you should have disclosed an interest in relation to your relationship with Mr Colacicco?---2016 to, to - - -

40

2015 to 2019.---For any particular?

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A. TSIREKAS  
(DARAMS)

1216PT

Yeah. Was there any stage that you should have disclosed any interest in relation to Mr Colacicco, the relationship you had with him?---Any – can you be a bit more specific? Like, is it a particular - - -

THE COMMISSIONER: No, no. Just answer the question, please. Perhaps before you do, you're familiar with the word "interest" in terms of the phrase, for example, "conflict of interests" under the code?---Yes, yes, yeah.

10

So "interests" could include anything. It could constitute a financial interest or a non-pecuniary interest. I think you could take the question in that context.---Yep. If he were the applicant for any particular DA - - -

Sorry, are you saying he was an applicant?---No, if he were an applicant.

No, we're not dealing with hypotheticals.---But - - -

20 The question's asking you as to a state of fact. Namely, whether in the period 2015-2019 there was any interest so far as Mr - - -?---To 2019.

No, I haven't finished talking. You were asked whether in the period 2015 to 2019 there was any interest you should have declared associated with Mr Colacicco. That is, when I say declared, disclosed.---Yeah, I mean, Frank did loan me 15,000 and gave me some cash, two, two lots of 3,000. And that was declared on my pecuniary interest form. I don't know what you - - -

30 MR DARAMS: Well, didn't you disclose that after ICAC started investigating this matter? These matters, I should say.---Yeah.

Yeah.---It was always under my impression that it was a repayment on my settlement of the house, not a particular loan. It was due.

THE COMMISSIONER: I'm sorry, just stop there. Would you just put the question again. Please listen to the question and answer it.---Yeah.

40 MR DARAMS: So, you appear to be struggling as to when you say you disclosed or declared the – when you say there's a \$15,000 loan from Mr Colacicco and the \$6,000 cash, I'll come back and ask you some questions about those in a moment. You said there was a disclosure of it. Do you

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(DARAMS)

1217PT

remember that?---Yeah.

I asked you whether that disclosure was made after ICAC, you were aware ICAC was starting to investigate these matters.---Yeah, yes, yeah, I know, yep.

That's right?---Yes.

You didn't make any disclosure beforehand?---No.

10

No. Why didn't you at the time of making the disclosure in relation to this cash, or the loan or the cash, why didn't you disclose this arrangement that you and Mr Colacicco had set up?---The arrangement of repayment on settlement?

No, no, no, no. The arrangement, sorry, not the arrangement on repayment on settlement. The arrangement you and he had set up in terms of the unit. ---Well, I don't know why.

20 Were you hoping that no-one would ever find out about that?---Well, didn't want my wife to find out.

Were you hoping that other people weren't going to find out about it? ---Well, well, the, the bank cheque and purchase under my name, it was pretty obvious that the only person I didn't want to know was my wife but everybody else would have, could see.

But Mr Colacicco's involvement in this arrangement wasn't ever disclosed?---To?

30

Anyone, to council.---No.

No. Except you disclosed the loan but not this other arrangement.---That's right.

Did you make the conscious decision not to disclose this other arrangement?---No, not really. Any conscious decision, no.

40 Well, did you think about it and think to yourself, well, I should disclose this as well now that I'm disclosing that he has loaned me some money? ---On what form are you saying to disclose?

**Sensitive**

Well, on any disclosure form or disclosure before council.---But under what? What would that come under?

Well, you could have made a discretionary disclosure about it.---A discretionary that he was, I suppose so, a discretionary.

Now, in relation to the sale of 231 Victoria Road, did you ever ask any council staff to ensure that that sale proceeded quickly?---To proceed quickly or to – I did contact staff, yes.

Who did you contact?---Probably the general manager. or - - -

So Mr Sawyer?---Sorry?

Ms Sawyer?---No, I don't think it was, I think it was Peter Gainsford.

Right. So what period of time are we talking about there?---Oh, I don't know. There's some emails there that were sent backwards and forwards when I was, when I was involved to try and get a meeting so they could sit down and, and negotiate out a, an outcome.

Did you ever have any conversations with Gary Sawyer about the sale of 231 Victoria Road?---I don't know if he was there at that time. I'm not too sure if he was the general manager around the time of the sale. It could have been Peter Gainsford.

What about the period of time when the resolution came before council in 2016 to approve the sale?---It was a recommendation to council to adopt and it was adopted.

Do you remember the recommendation?---No.

No. Do you remember who put forward the recommendation?---Either Kent. He's the property manager. I can't recall what officer put it to the meeting.

Did you have any conversations with Mr Osland about the recommendation?---I can't recall any conversation. I mean, yeah, no, I can't recall any particular conversation. I know that he would have been

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A. TSIREKAS  
(DARAMS)

1219PT

involved in the early stages and then he left and I think it was taken over by someone else.

When you say the early stages, what time are we talking?---Oh, I don't know. I don't have, I see a lot of reports. I can't recall every date of a report that goes to council.

10 Did you ask any council employee to ensure that the resolution – sorry, the report recommending the sale come before council before you resigned in 2016?---I, I can't recall that but I know we were rushing a lot of reports. I think we had two meetings or something because we were under threat of amalgamation so there was a lot of reports that were rushed to council in the final, final month.

Was this one of those reports?---Oh, I can't recall. It may have.

What was the importance or the relevance of the threat of amalgamation?  
---Well, the, the council gets taken over. They merge.

20 Yeah, but why?---But I wasn't there. I had left.

Yeah, but why would this, if this was one of those reports why would that need to be rushed?---You can see on, on a lot of those reports that it was said that, and the conversation was, "Let's get things finished before the amalgamation."

Did you have any conversation with any council employee about the price that council would be prepared to accept?---No.

30 No.---No, I don't get involved in that.

Now, has Mr Colacicco ever asked you to look into the status or inquire into the status of any development applications or proposals before Canada Bay Council?---I don't recall any specific ones but it doesn't mean he didn't because he would contact me for, you know, things in the area, complaints from residents, complaints from his relatives. I may have occurred. I'm not saying it didn't occur.

40 Well, is that because – let's just explore this a little bit.---Mmm.

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A. TSIREKAS  
(DARAMS)

1220PT

During your relationship with Mr Colacicco when you were mayor, would he contact you from time to time to discuss development applications?  
---Not to my knowledge. If there was a hold-up about a particular one where the resident hadn't received an OC certificate or a compliance certificate he, he'd ring up on their behalf. He, he'd tell me and I'd pass it on to my PA or the general manager's PA.

10 Well, what did you understand, sorry. What did you understand the reason was for him contacting you? Was that because of your relationship with him?---Because he'd probably been contacted by someone else and he'd rung me, I mean, I get a lot of those calls, whether they're, I mean, Frank's a friend. He'll ring me on occasions, so will, you know, 20 or 30 other people during the week. I don't, you know, to distinguish people when they're issues of council, the, the relevance of the matter. It's important to get things, you know, to the right department or to the right officer to get things done.

20 When Mr Colacicco would ring you to look into these things, did you do that, did you do what he asked?---Normal practice is if you get asked something, you follow it up and that's what I'd do. Why, why wouldn't I not follow up if he'd rung me for something or it's, it's a simple job of the mayor to do what you can to help people in the community.

Well, you could have helped Mr Colacicco by saying to him, "Why don't you contact this person? Why don't you contact those persons"?---Yeah, I, I, I probably did on occasions.

30 Well, were there occasions where he asked you to do something and you went ahead and did it on his behalf?---Can you be a bit more specific?

Well, did he ring you up to inquire about a development application and then you inquire into it and give him an answer back? Do you remember doing that?---It, it could have happened. I'm not saying it didn't happen - - -

THE COMMISSIONER: No, but you were asked if you remember.---No, I can't remember, like, he - - -

40 Mr Colacicco we're talking about.---Yeah. He, he may have done that, Commissioner - - -

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A. TSIREKAS  
(DARAMS)

1221PT

Well, did he?--- - - - but I can't - - -

The question was did he, from time to time - - -?---From time to time - - -

- - - or at any time?--- - - - yes, yes.

Mmm?---Yes.

10 MR DARAMS: Did you attend meetings from time to time outside council offices with Mr Colacicco and any of these persons who had an issue with council that Mr Colacicco was raising with you?---No, but what would happen is if we'd be sitting in a, a coffee shop, people would see us and come up and talk to us about, about relevant matters of their concern. A lot of them would be, you know, tree matters or planning matters, DA matters. It's a common occurrence out there.

No, what I was asking you more specific is whether you went to a meeting in a coffee shop or a restaurant arranged by Mr Colacicco - - -?---Yeah.

20 - - - so that you could discuss a matter that Mr Colacicco wanted to raise with you that was before council?---I, I can't recall a specific one 'cause I do have coffees with Frank. I do sometimes go to dinner with him and lots of other people. But if you could be a bit more specific on the DA or something?

30 THE COMMISSIONER: Well, the specific occasion you're being asked about, the particular type of occasion you're being asked about is an occasion when Mr Colacicco might contact you in some way about an issue, for example, concerning a development application that he wanted to speak to you and you arranged a meeting and you might have had it in either a coffee shop - - -?---Yeah.

- - - or a place where you could eat lunch or something, I don't know. ---Yeah, yeah. It, it, it may have occurred, yes.

And - - -?---Well, it, it did occur.

Okay.---It did occur, yeah.

40 Mr Darams, I was going to take an earlier adjournment.

**Sensitive**

MR DARAMS: Yes.

THE COMMISSIONER: There's other matters I've got to deal with. Is this a convenient time to take it?

MR DARAMS: It is a convenient time.

THE COMMISSIONER: Very well. Well, we'll adjourn now and we'll resume at 2 o'clock, Mr Tsirekas.---Thank you, Commissioner.

