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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 FRIDAY, 25 MARCH 2022

AT 10.00AM

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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THE COMMISSIONER: Yes, Mr Darams, I note for the record you appear to assist the Commission. Are there any other applications before I start?

MR STANTON: Yes. May it please the Commission. Stanton, Your Honour. I seek leave to appear for Mr Chidiac, please, Your Honour. Thank you.

THE COMMISSIONER: Thank you, Mr Stanton. I grant you leave to appear in this compulsory examination.

10

MR STANTON: May it please the Commission.

THE COMMISSIONER: Before we start, I direct that the following persons may be present at this compulsory examination: Commission officers, including transcription staff; the witness, Mr Joseph Chidiac; his legal representative, Mr Stephen Stanton. Now, Mr Chidiac, good morning.

MR CHIDIAC: Good morning, sir.

20 THE COMMISSIONER: Do you take an oath or an affirmation to give evidence?

MR CHIDIAC: Oath. Oath, sir.

THE COMMISSIONER: Would you mind standing then, and there should be a Bible there. If you take the Bible and I'll have my associate administer the oath.

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THE COMMISSIONER: Yeah, thank you. Just take a seat, thank you. Just put on the record your full name, please?---Joseph Chidiac.

Thank you. Mr Chidiac, I'll just deal with some formal matters before we start the examination. I propose to make a direction under section 112 of the Independent Commission Against Corruption Act 1988, restricting the publication of information with respect to this compulsory examination. The direction will prevent those present today, other than Commission officers, from publishing or communicating information relevant to this compulsory examination. It will permit Commission officers to publish or communicate information for statutory purposes or pursuant to any further order made by 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. It is to be noted that it is a criminal offence for any person to act in a way which contravenes the section 112 direction that I will shortly make.

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 Chidiac, 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 the witness to be identified and 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.

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 CHIDIAC, 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 THE WITNESS TO BE IDENTIFIED AND THE FACT THAT HE HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR

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**OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY
COMMISSION OFFICERS FOR STATUTORY PURPOSES OR
PURSUANT TO A FURTHER ORDER OF THE COMMISSION.**

THE COMMISSIONER: Mr Chidiac, do you understand the terms of the direction I have made?---I do, sir.

10 And that is to say there is to be no communication, publication by you of any information in relation to this investigation, any evidence that you've been given, the nature of this investigation, or the fact indeed that you have been summonsed to give evidence here today, and your attendance here today are all subject to the 112 direction. That is to say you are not at liberty to communication to anyone the contents of any of those matters I have just mentioned. Do you understand?---I do, sir.

Yes, okay. Now, Mr Stanton, is there any application you want to make?

20 MR STANTON: Yes, Commissioner. Under section 38 I seek a declaration (not transcribable) - - -

THE COMMISSIONER: Have you spoken to Mr Chidiac and explained it to him?

MR STANTON: I have indeed, Your Honour. Yes. I have. If I may, Commissioner, thank you.

30 THE COMMISSIONER: Thank you. Thank you. Mr Chidiac, I understand from what Mr Stanton has said that you wish to invoke the provisions of the Act that entitle you to object to giving answers to question or produce documents. Is that so?---(NO AUDIBLE REPLY)

You have to answer so it's recorded.---Yes, sir. Yes, sir.

Yes. And you understand the nature of the provisions and the purpose behind them?---I do, sir. Yeah.

40 All right. You do not need to object to every question but insofar as you've indicated that it is your wish to object you must be aware of the fact that though a declaration is made to provide that protection for you, you must

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nonetheless answer all questions, all questions truthfully. Do you understand that?---I do, sir.

And though you may object to producing any item or document, that though it's produced under objection it must be produced if required. Do you understand?---Yes, sir.

10 All right. As I said, you may object to answering a question or producing an item but the effect of any objection, as you no doubt understand from what Counsel has explained to you, is that you do have the protection, and there is one exception that you should be aware of and that is the protection does not prevent your evidence from being used against you in the event of a prosecution for an offence under the Independent Commission Against Corruption Act, including an offence of giving false or misleading evidence, for which there is a prescribed penalty of a term of imprisonment for up to five years. Do you understand what I am saying?---I do, sir, yeah.

20 So the protection afforded by making a declaration, which I do propose to make in a moment, does not prevent the evidence from being used against you in prosecution should a witness give false or misleading evidence. Accordingly, I propose to make a declaration that all answers given by you and all items that may be produced, including documents will be taken to be produce or given under objection. Accordingly, you don't need then to make objection to individual answers or individual documents or items.

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

40 **DIRECTION AS TO OBJECTIONS BY WITNESS: PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THE WITNESS, MR JOSEPH CHIDIAC, AND ALL DOCUMENTS AND THINGS THAT MAY BE PRODUCED BY HIM SHALL BE, AT THIS COMPULSORY EXAMINATION, WILL BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON**

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OBJECTION. THAT BEING THE CASE, THERE IS NO NEED FOR THE WITNESS, MR CHIDIAC, TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

THE COMMISSIONER: Very good. Now, Mr Darams, any other