10

**LUNCHEON ADJOURNMENT**

**[12.45pm]**

**Sensitive**

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07/04/2022  
E17/1221

A. TSIREKAS  
(DARAMS)

1223PT

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TOLOSA  
pp 01224-01271

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, 7 APRIL 2022

AT 2.00PM

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

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**Sensitive**

THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Mr Tsirekas, I want to ask you some questions about Frank Bruzzano. You know Frank Bruzzano?---Yes, I do.

You know that he was developing the properties located at [REDACTED] [REDACTED]?---Yes, I do. Yes, I do.

10

You remember when you were interviewed by this Commission's officers in September 2020, do you recall you were asked some questions at that time about that development?---Yes, I do.

In answer to questions about that development and you voting on the council resolution on 24 May, 2016 to approve deferred commencement for that development. Do you remember being asked questions about that resolution?---Yes, yes, yes.

20 You never made a disclosure at that council meeting on 24 May, 2016 on that - - -?---No, I didn't.

No. And do you recall saying to the Commission's officer that looking back you erred and you should have declared a non-pecuniary interest?---Yes, that's right.

Can you explain what interest you should have disclosed or declared at that council meeting on 24 May, 2016?---The friendship that I had with Frank Bruzzano.

30

How long have you had that friendship with Mr Bruzzano at that stage? ---Well, since moving into the units in 2014, I would occasionally bump into him and have a coffee with him. [REDACTED] [REDACTED].

When you say occasionally, what are we talking? Weekly?---Oh, it wasn't organised, it was spasmodic. So it could be - - -

40 Two to three times one week, then you don't see him again for a week? ---Yeah. Oh, once or twice a week and then I might not see him and so forth.

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What sort of things would you be discussing when you bumped into him?  
---Oh, typical, Frank would complain about everything, but occasionally he,  
he would be interested to see what and how [REDACTED] could be  
improved. He was getting a lot of enquiries from businesses in the area  
because he's an accountant. He was involved a bit with the Chamber of  
Commerce. So, and he would ask, of course, if, when, when his  
development was going on, he would ask questions about that as well.

10 Sorry, when you say the developments going on, you mean his  
development?---His development, yes.

THE COMMISSIONER: He would ask questions of you, I take it?---He  
would ask, yeah, you know, what's happening, like, where, you know,  
general questions about it, yeah.

About the project, that's the one mentioned earlier, [REDACTED], was it, [REDACTED]  
[REDACTED]?---Yes. Yes.

20 MR DARAMS: Yeah, [REDACTED].

THE COMMISSIONER: How long have you known Mr Bruzzano?  
---When I moved into the area, about 2014. I'd known of him before but I  
think after moving in I'd bump into him a bit more regular.

And you regarded him as, he's a friend of yours, isn't he?---Oh, an  
acquaintance. I wouldn't, you know, I don't go out with his family or - - -

I thought you said a moment ago that the friendship between you and him,  
30 Mr Bruzzano, was the thing that should have been disclosed to the council  
on the occasion mentioned.---Yes, yes.

Is that what you said?---Yes, yes.

Ah hmm. And that is because he is a friend of yours, is he?---He's a friend,  
I, yeah.

MR DARAMS: Now, was his development the only one that he would be  
asking – when I say the only one, the only development before council that  
40 he would ask you questions about or would he ask you questions about other  
people's developments?---Oh, can I say he would ask a lot more about his

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but there, there would be probably other discussions that, that relate to the area and whether I, I don't know his interest in them, but he would ask how things are going. I, yeah, general discussion. I don't think there was anything in particular.

Could the witness be shown volume 10.1?

THE COMMISSIONER: Sorry, which one?

10 MR DARAMS: 10.1, page 291. I would like you, Ms Tsirekas, to just focus on the email that starts in the middle of the page from Ms Butler to you.---Yep.

Now, just read that to yourself for the moment.---Okay. Refers to a number of DAs.

Yes. Now, 1 September, 2016, you're not the Mayor of Canada Bay Council?---No.

20 Why are you, this email suggests that there's been some conversation either between you and Ms Butler or someone else which has been relayed to Ms Butler. Do you accept that?---From Ms Butler? Yes. To me? Yes.

Sorry. What I put to you was that this email from Ms Butler to you - - -? ---Yeah.

- - - suggests that there's either been a conversation between you and Ms Butler before the email or between you and someone else who has then relayed the conversation on to Ms Butler.---Yeah. Normal procedure would  
30 be that she would get information on any DA that was enquired about and, and then, from her officers, and then collate it.

I guess the question is do you recall who – sorry. Do you recall having a conversation with Ms Butler when you weren't the mayor, asking her about all of these development applications?---Look, I don't. And, again, Ms Butler would have been the manager. She would have requested information from the relevant planning staff.

40 Sure. But why are you on 1 September, 2016, or around about that date, why are you making these enquiries of Ms Butler?---The simple reason is people have come to me for, you know, a bit of an answer and - - -

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(DARAMS)

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Who are these people? Can you help us?---None of these properties really, really mean too much to me. I mean, [REDACTED].

Was it your intention at this stage, that is around September 1, 2016, to run for council again?---It, too, it's too early in the piece for me to decide whether I was going to run in September 2017.

10 I guess my question is then why are you at this stage asking Ms Butler about all of these development applications, all these matters? Who are you doing that on behalf?---Again, if a resident, they still think I'm the mayor and can help. If I'm out and about, people will still come to me. I would do the logical thing and pass on those inquiries to the relevant officer.

THE COMMISSIONER: Well, why wouldn't you have told somebody, "If you've got a problem, you go to the council"?---Well, I was being over-helpful.

20 Oh, is that it?

MR DARAMS: Right. And, now, if the witness could be shown page 307 of 10.1? Now, this is a message from you to Mr Sawyer. Now, Mr Sawyer was the general manager at that stage?---Yeah, I think he was, yes.

This is the – you're asking on behalf of Mr Bruzzano, is that right?---Well, that's the address that, yeah, Frank, yes.

30 But you were asking on behalf of Mr Bruzzano?---Yes, yes.

Is there a particular reason why you went to Mr Sawyer and not Ms Butler? ---No real reason, no.

What about your relationship with Mr Sawyer, did you have a good relationship with Mr Sawyer at this stage?---He'd been general manager there since 2006, and - - -

40 Did you have a good relationship with Mr Sawyer at this stage?---As, as a, as a mayor and a general manager, yes.

Were you friends with Mr Sawyer at this stage?---Yes.

**Sensitive**

Yes. You were involved in the process to, want of a better a description, get Mr Sawyer to Canada Bay Council, weren't you?---I was on the panel.

Didn't you have some involvement in seeking Mr Sawyer out in his then employment to enquire whether he would be interested in accepting the role of general manager at Canada Bay Council?---Whether I was interested or he was interested?

10 THE COMMISSIONER: No, you.

MR DARAMS: You.---Me?

Yes.---I know that he did apply - - -

THE COMMISSIONER: No, please just answer the question.---But – yep.

Just answer the question.---There – sorry, Commissioner.

20 Do you want the question put it again?---Yep.

MR DARAMS: Were you involved in the decision to enquire of Mr Sawyer or reach out to Mr Sawyer to see whether he would apply for the role of general manager at Canada Bay Council?---I could have, yes.

Yes.---Yes, I could – yes.

30 So you had more involvement than sitting on the committee that selected him. You're actually involved in reaching out to him to enquire whether he would actually apply in the first place. That's right, isn't it?---And that generally happens.

THE COMMISSIONER: Just answer the question.---Yes.

MR DARAMS: Yes.---Yes.

Do you recall that when he was first approached he declined, he wasn't interested in applying for the role?---No, I can't remember that.

40 Don't recall that?---No.

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A. TSIREKAS  
(DARAMS)

1229PT

But you ultimately recall that he did apply and was successful and you were one of the persons who, in effect, approved his appointment?---Yes, we had a consultant, short, short-listing, and he was one of the short-listed. And the panel agreed with the consultant.

Yeah. How many other times do you recall when you were no longer, when you weren't the mayor in this period, 2016-2017, contacting Mr Sawyer to ask him information about development applications or matters before council?---Yeah, I can't remember how many times but I did.

10

Yeah.---But I can't remember how many times.

Is it your recollection that when you did make some enquiry or reach out to Mr Sawyer that you got an answer? For want of a better description.---He, if he didn't have the answer, he'd inquire with the relevant officer to get an answer.

And report that back to you?---When he could.

20 Now could the witness be shown 308 of volume 10.1. Now, just ask you to read to yourself and become familiar with the email from Mr Giaprakis to Mr Bruzzano.---Yep, yes.

Now, Mr Joseph Jacob from Prolet forwards that on to you.---Yes.

Your response is "Noted." Do you see that?---Yes.

30 Do you know why Mr Jacob forwarded this email to you?---I know that the, Joseph was giving some advice and assistance to Frank on his DA as their offices were very close and that Frank, I don't think is a person who's done this much so he was getting advice from Joseph Jacobs.

Well, that wasn't my question but let's just work on your answers firstly. ---Sorry.

When you say, did you say you knew that Mr Bruzzano was getting some advice from Mr Jacob, is that right?---Yes. He was giving him advice on his application.

40 Wasn't Prolet the builder for this development?---I don't know if they were builders or project managers. I don't, I don't know.

**Sensitive**

All right. But they certainly had some involvement in the development itself?---Yeah, they did.

Sorry?---They did, yeah.

Yes. So just back to my question. Do you know why Mr Jacob forwarded the email to you?---Well, he was letting me know where things were at basically. I mean, it's, it's there saying that the officer from council is  
10 giving them a response.

Yeah, but what role do you have in this development of Mr Bruzzano's for you to be kept informed by Mr Jacob?---I've got no role in it, except the fact that they may occasionally come to me and say "Can you assist? We're having a blockage here. Can you pass something on so maybe we can, you know, get some answers."

Because of your relationship with either Mr Bruzzano or Mr Jacob, you decided, yes, well I'll do that for you. Is that right?---Well, I know that he  
20 had a lot of problems with it and he was trying to do the right thing. He kept the heritage façade, which was – so I was, I was helping where I could.

Because of your relationship between Mr Bruzzano and/or your relationship with Mr Jacob, you were assisting and doing the things that you were asked to do, or requested to do, is that right?---Not all the time. I mean, all he's done here - - -

Well, on which occasion did you say back to them "No, I'm not going to assist on this, go and do that"?---Well, on a number of, a number of times.  
30

THE COMMISSIONER: Please don't talk over Counsel.---Sorry.

Don't talk over Counsel. Do you hear what I'm saying? Don't talk over Counsel when he's putting questions. Got it?---Thank you, Commissioner.

Would you put it again?

MR DARAMS: Which occasions did they come to you, either Mr Bruzzano or Mr Jacob, and you then reject or say to them "No, I'm not going to assist  
40 you on this with this question"?---Well, I think after this, this building got built, he, he was after a section 96 and I would say well, you know, "You,

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A. TSIREKAS  
(DARAMS)

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you've got to do your own work on that. If you're looking at changing anything, you've got to go to the staff."

Well, when was that?---Oh, well after, I think, well after this was finished.

So just back on this one here. When you say, "Noted," what were you intending to convey to Mr Jacob?---Well, the original email that I read, it did go to Joseph Jacob and Frank Bruzzano from the officer.

10 Yes.---Yeah.

I'm talking about your response to Mr Jacob though.---"Noted." Received, yes, read it.

Well, can you assist us why you seem to be, for want of a better description, being kept in the loop by Mr Jacob on this?---Ah hmm.

20 But why is that? You're not the mayor.---Well, no, well, there's no real reason. I, I, I would see them occasionally, because [REDACTED], and I said that before. But there's, there, there's no real reason except they wanted to keep me in the loop.

To assist them - - -?---Well - - -

- - - you understood it, to assist them if blockages or issues arose in council, and they would come to you to see whether you could - - -?---And I - - -

- - - you could assist with that?---But I was very limited except for sending - - -

30

THE COMMISSIONER: Just answer the question.---Yes.

Put it again. You again spoke over Counsel, contrary to what I've asked you on numerous occasions not to do when a question is put to you. Put it again, please?

MR DARAMS: They came to you, they were keeping you in the loop because they understood that you could still assist them or try and assist them with contact or moving things along in council. Is that right?---Yes.

40

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A. TSIREKAS  
(DARAMS)

1232PT

Even at this stage when you're not the mayor?---Limited to what I could do, except for passing on messages.

Well, couldn't you also use your relationships with those council employees that you had in order to get things moved along? You could still do that, couldn't you?---No.

You could still do that and you were still prepared to do that when you were not the mayor. Is that right?---No.

10

Perhaps - - -?---No, I never used - - -

Perhaps the witness could be shown page 310? So just see Mr Giaprakis - - -?---Yeah.

- - - email in the middle of the page to Ms Simms, but also Mr Bruzzano? Mr Giaprakis is effectively advising that the matter will become or the aim is to get it to a meeting on 18 April? Do you see that?---Yes.

20 Mr Bruzzano forwards that onto you and he asks you, "Can we see if we can get the first Tuesday of April"?---Yes.

Your response is, "Will do, Frank"?---Yes.

So by responding in that respect, you were telling Mr Bruzzano that what you would do is you would go, presumably using the relationships that you had with council employees, to try and have the matter brought before council sooner. Isn't that right?---"Will do, Frank" suggests that and his email says, "Can we see if we can go to the first meeting?" Yes.

30

THE COMMISSIONER: Now you might care to answer the question. ---Yes.

Put the question again.

MR DARAMS: And Mr Bruzzano sent that to you because he understood that you would be able to use the relationships that you still had with council employees to try and have his matter, his development application moved to a meeting sooner and one that suited him?---Yes.

40

You did do that, didn't you?---Well, I don't know if I did or not - - -

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A. TSIREKAS  
(DARAMS)

1233PT

THE COMMISSIONER: Well, you think about it, sir. Think about it.  
---Yeah, well - - -

Did you get it onto the agenda - - -?---Well - - -

- - - on the date in question, the first Tuesday of April?---Well, I, I may have asked but I can't remember if it did go there, 'cause I wasn't on council.

10 MR DARAMS: When you say, "Will do, Frank" - - -?---Wasn't on - - -

- - - you intended, didn't you, when you responded to Mr Bruzzano to reach out and use the relationships that you still had at council to see whether you could get that meeting, sorry, get that matter moved to the earlier meeting, didn't you? That's what you were conveying to Mr Bruzzano?---I, I would have tried, yes.

THE COMMISSIONER: What's that?---I would have tried, yes. Would have.

20

Why would you be prepared to assist Mr Bruzzano?---Commissioner, I would try to help anybody that had an issue. I mean - - -

I'm not asking about anybody else - - -?---Yeah.

- - - except Mr Bruzzano. Why was it when Mr Bruzzano sent an email seeking your intervention or seeking your assistance - - -?---He, he came - - -

30 Please do not – are you deliberately doing this?---No, sir.

When you received this request from Mr Bruzzano, why did you agree to take up the issue with council? Why did you do that for Mr Bruzzano?  
---'Cause Mr Bruzzano came to me for assistance.

Well, we know that. We can read, sir.---Yeah, and that's, that's the reason.

Now you might care to answer my question. Why would you intervene to assist Mr Bruzzano?---There is no – why would I do it? Because I wanted  
40 to help.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1234PT

But why would you want to help him of all people? Of all the people.  
---Again, I would help anybody with - - -

Why – I’ll come back, listen - - -?---The, the - - -

- - - you had a relationship with Mr Bruzzano, did you not, at the date of these emails?---Yeah. Yes. But - - -

Did you?---Yes, I did, sir.

10

What sort of relationship did you have with him?---As a friend, [REDACTED].

Ah hmm. A long-time friend?---Not a long-time friend, no.

How long as at the date of this email?---Since about 2014, when I moved into the units.

So what’s that - - -?---Three years or - - -

20

Three?---Yeah.

You had had many meetings with him prior to this email about various things, some of them concerning matters before council?---Not many matters before council.

Well, how many, approximately, would you say, occasions when he sought your assistance for matters that are in council, sought your assistance to either expedite them or to intervene to assist in some way? Talking about 60 times?---No.

30

10 times? How many times approximately in the period you knew him up to the date of this email of 17 May, 2017?---What I can recollect is no more than 10 times on his application.

And what would they be, occasions when he either emailed you for help or to attend upon you as mayor, seeking your - - -?---Assistance.

Assistance. It could have been either way.---Yes.

40

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A. TSIREKAS  
(DARAMS)

1235PT

Could have physically come and asked you and said, “Look, I’ve got a problem with the matters going through council, I need your help.” Or he would have emailed in those sort of terms. Is that the position?---It would happen occasionally like this with an email or, or in the street.

Why were you, on those occasions and this occasions, prepared to help Mr Bruzzano?---There is no real reason why I was helping. There was no hidden agenda. I was helping.

10 MR DARAMS: Now, you, in the period 2015 to 2019, do you accept that at any stage in that period of time that you should have disclosed an interest involving Prolet or the Jacobs brothers?---On what matter? Was it - - -

Do you, on any matter in that period of time – I’ll come about it this way. You’ve said on a number of occasions now – when I say a number of occasions, when you’ve come here in relation to compulsory examinations, when you sat down with the Commission’s officers – you’ve reflected on conflicts of interest and whether you should have made declarations, and on a couple of occasions you’ve said, “In hindsight, I should have done that.”

20 Now, what I’m asking you is, with that period of reflection and the benefit of hindsight and reading the rules, so the code of conduct, can you assist, can you tell me whether there were any occasions during the period 2015 to 2019 where you should have disclosed an interest in relation to your relationship with either Prolet or the Jacobs brothers?---On the particular one we’re talking about, I didn’t know whether they were the project managers or builders when the DA was approved, so I didn’t. If we’re referring to other matters, in particular East Rhodes and so forth, if you’re going down that track, I’d need to know specifically which ones they are so I can – I can’t recall each one. I can’t. ‘Cause East Rhodes, where they  
30 were involved was the master planning which is just coming out now. There was 2017 that the draft master plan came out, with Jacob brothers and Billbergia and whoever else was in East Rhodes were putting their own submissions in. If that’s what you’re referring to.

THE COMMISSIONER: In the period 2015-19 - - ?---2019, yeah.

- - - what projects were being undertaken by Prolet, the Jacobs, were the subject of council consideration on any aspect?---I can’t recall.

40 Pardon?---I can’t recall, Commissioner.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1236PT

You can't recall any projects that Prolet or the Jacobs were involved in in that four-year period, or five-year period, 2015 to '19?---I, I know - - -

Hmm?---I know they built along Victoria Road but that was prior to '14. The only other ones that I can recollect is their involvement in East Rhodes.

In?---East, East, East Rhodes.

10 What was East Rhodes. What project was that?---It was a priority precinct that the council had been working on for a number of years. I know in 2017 that the government came out with a master plan. I know that there were a lot of concerns from council. I know a lot of the owners in that area also were concerned, so they started putting their own submissions in and I think as recently as 2021 that new master plan's come out but I, I, I can't recall any Prolet developments that, outside East Rhodes. If you can - - -

MR DARAMS: What about declaring, sorry, declaring or disclosing an interest in relation to your relationship with John Kinsella or Billbergia?---A non-pecuniary interest?

20

Yeah. Well, any interest.---Yep.

Should you have done that at any stage during the period 2015 to 2019? ---Yeah. I think on one occasions I should have.

Which occasion is that?---Oh, you would have to, I would have to have a look at the planning, planning proposals that were submitted during those years. I can't, I can't remember them all.

30 THE COMMISSIONER: What was your pecuniary interest with Kinsella? ---Oh, no, no, a non-pecuniary interest.

Sorry. What was the non-pecuniary interest built up on, founded on? ---Well, I, I would occasionally meet up with him for a coffee.

Is he a friend of yours?---I wouldn't call him a friend. He, he's a, he's a property developer that lives in the area. I've been invited to a few of his charity nights but I don't associate with him, you know, on a regular basis at all. I might bump into him here and there.

40

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A. TSIREKAS  
(DARAMS)

1237PT

MR DARAMS: Well, when you say you were invited to his charity nights, you were more than invited, you attended them on a number of occasions?  
---Yes, yes. Yes.

Multiple times?---Oh, a couple of times that I can think of, yeah.

Four or five times?---Oh, maybe three times.

10 You would invite him and the Jacobs to the mayor Christmas parties?---Yes, I do.

You've gone out to dinner with Mr Kinsella?---Yes, I have.

Yeah. You've gone out to dinner with Mr Kinsella and Mr Graf?---Yes.

You've gone out to dinner with Mr Graf, Mr Kinsella and Mr Jacobs?  
---Yes.

20 You've had lunches with Mr Jacobs and Mr Kinsella and Mr Chidiac?---Oh, I don't, I can't remember lunches.

Do you remember ever going to Machiavelli restaurant?---Oh, I, I've been there - - -

Do you know where - - -?---Yes, yes.

Yeah.---But I don't know if, yeah, John Kinsella was ever there. I don't know.

30 Do you know Brendan Cronin at all?---It doesn't ring a bell that name, no.

What about Ballyfore Engineering & Excavations, does that ring a bell?  
---No.

No. What about Craig Stubbs, does that name ring a bell?---I've heard that name before, yes.

40 How have you heard that name?---Oh, it's a while back now that I've heard that name but I, I've heard that name before, yes.

**Sensitive**

Yeah, but just in what context have you heard that name? Was he someone you met at a Roosters game or is he someone you met at a Tigers game or is he someone you met at a council meeting or is he giving you a donation?---I can't remember except he may have given me a donation at one stage but I don't remember meeting him at social events.

Right. Do you know why he would have given you a donation if you can't remember meeting him or anything like that?---It was probably during the federal campaign, which is back in 2016.

10

Yeah, but the question was do you have any, can you assist us as to why he might have decided to donate to your campaign in particular if you don't seem to know him or have any - -?---No, because federal campaign functions are not organised by me. I don't control who comes along, who donates. There's a whole team and party that does that. I couldn't tell you who would turn up to my campaigns.

20 Yeah. So just going back to Mr Kinsella and Billbergia. When do you say you should have declared your interest in what you described as the relationship, at what meeting in relation to what issue?---I can't recall all meetings. I'd have to have some specific dates of meetings where we dealt with particular items.

THE COMMISSIONER: I think, let's go back a step or two starting at this point. I understood your evidence earlier was that you now perceive that you should have declared a non-pecuniary interest so far as Mr Kinsella is concerned. Is that right?---Yes.

30 And I assume that that would also relate to Billbergia because they were more or less one and the same.---They're the same.

And I think the question that was put to you a moment ago was insofar as you had a non-pecuniary interest how did that link in with your role in council or how did it link up with anything before council Mr Kinsella had an interest in?---The only thing that I can recall it might have been an early planning proposal for the Station Precinct or one, one of the projects that he may have been involved in around that area.

40 Well, let's just look at that for a moment. The Station Precinct, are we talking about the Rhodes area?---Yes.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1239PT

And just so that we've got the full picture, what was the Station Precinct, was it on the east side of the station?---On the west side.

West side of the station. And the west side had not been the subject of much recent development as I understand it. Is that correct?---The east side hasn't. The west side is still being built.

That's what I'm saying,---Yes.

10 And Mr Kinsella/Billbergia - - -?---Yes.

- - - had acquired significant property interests in that area, is that right, in the west of the station?---Yes.

And in due course it was clear that Billbergia wanted to develop, bought those lands, that property to develop?---Yes.

Am I right to suggest that most of the development by Billbergia involved what might be called high-rise building and being a mixed development of residential and commercial in, not in the west but in the Rhodes area?---Yes.  
20

And so he had had, over the years, or his company, a number of applications had had to be put through council – that's the Canada Bay Council we're talking about – in relation to different developments?---Yeah, in particular in that area?

Well, that area and other areas in Rhodes.---East Rhodes hasn't moved anywhere. It's only in the station precinct that that they would be - - -

30 Okay. So it must be the west, west side we're talking about then.---Yes.

He had a number of developments. And he has completed a number of developments, hasn't he, in that area?---Yes.

Okay. So when those matters were going through council for the various approvals, you would have been aware, of course, that those applications were being dealt with by council from time to time, is that right?---Yes.

Okay. Well, then what is the basis upon which you perceive that – you now perceive that you did in fact have a non-pecuniary interest as far as Mr Kinsella is concerned which ought to have been disclosed, and how did that  
40

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A. TSIREKAS  
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relate to any particular developments undertaken by Billbergia? In other words, had you been called upon to assist Mr Kinsella or Billbergia because there'd been roadblocks or some other problems with various applications he was interested in over time?---Yep, there were a number of applications that, all applications were recommendations from officers. Some were for refusal, some were for deferment, and some were for approval. And, yes, I, I participated in those votes.

Sorry, go on. You're finished?---Finished.

10

So that I take it from your evidence that there were, would have been a number of meetings at which Mr Kinsella was seeking to identify to you what it was that his company was trying to achieve and the issues that arose in relation thereto, is that right?---Yes, Commissioner, there were a number of occasions where, where he would - - -

And what particular developments do you recall that that occurred with?  
---Oh, yeah - - -

20 The Billbergia projects in which he came to see you about particular DAs or other applications being dealt with?---Yeah, yeah, to my best recollection, he would always go to the officers and, leaving East Rhodes out, West Rhodes was a long-term plan that was happening for a long time. He didn't get his way all the time. He was pretty upset when officers would suggest another recommendation.

I take it, just to interrupt you for a moment, that when he didn't achieve what he was setting out to achieve, he did have a tendency to make it known that he was not happy, is that right?---To a lot of people, yes. To a lot of  
30 people.

Well, he no doubt manifested that to you from time to time.---To a lot of -- yes.

Is that right?---Yes.

And to council staff.---And to council staff, yes.

MR DARAMS: Yes, perhaps I could assist you with some of these events,  
40 Mr Tsirekas. So if you could be shown volume 3.1, page 180. So just, this is just to assist you, Mr Tsirekas.---Ah hmm.

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A. TSIREKAS  
(DARAMS)

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These are minutes from a meeting on 11 December, 2012. Do you see that?---Yes.

It's identified as you being present. Now - - -?---Sorry. Yes.

Yes.---Yes, I remember.

10 And perhaps if you can be shown page 181, item 3.---Yes.

And if you go to page 182.---Yeah.

If you see - - -?---Any particular paragraph or - - -

Just read them. I'm going to ask you a question in a moment. Just read it to yourself.---Sure.

20 Should you have disclosed your non-pecuniary interest in relation to this matter?---I didn't have any, back in 2012, relationship with, that stage there, I think we were trying to get consistency between the owners and major developers in the, in the area to do a concept plan, so it included everybody.

Right. Could Mr Tsirekas be shown page 231 of volume 3.1? I just draw your attention, these are minutes for the meeting on 15 October, 2013, so just note the date.---Yeah. This is where it was adopted.

And could Mr Tsirekas be shown the next page, 232?---The bottom?

30 Yes.---Yeah.

Now, do you say at this stage that you should have disclosed the non-pecuniary interest?---No, I didn't have any, that I can recall back then, early on, it was a bit later, 2015/2016 when, anyway, this, this is the, the master plan in 2015, I think.

Right.

40 THE COMMISSIONER: So, I'm sorry. Are you saying that there was no occasion in which you had a non-pecuniary interest so far as Mr Kinsella is concerned, that that didn't arise until 2015?---Later on, yes. Later on - - -

**Sensitive**

That year? 2015?---Yeah. Around, around then. Just, can I just, Commissioner, council were evolving a plan. We were going out talking to landholders, major developers, community about structure (not transcribable) plan and it was getting more into the finer detail later on.

So your evidence still is, is it, that as at 15 October, 2013, you did not enjoy a friendship with Mr Kinsella or other relationship with him other than - - - ?---To my, best of my recollection, that's right, Commissioner.

10 MR DARAMS: Right. Perhaps if the witness can now be shown volume 3.2, page 32? And just note the dates of these - - -?---2 December, yes.

- - - meeting, 2 December, 2014. If the witness can be shown page 33? Now, just noting something occurring in closed session here, just read. Now, what about at this stage, should you have disclosed what you describe as your non-pecuniary interest arising from your relationship with Mr Kinsella or Billbergia?---To my best of my recollection, it's still early on in the piece.

20 All right.---I knew of him, I didn't know much about, I knew B1, I knew Hossa Group, that they were the major developers in the area.

All right. I see. Now, if the witness can be shown volume 3.3, page 157. They're minutes, 15 September, 2015. And if the witness can be shown the next page. What about at this stage, in September 2015?---Yeah. It was more after the master plan adoption where, and I don't think at this stage the master plan was completed.

What about at the stage that you – I withdraw that.

30

THE WITNESS: So this is where we resolved to do a, a further report and so forth, yeah.

MR DARAMS: So you're still saying not at this stage, there was no sufficient relationship between Mr Kinsella and yourself and Billbergia? ---Yeah. No, no.

I see. If the witness could be shown volume 3.4, page 14. Minutes in April 2016. Are we still too soon, Mr Tsirekas?---I just want to know if the  
40 master plan was adopted then.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

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Perhaps if we can show the next page.---Where we - - -

THE COMMISSIONER: I can't hear you. You're talking too softly.  
---Sorry. If, if, if, at that stage, I - - -

MR DARAMS: Perhaps it's easier this way.---Yeah.

10 When in your mind do you say you were required or the relationship was at  
a stage that you should have disclosed the non-pecuniary interest?---At the  
planning proposal stages that were submitted.

THE COMMISSIONER: Sorry, what's that?---At the planning proposal  
stages that were submitted and there, there was a few occasions there and  
the officer's reports were always approved and some were rejected, others  
were approved and it would have been at that stage.

You said when the planning proposal was submitted?---Were, were dealt  
with, were dealt with at council.

20 Not submitted, dealt with?---Dealt with and - - -

When was that?---I, I can't recall the dates, Commissioner.

And when we're talking about the planning proposal being dealt with, what  
planning proposal?---For, for any planning proposal that was part of the, the  
master plan for that, for that area.

30 Yeah. So you still haven't told me what the planning proposal was. You  
say it's part of a master plan, but what was it?---I, I can't recall all the  
planning proposals that have been - - -

Give me some sense of what it was about.---It would, would have been in  
the submission from the Billbergia Group.

Right. And so what was the effect of their submission?---That if council  
supported it or, it would have gone through to Gateway.

And did council support it?---Not all of them, no.

40 So there were a number, were there?---Some were deferred, some were  
rejected that I can recall.

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A. TSIREKAS  
(DARAMS)

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How many are we talking about approximately, how many submissions of Billbergia as part of what you call the planning proposal?---I wouldn't like to guess, Commissioner.

Well, talking about dozens of them or - - -?---No, it wouldn't be dozens, no.

What are we talking about approximately?---Three, two.

10 Okay. So one or more got through but not all of them. Is that right?

---Yeah. That's correct, Commissioner.

So some went for Gateway Determination?---Correct.

One or more?---Correct.

So it was at that point in time as I understand what you're saying, correct me if I'm wrong, that you considered that there had arisen a relationship which you considered or you consider now formed the basis for a non-  
20 disclosure – sorry, formed the basis of a non-pecuniary interest?

---Correct, Commissioner.

And that was built around firstly the relationship you had with Mr Kinsella by that time.---Correct, Commissioner.

And your involvement in this master plan and the planning proposals that you've spoken of. Is that right?---At - - -

30 That's the connection between the two.---That's right. Dealing with the report of council, yes.

And this arose, as I understand what you're saying, is in 2015. Is that right?  
---I'm not 100 per cent sure on the dates. It could have been a bit later or, I know that at that time - - -

Well, I think you did tell us 2015 before. It may be that the goalposts are being shifted now.---Well - - -

40 Are you suggesting it wasn't 2015 or do you think it was?---I wouldn't like to think. I'd like to, there are specific dates when planning proposals went through.

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A. TSIREKAS  
(DARAMS)

1245PT

Yeah, well, that's true but just coming back to your earlier evidence you thought - -?---Yeah.

In answer to what Counsel Assisting was asking you about is you didn't think one existed back in 2012, 2013 and then you went to the year 2015 and you considered by then, you considered there was a non-pecuniary interest between you and, in you vis-a-vis the relationship with Mr Kinsella. Now, do you want to revise your evidence in that regard and change it in  
10 any way or do you think that is probably the right position?---To my, Commissioner, to my best recollection 2015 was the date where the government gazetted the master plan so there'd been a lot of work. I know that Kinsella and others were working on their, their planning proposal, voluntary planning agreements and so forth. It was around that date but I'm not 100 per cent sure if they came to council in the end of 2015 or 2016. I'm not 100 per cent sure.

MR DARAMS: Perhaps if the witness could be shown volume 1.2, page, firstly page 23. Sorry, page 21 first. Now, Mr Tsirekas, this is the meeting  
20 on 31 May, 2016.---Yes.

Now, this is the meeting where the amended resolution of Mr Kenzler was proposed and voted on.---Yes.

If we could just be shown page 23. Just to confirm, no interests, pecuniary or non-pecuniary, were disclosed by yourself at that meeting?---Correct.

If we go to page 66, please. Well, I should go back, page 64. Now, do you see down the bottom, these being the minutes of the council meeting on that  
30 day? Do you see that?---Yes.

We're dealing with the planning proposal for the Station Precinct?---Yes.

Perhaps if we go to page 65, part C. Do you see we're talking about amended planning proposals, aren't we?---And, and, and the 7A, are you referring to?

Yes. Well, under part C.---Part C, yes. Yes.

40 If we go to page 67, you see you're voting in favour of this?---Yep.

**Sensitive**

Now, whether or not it should have been disclosed earlier in time, do you accept by no later than this time you should have disclosed what you call your non-pecuniary interest in relation to your relationship with Billbergia or Mr Kinsella?---Yes. This item was deferred, it wasn't approved.

Right. But at this stage - - -?---This was deferred that night.

Sure. But should you have at this stage?---Yes, yes.

10 So from this point this is in any event, on your evidence now, the time that you should have – from at least this time onwards?---Yeah. A non-pecuniary interest, yes.

THE COMMISSIONER: And what was your relationship with Mr Kinsella by this time, how had it developed by this time? I'm talking about the time of this meeting, it provides a date, 31 May, '16. Take that as the point in time. What do you say about your relationship with him?---On, on a professional level, he was very interested in working with council.

20 Well, it was in his interest to do so, wasn't it?---Yeah. No - - -

He had a lot of money at stake, invested I mean.---Yeah. And again, we had a lot at stake too with getting the right outcome.

Of course.---It certainly was, he had invested in the area, we wanted to make sure that we got a great outcome. Yeah. It, it was deferred that night because council accepted to agree to review that area and see what the outcome was from that master plan review. And so this was not approved, it was deferred.

30

And what happened after the deferral?---I, I was no longer on council. I left.

In relation to this planning proposal, or amended planning proposal that was up on the screen a while ago, consider the meeting 31 May, 2016, I put again my question. What was the nature of your relationship by that time with Mr Kinsella?---Yeah. It was at a professional level.

40 Ah hmm. What else? What was it that generated the non-pecuniary interest?---I may have had a coffee with him.

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A. TSIREKAS  
(DARAMS)

1247PT

A coffee.---Coffee, or lunch.

That means literally one coffee?---No, no. We would have had, like, occasions to meet him.

So you had meetings with him over coffee sometimes?---Yeah, yeah. Sometimes. And - - -

10 And that – yes, go ahead.---Sorry, Commissioner, and I don't know if these match up with his charity nights. Apart from that it was a very formal, professional level where he had, a lot of his staff working on this to try to impress and to gain support from council officers to, you know, to, to consider if it was worthwhile supporting.

You know what a non-pecuniary interest is, I trust?---Sorry, Commissioner?

You know what a non-pecuniary - - -?---Yes.

20 - - - interest is?---Yes.

You do?---Yes.

And you did at this time and probably many years before this - - -?---Yes.

- - - time of 31 May, '16, you understood what a non-pecuniary interest was?---Yes, Commissioner.

30 What is it under the code?---Well, whether there's, there's no, you know, benefits to you, you know, you know, the person and you, you socialise with him on occasions.

Well, you know the code includes in the concept of non-pecuniary interests, private or personal interests and commonly that would involve either family or personal relationships?---Yes.

You have a personal relationship, as I understand your evidence, with Mr Kinsella that should have been disclosed as a non-pecuniary interest.---Yes, Commissioner.

40 You understood at the time, May '16, that if you did have such an interest, you're required to manage it and you'll recall there are provisions in the

**Sensitive**

code entitled Managing Non-Pecuniary Conflicts of Interest?---Yes, Commissioner.

You're familiar with the - - -?---In, in – yeah.

- - - provisions in the code about that? I don't have to read it all to you, do I?---No.

10 So we'll accept that you, there did exist a conflict of interest situation which gave rise to a non-pecuniary interest which should have been disclosed but was not?---Yes, Commissioner.

That's the position?---Yes, Commissioner.

Have you regarded yourself as a conscientious councillor?---Sorry?

20 Conscientious as to obligations and functions that are required to be performed as a councillor, as mayor?---I, I do my job as best as I can, I think I do.

What I really asked you was have you been conscientious in trying to - - -? ---Yeah.

- - - ensuring, I should say, that you act with propriety in the course of being a councillor?---Yes, Commissioner.

30 Right. Well, you know that the code provided that where you had a non-pecuniary interest which conflicts with your public duty, you must disclose it?---Yes, Commissioner.

And are you aware that it goes on to say that you must disclose it fully? ---Yes, Commissioner.

And that you must disclose it in writing?---Yes, Commissioner.

40 Well, why did you not do that so far as your relationship with Mr Kinsella is concerned?---Commissioner, I, I can't answer that because at the time when we were deferring it, I didn't think we were making a decision on moving his application or whoever's. It, we were, we were deferring it.

**Sensitive**

You know that's not an adequate answer, don't you, to not disclosing it?  
---I should have disclosed it in hindsight, yes.

Because whether the meeting ended up with passing the resolution or it didn't, the fact is you were in the room participating in the council proceedings - - -?---Yes, Commissioner.

- - - with this non-pecuniary interest. And you would appreciate - - -?  
---Yeah.

10

- - - well, I think you say that you'd appreciate it was a non-pecuniary interest that should have been disclosed?---Yes.

My question comes back to why did you not?---I, I really have no explanation except that it was not done intentionally. I had nothing to benefit from it. I participated. In hindsight, I should have declared a non-pecuniary interest at that stage.

20 But you were and have been, you tell us, a conscientious councillor, seeking to act at all times properly in your office.---Yes.

But you weren't conscientious on this occasion it seems. That is to say you were not conscientious about an important matter that the code required to be dealt with in terms of disclosure, to be dealt with in terms of full disclosure, to be dealt with by way of a written statement. You did none of those things. That's not very conscientious, is it?---Yes, looking back it's not conscientious. Yes.

30 So we are still looking for an explanation then. Councillor of experience, been on the council for a long time, you've got a non-pecuniary interest, matter comes up before council involving Mr Kinsella and you do nothing about what the code required you to do. I'm still searching for why this would happen, given that you say you were a conscientious, not a slack, councillor who didn't care about codes of conduct. You were conscientious. What's the explanation on this occasion for not doing your duty in disclosing?---Commissioner, I don't have an answer for that.

40 You don't, okay.---Yeah, I don't have an answer and, again, it, it should have been disclosed, yes.

**Sensitive**

MR DARAMS: Ms Tsirekas, I want to ask you some questions now about some of your travel in 2016 through to 2019. So, first trip, I've asked you a few questions about this but your travel to Shanghai in January 2016 with Mr Chidiac.---Yes.

Now, did you pay for your accommodation?---Not at that stage, no.

Okay. When did you pay for your accommodation?---Oh, it, it would have been - - -

10

THE COMMISSIONER: No we don't want would haves.---Well, it would have been - - -

It either was or it wasn't.---No, it was. It was, it was done on, when I paid him back for the Lebanese trip as well in 2020. I did ask and say, "How much do I owe you?" and he said, "Oh, you, you still owe me for accommodation."

MR DARAMS: When you say paid him back, are you referring to Mr Chidiac?---Yes.

20

You paid Mr Chidiac back in 2020, is that right?---Yes.

THE COMMISSIONER: 2020. And you paid back Mr Chidiac?---Yeah, that was for the, I paid – just to go back. I paid Chidiac the airfare that year, later on in that year.

Later what year?---2016.

30 Let's just stay with the accommodation for a moment. We're in Shanghai now?---Yep.

And you stayed at where, what hotel, what was the name of - - ?---Oh, it may have been The Langham or something around there.

It was a fairly high-end hotel?---Oh, I don't, I don't know. I haven't been to too many - - -

40 Well, by the look of it, did it look like a four- or five-star hotel?---I don't know, Commissioner.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

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You don't know? You haven't a clue in the world, is that what you're trying to tell me?---Well, I don't know the, the hotels much in Shanghai.

But you physically got a look at it. It's either a shambles or it's a palace. ---No.

Or somewhere in between. What was it?---Yes, Commissioner. It was a nice hotel.

10 Was it more of a shambles than a palace?---It was a nice hotel.

Yeah, all right. And this was in what year?---2020.

MR DARAMS: No, no. 2016.---Oh, the, the, yeah - - -

THE COMMISSIONER: No, no, we're talking about the trip, the actual trip.---'16. 2016, yes.

Shanghai was 2012, was it?---'16.

20

MR DARAMS: 2016, January.---'16.

THE COMMISSIONER: January 2016, thank you. So this is the situation. Mr Chidiac is the one who pays for the accommodation at The Langham, is that right, not you?---Yes. Oh, I don't know who paid at The Langham, I - - -

Well, it wasn't you.---I, I went as his guest. I don't know who, who paid.

30 So some, whoever it was, person was generous enough to pay out of their own money for your accommodation in Shanghai at The Langham in January 2016.---Yeah. Well - - -

And you don't know who it was.---Well, I imagine it was Chidiac.

Could have been him?---Yeah.

Right. And you didn't repay him until, you say, 2020. Is that right?

40 ---When it came about to pay Lebanon trip, I did say to him, "Do I owe you anything else?" And he did say, "Look, you owe me for, you know, the

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(DARAMS)

1252PT

accommodation,” and he said, you know, “Give me 1,000,” and I gave him the 1,000.

Just come back to my question. When did you repay, you say, Mr Chidiac – if it was him – for The Langham accommodation in Shanghai, 2016?---In 2020. I, that’s - - -

How do you know – well, firstly, how much did you reimburse Mr Chidiac for having, approximately three years before, paid for you at The  
10 Langham?---I, I didn’t ask how much it was. I - - -

Doesn’t matter. Doesn’t matter. But have you any idea today how much Mr Chidiac paid out for your accommodation?---No, I don’t.

You don’t know?---No.

And do you know why he paid for your accommodation and not say, look, I’ll pay my way, you pay your way?---I was invited by Chidiac. I went along with Chidiac.  
20

Did Chidiac owe you any favours and is that why he paid for you?---No, he doesn’t owe me any favours.

Well, why would he suddenly say, well, (a) I’m going to invite you to Shanghai and (b) I’m going to pay for you? I mean - - -?---Well, yeah, well, I, yeah, and I did pay him back.

No, we’re just dealing with the transaction upfront.---Yeah.

30 2016. You’re at The Langham at his generosity.---Mmm.

Hmm? Yes?---Yes, Commissioner.

His generosity in paying for your accommodation for no apparent reason, is that the - - -?---Well - - -

Just, it is just being generous, is that it?---I don’t know. I went on his invitation and he, he, he fronted the payment and I paid him back.

40 No, but you didn’t pay him back until 2020.---Well, no.

**Sensitive**

Isn't that right?---No, that was only for what I – I paid him for the airfare later that year.

Listen, I'm not talking about airfares, I'm talking about Langham.---Yeah.

You didn't pay him back until 2020, you say. Is that right?---That's right, that's right.

10 Yeah. So here he pays for you at The Langham, and you, being a public officer, have the benefit of his money. Did you disclose that to anyone, that you have received a gift or an advance or whatever form of arrangement you want to call it, I've had the financial benefit for three years of somebody else's money who dabbles in local government work, including at Canada Bay Council. Did you ever disclose that?---It would be normal process to disclose it at the - - -

Yeah, well, it would have been normal - - -?--- - - - pecuniary interests for that, that - - -

20 Well, why didn't you disclose that? That here's Chidiac running around, coming in and out of Canada Bay Council from time to time as your benefactor. Why did you not disclose that?---When – sorry, Commissioner. When the pecuniary interest forms were supposed to be lodged, I was not on council.

Doesn't matter whether you're on council, on top of council or still with council.---No, I was - - -

30 You're still alive. You've still got your senses. You've still got your obligations to council. Why did you never before 2020 disclose Chidiac, who's a person known to - - -?---Yeah.

- - - Canada Bay Council - - -?---Yeah

- - - has paid for you on an overseas trip? Why did you not disclose that? ---Because that period where the declarations were required at the end of 2016, I was no longer on council.

40 Well, that doesn't matter. You've had the benefit while you're a public officer, hadn't you? You've received the benefit whilst in service of the council?---Yeah, yeah. Yes.

**Sensitive**

Yes?---Yes. Yes.

And you know that if you get financial benefits or contributions from somebody, freebies, and that person has business with council, you're absolutely obliged to report it at the earliest possible time, lest the perception may arise that you're in the grip of somebody who's trying to use you?---Yeah. Yeah.

10 I'm not saying that did happen - - -?---Yeah.

- - - but I'm saying that's the important matter of appearance is to keep the record straight. If you have a gift from somebody, you've got to declare it. Isn't that right?---For, for travel, yes, for gift, yes, for, yeah.

All right. Well, this is part of the travel.---Yeah.

The accommodation we're discussing at the moment. Why did you not declare that? Why have you never declared it?---Yeah. Look, I - - -  
20

Sorry?---It was difficult for me to - - -

Just answer my question. Just answer my question.--- - - - because it, I can  
- - -

Simple question. Why did you not declare the trip that was, accommodation for which is paid by Chidiac in January 2016?---Well, the simple answer is I, the forms that we fill out every year for that period of time - - -

30 You have never declared the receipt - - -?---Yeah.

- - - of the benefit of this advance for accommodation in Shanghai - - -?  
---Yeah.

- - - have you?---No.

Never?---No.

We're now here in 2022.---Yeah.  
40

Still haven't declared it?---No.

**Sensitive**

Why not?---My error. My error - - -

But why did you err? You are a conscientious - - -?---Yeah.

- - - councillor, you tell us. You know there is a code of conduct and you know - - -?---Yes.

- - - what's good, proper practice - - -?---Yeah.

10

- - - and improper practices - - -?---Yeah.

- - - and appearances of being impartial. How could that be an error?  
---'Cause the - - -

You must have some other explanation?---No, because of the time lag and when I did pay him and he did say "you still owe me" it, it was the time lag. I, I, I did think that I'd paid him for the trip and - - -

20 Belatedly?---Sorry?

Belatedly?---Yeah. I paid for the trip but - - -

Have you got some confirmation that you did repay him for The Langham accommodation, just to protect your own position?---Yes, yeah.

Did you say to him, "Look, I want a receipt" - - -?---Well - - -

30 - - - "if you wouldn't mind because I have received the benefit three years ago from you of accommodation in Shanghai. It's important that, I'm a public officer, I want a receipt, please, just to" - - -?---Yeah.

- - - "show that I at least did eventually repay you." Have you got any, did you seek to create a record of this repayment as you call it?---The, the, the, the, Commissioner, the only record I have is the deposit that I made to his account for, for that amount.

Yeah. But does that show that that deposit related to The Langham moneys?---No, no.

40

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1256PT

But you know as a public officer that if you have received a benefit, (a) you should declare, I think we've been there and discussed that?---Yeah.

Secondly, if you say you repaid it, you as a prudent, conscientious public officer would get a receipt to prove that you did, in fact, repay it. You didn't do that?---No, I didn't, Commissioner.

Why didn't you?---Well - - -

10 It would be the obvious thing to do, wouldn't it, say to Chidiac - - -?---Well - - -

- - - "Please, would you mind giving me a receipt just to confirm that I did repay you exactly for that Langham accommodation"?---At the time I didn't, I, I just wanted to repay whoever I had to repay when I received the settlement money.

20 And can you establish for the Commission that the moneys that you say you did end up paying back after the Lebanon trip or during the Lebanon trip, are you in a position to provide evidence to this Commission that that money did include The Langham expense?---I just paid him in a lump sum. He - - -

No, no, just answer my question.---I don't have that. No, I don't have that.

No. All right.---I don't have that.

30 So there's no way in the wide world we can now look to any document or any other evidence to establish that, indeed, that that money you paid him did include The Langham matter?---No, Commissioner.

MR DARAMS: Mr Tsirekas, I understand what you say about disclosure or the period after you left the council.---Mmm.

But what about on the 31<sup>st</sup> of May, 2016, a few short months after you receive these benefits from Mr Chidiac, when you were voting on that amended motion by Mr Furlong, which clearly favoured I-Prosperty? ---Mmm.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1257PT

Why didn't you disclose at that stage? Because you, if I accept your evidence before, you knew also by this stage Mr Chidiac's involvement with I-Prosperty.---Mmm.

So we're not talking years later or off council.---Yeah, I understand.

We're talking you're still in council. You could have disclosed that Mr Chidiac has paid – I assume from your evidence he'd also, at this stage you hadn't repaid the airfare.---No.

10

So this whole trip to Shanghai, your accommodation, at least your accommodation, at least your airfares, by 31 May had been funded by Mr Chidiac, a person you now say you should have declared a non-pecuniary interest in respect of as at 31 May. Why didn't you disclose the fact that Mr Chidiac had also paid for your trip, accommodation, airfares to Shanghai in January 2016?---I, I don't know.

Do you accept you should have done that?---We, we, accept that I should have done that, yeah.

20

You didn't have to wait until you're off council for the disclosure. You should have been doing it then.---Yes.

Now, did, on this trip in January, did Mr Chidiac introduce you to anyone as the Mayor of Canada Bay Council? You remember him doing any of that? ---Oh, he may have. I can't recall. He, you know, I can't recall if he's called me Mr Mayor or Angelo or – I can't recall.

30 He has, though, when you've been in Shanghai or in China, he has introduced you as the Mayor of Canada Bay Council?---He may have.

He has done that, hasn't he?---He may have. I, I can't recall.

Now, what about other expenses on this trip to Shanghai? Did Mr Chidiac pay for any other expenses, meals, travel, internal travel?---Normally at those places you've, you've, you know, you've got a big breakfast, so it's not that we'd go out. We'd go out sightseeing. We, I, we'd do the normal thing. Maybe go out to dinner. I can't recall exactly but - - -

40 THE COMMISSIONER: Would he meet the expense associated with those matters?---Well - - -

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1258PT

At meals, at the hotel and dining out?---We, we'd share it, we'd share the cost (not transcribable)

MR DARAMS: How would you pay for your, if you were sharing it, how would you pay?---I may have had a bit of the currency. I'm not, I, I can't remember exactly where we ate or, or – we were there for a couple of days, so - - -

10 Can I ask you this? Do you deny on this trip in January 2016, do you deny meeting Belinda Li and other people associated with I-Prosperty on this trip?---I can't recall who was at that trip, and that's – I cannot recall. I know I've met Belinda at – I can't recall which trip it was.

THE COMMISSIONER: You met her in Asia?---Yeah.

China.---China.

20 When she was in China, when you were in China?---Yeah, yeah, yes.

Could have been this trip we're talking about in January 2016 or do you suggest it might have been another trip?---Yeah, it could have been that trip, but I, I can't recall.

MR DARAMS: Now, you went to Dubai with Mr Colacicco in February 2016. Did Mr Colacicco pay any part of your travel expenses for this trip? ---As far as I recollect, he did.

30 Can you tell us now what he paid?---It was part of it, a deal with the team, the Roosters team. Could have been the accommodation.

Have you ever repaid that?---No.

Do you recall how much the accommodation was?---No.

THE COMMISSIONER: Mr Cicco, how do you spell his name?

MR DARAMS: Colacicco.

40 THE COMMISSIONER: Oh, Mr Colacicco. I'm sorry.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1259PT

MR DARAMS: Yes, Mr Colacicco.

THE COMMISSIONER: Now, Mr Colacicco, is he a property developer?  
---No.

What is he, what does he do for a living?---He's a real estate agent.

And do you know whether through his real estate agencies, or agency,  
business he also buys property as investment?---Oh, I don't know.

10

You don't know?---No, I don't know.

You don't know whether he's done any property developments?---I don't  
know. I don't think he has. I, I'm - - -

And where does he operate his real estate agency?---Up until recently he  
worked at, on Victoria Road, Drummoyne.

And he was there in 2016/17?---Yes.

20

Okay. And have you dealt with him in relation to matters that involve  
council?---Nothing that we would be voting on where he was the applicant.

No, but just generally. It's an open question, I'm just asking.---Okay.  
Yeah, previously I did answer that question that he would ring me on  
occasions when there was certain matters that, of, of community and, and  
they would range from, you know, from - he would contact me, yes, about a  
number of things, a number of different issues.

30 Well, any of those occasions was he ringing you in relation to planning  
matters or development matters?---Well, not for himself that, that I'm aware  
of.

Not for himself but for others.---Maybe for others, he may enquire but - - -

All right. No, well, if not for himself, for others?---Yes.

40 Who or in relation to what type of matter?---It, it, you, you know, on a  
couple of occasions, just a matter of following up letters, OC, occupation  
certificates, certificates, compliance, tree issues. Like it's a number of  
issues. I can't specifically say any particular DA where he would come and

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A. TSIREKAS  
(DARAMS)

1260PT

say, you know, what, what, you know – if you can tell me a specific DA maybe I can - - -

MR DARAMS: So this trip, he paid your accommodation, you haven't paid that back?---No.

All right. What about your trip to Rome in July of 2016.---Yep.

10 Did anyone help you with the travel expenses then? You went with Ms Crichton.---Yeah. Yeah, Dad, Dad assisted with that trip. He gave me the cash and said "Here's some money for the holiday."

How much did he give you?---Oh, around 10 grand.

What did you do with the 10 grand, what did you spend it on?---Oh, I, I used that, used that to pay for the tickets.

All right. Now, what about Shanghai in August with Mr Chidiac, 2016. Did you pay for your travel expenses then?---Yeah. Yes, he did.

20

Mr Chidiac paid your expenses?---As far as I remember. I was invited by him and, and again I was not on council, I was a private citizen.

But were these – I understand that you were a private citizen at this stage but were these gifts that were given to you by Mr Chidiac or were you to repay him these travel expenses?---I didn't, didn't, I didn't repay him, I didn't see it as a gift. He, he invited me along and I, I went with him as a private citizen.

30 Well, just on this. This is August 2016.---Ah hmm.

He invited you private citizen, I accept you're not the mayor. He paid for all of your travel and accommodation?---As far as I remember, yes.

You've not repaid any of that amount?---No. Not that I - - -

Did you ask I know why he was paying for all of your travel and accommodation?---No, I didn't ask him, no.

40 You just received quite a large payout from the Canterbury Council a few months before.---Yeah, yeah. Yeah.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1261PT

90-odd thousand dollars.---Yep.

You weren't, I'll say you weren't skint for it.---No.

So what was the purpose of going to Shanghai again in August?---For me it was just to go away for a couple of days. It was that - - -

10 Do you recall going to a wedding in August as well?---No.

No. August 2016.---Oh, not that I can recall. We - - -

Did you ever receive an invitation to a wedding, Kevin Ji, Jia, Kevin Jia?  
---Yeah, I can't remember.

Do you deny ever being, or attending a wedding in Shanghai or in China in 2016?---I, look, I, if I could - - -

20 Why couldn't you remember? I could probably remember all the weddings I've ever attended, but a wedding in China seems to be a memorable event. Like, how wouldn't you remember?---Yeah. It, it may have occurred but I can't remember.

THE COMMISSIONER: Well, who else was on this trip, the second trip in August 2016? There was you - - -?---Just - - -

- - - Mr Chidiac.---Chidiac, yeah.

30 And who else in Shanghai was party as a group?---Well, I, I went along with his invitation and I thought we were just going there for a couple of days to spend - - -

Yeah, I think you've said that.---Yeah.

What I'm talking about is the scene once you got to Shanghai. Who were you mixing with whilst you were there with Mr Chidiac?---Look, I, I, I can't remember.

40 Well, were there other people that you dined with and had a drink with and so on? Who, as a group, I mean?---Yeah. There would have been, on occasions, drinks with people but I, I honestly can't tell you who they were.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1262PT

MR DARAMS: Now, can I ask you about the trip to Shanghai in March – sorry, I withdraw that – In November 2017? You went with Mr Colacicco and Chidiac on this occasion. November 2017.---Yeah. Was there a few people on that one?

Well, at least Mr Chidiac and Mr Colacicco were on this trip.---Yeah. But I think was a group of people.

10 Yes, okay.---There was, there was a, I don't know if that was the sister city, Dongtai trip.

Did you pay for any of your travel expenses for this trip?---I, I, paid for that.

THE COMMISSIONER: What did you pay for?

MR DARAMS: What did you pay for?

20 THE COMMISSIONER: Sorry, are we talking about a Shanghai trip in November '17?

MR DARAMS: Yep, so it's November '17.

THE COMMISSIONER: Then, well, did you pay for the accommodation on that trip?---Yes, that one, yeah. Oh, hang on. Is it with - - -

November '17, 2017.---My best recollection is I did.

30 What hotel would you have stayed in?---Oh, could have been The Langham.

Who paid for the airfares?---I, I paid for the airfares.

Sorry?---I paid for the airfares. As far as I can recall, I paid for the airfares.

Who did you book through?---Was it Qantas?

Sorry?---Qantas.

40 What, directly with Qantas or through an agent?---No, I think I used, as far as I can recollect, Frequent Flyer points. I'd have to check, but I know I - - -

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1263PT

Well, you can get Frequent Flyer point benefits whether you go through an agent or you book directly, so - - -?---Yeah, I, I would have booked directly, Commissioner.

MR DARAMS: In terms of your accommodation, how did you pay that? Like, did you pay with bank transfer, did you pay with your credit card? ---No, just, just cash.

Cash. Where did you get the cash from?---I brought it with me.

10

So, what, you brought the cash from Australia? How much cash did you take to Shanghai?---I can't recall. Not - - -

THE COMMISSIONER: Have you got any documented evidence, or any evidence as you can assist the Commission with, to demonstrate that you indeed did pay in November 2017 on that Shanghai trip for the accommodation and airfares?---Look, I don't know, Commissioner. I'd have to look and see if I've kept payment slips.

20 MR DARAMS: So just going back to the November 2017 trip.---Yeah.

How much cash did you take?---I, I can't recall.

Why did you take cash? Why didn't you use your bank account or your credit card? Bit safer to use those, isn't it?---No - - -

You might lose cash.---No real reason.

30 THE COMMISSIONER: Well, I think it might be said we've almost reached the point of a cashless society, and back in 2017 people normally would pay by credit card or electronic transfer, but they don't generally speaking, it might be said, walk around with bags of cash on them. I think council's asking you why would you go on an overseas trip with a bundle of cash on you?---I've got no real reason why.

Did you have a credit card at that time?---Not a travelling card but a credit card, yes.

40 Credit card. And you had an account with a bank at that time?---In Australia, yes.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1264PT

Who did you bank with in November '17?---Oh, Drummoyne Commonwealth Bank.

Which branch?---Drummoyne.

Well, you had the ability to take it, get a travel card, cash card, whatever, through Commonwealth Bank if you had chosen in November '17. Yes?  
---Mmm. Yes.

- 10 What's the explanation for taking the money in cash instead of using one of those other alternatives?---There's no explanation. We may have been, you know, in a hurry and I just took, took that to pay for it. There's no real explanation, Commissioner.

Talking about an overseas trip, that doesn't generally happen at the very last moment. So in terms of being in a hurry. You say you've organised your flights through a travel agent.---Mmm - - -

- 20 Doesn't suggest a trip in a hurry.---I, I don't know about that or not. It may have been by, on Qantas, just doing it over the phone or something. I can't -  
- -

Well, did you withdraw the cash that you took out of the bank account just before you went?---I can't recall. I, I might have - - -

Well, where would you have got the cash from if it didn't come from the bank account?---Yeah, well, I had, I had some cash.

- 30 MR DARAMS: How much cash?

THE COMMISSIONER: Where did you have it?---In my wallet and at home.

MR DARAMS: How much at home?---I don't know at that stage.

Where did the cash at home come from?---Again, I would be saving. In November 2017, dad was withdrawing a lot of cash and he was, he was, you know, giving me cash, again in January. So I had cash at home.

- 40 Okay. Just on that. Your dad was withdrawing a lot of cash. What, from his bank accounts?---Mmm.

**Sensitive**

Well, who did he bank with?---I think the Commonwealth.

Whereabouts? You must have known - - -?---No, I don't.

He's withdrawing cash - - -?---Ashfield.

- - - from the Commonwealth Bank. Whereabouts? Ashfield?---Ashfield, yeah.

10

Do you know how many accounts he had with the Commonwealth Bank at Ashfield?---May have been two or three.

Two or three, I see. And when he passed away, were you his executor? ---I'm one of them, yeah.

Well, you must have access to his bank accounts and all that to deal with his estate?---Well, mum's still alive, so sort of, you know - - -

20

You'd be able to tell us the bank accounts that he was withdrawing this money from, though - - -?---Yeah.

- - - like, which accounts it would come from?---Yeah. I think it's some pensioner security account or something.

What was that again, sorry, just say that?---Either pensioner security or one of the, one of his accounts.

30

Right. So just, sorry (not transcribable) so because you're still administering the estate, are you?---My, well, is, it's, I'm looking after my mother still, who's alive - - -

They were joint account holders, were they?---Well, I, I, I don't know of, of joint accounts. It might have been only his, I'm not too sure.

Yeah. So in terms of his bank accounts, the only bank accounts he had are with the Commonwealth Bank?---Mmm.

40

No other banks?---Not to my knowledge.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1266PT

Not to your knowledge. Ashfield would have been the - - -?---Probably, yeah.

Yeah.---Ashfield, Summer Hill.

Ashfield, Summer Hill. Right. They were in his name?---Yes.

Yes. And so how do you spell his name?---I don't, I don't know if he spelt it Tashel or Anastasi, could be Anastasi.

10

Is that A-n-a-s-t-a-s-i?---T-i.

A-n-a-s-t-a-s-i?---I-o.

O? Anastasio. Yes. Thank you.---I-o. Anastasio.

THE COMMISSIONER: You said you used to keep cash in your wallet and also in your home. Did you often have cash in the home, in your home?---I did, yes.

20

What, small amounts or large amounts?---Well, depends what you call small and large, Commissioner.

It does. Okay. Either under or over \$1,000 in cash, was the cash you held at home usually under \$1,000 or over \$1,000?---No, it would be over \$1,000.

Under or over \$10,000?---I, I don't think it ever got to \$10,000.

30

What would be a common amount that you would in cash at home appreciating that - - -?---Yeah.

- - - I'm generalising here?---Yeah, I, yeah.

A range.---Eight, eight to 10,000.

You did say that you had a bank account at the Commonwealth Bank. Why would you hold money at your home, especially large amounts of cash, rather than bank it?---No real reason except, again, I, I wasn't trying to put the money all in the bank at the same time, I wanted a bit of cash at home

40

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1267PT

and my wife, we were still, we were still going through settlement and I just wanted to have the cash at home.

So as at say November 2017, you were on council at that time, in November 2017?---Yes, yes.

You were paid fortnightly by council for your - - -?---Monthly.

10 Monthly, was it? And how would council – would they, council, pay your salary into your account on a monthly basis?---Yes, on a monthly basis.

You've told us of the occasion that your dad gave you some cash. What other sources of income did you have in the year 2017?---'17.

That's the year you went to Shanghai.---It would have, would have been my redundancy payment out.

That's by council?---By council.

20 And did they pay that into your account?---Yes.

MR DARAMS: That was 2016.---Oh, sorry, '16.

You had a savings account though, that you used to transfer money from an everyday account into a savings account, that's right?---Yes.

30 THE COMMISSIONER: Are you saying that as at late 2017, and you can take an earlier year if you like, the previous year, 2016, it was not uncommon for you to choose to hold in cash at home amounts of money of the order of eight to 10,000, is that right?---At, at, yes, I had cash at home, yes.

MR DARAMS: The Commissioner's question though was in the order of eight to \$10,000. Are you agreeing with that, that was the amount of cash you were holding at home?---It would, it would fluctuate. I mean, that's the, the - - -

40 Up to eight - - -?---Yeah, up to eight to 10,000, yeah, when I was using it, yes.

Right.

**Sensitive**

THE COMMISSIONER: Okay. Well, what other sources of income did you have, apart from the salary entitlements that you received from the council, and leaving to one side the lump sum termination payment, what other source of income did you have?---That was coming into the account?

Well, coming to you. Whether in the account or in cash.---No, no. Except cash that I was saving, cash that dad was giving me.

10 Yeah, you've told us about dad.---Yeah.

Yeah.---No other.

No other.---No.

But you've told us that it was reasonably common, you chose for whatever reason, to hold up to eight to 10,000 in cash at your home.---Yes.

20 Where in your home would you place all of this cash?---Normally just in a, a shoebox in the cupboard.

You didn't have a safe, given the amount of money?---I wish I could. I wish I did.

You didn't have it locked away?---No, no.

Well, where did all this cash come from?---Money that I had saved, money that dad had given me.

30 Well, how much in total did dad give you?---Well, I, I would say over the years, from the time I was living there to the time he passed away, probably about 70,000.

Do you know? Is this just a stab in the dark or - - -?---Oh, no. I, that's what I can recall.

Well, do you have any evidence to establish how much he paid you over the years?---No evidence.

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1269PT

MR DARAMS: I've just got one last question now. I just want to just finish off. You went to Shanghai in November 2015 with Mr Chidiac and Mr Colacicco? November 2015.---Yeah, was that the Dongtai visit?

Do you remember being in Shanghai November 2015?---Oh, 2015. It would have been the Dongtai visit, yeah.

Yes. Now, do you remember having dinner with Michael Gu on that trip?  
---Michael Gu.

10

From I-Prosperity.---Oh. Michael Gu?

You know the name Michael Gu?---Yeah, from, yeah, it may have occurred, yes.

Yeah. Why were you meeting and having dinner with Michael Gu from I-Prosperity in November 2015 with Mr Chidiac?---He, he invited us.

20 Did Mr Gu arrange, do you know whether Mr Gu paid for the dinner?  
---I don't know who paid but, you know - - -

Wasn't you?---No, it wasn't me.

You do now recollect this meeting Mr Gu and having dinner with him in November 2015?---'15. Yeah, I, I don't know if it was 2015. Look, we did meet him, it could have been 2015.

30 When you say "we", are you saying you and Mr Chidiac didn't meet him that often?---No. Didn't meet him, no.

I note the time, Chief Commissioner.

THE COMMISSIONER: Yes, very well. That completes the examination today, Mr Tsirekas. I think I'd better not formally terminate it as yet. If there is any need for Mr Tsirekas to return to any further compulsory examination, then of course you will be given notice of that fact. But at the moment, Mr Tsirekas, there is no other date set for any further compulsory examination. There may arise a need for one, we'll just have to wait and see I'm afraid. So you're free to go today.---Okay.

40

Thank you.---thank you, Commissioner

**Sensitive**

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A. TSIREKAS  
(DARAMS)

1270PT

Just before you do go, you may recall that I have now made two directions under section 112 that there is to be no publication, no communication to anyone about anything associated with this compulsory examination. You are of course free to talk to your lawyers but apart from that exception, you are not at liberty to disclose any material concerning this compulsory examination or the evidence to anyone. I am only emphasising and reminding you of that so that you don't stumble into a situation where you start talking about it and you realise you've breached an order, which can carry serious consequences.---Yes, Commissioner.

I'm just reminding you so that you don't fall into that unfortunate position.--  
-Yes, Commissioner. Thank you.

I'll adjourn.

**THE WITNESS STOOD DOWN** [4.03pm]

20

**AT 4.03PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
[4.03pm]

**Sensitive**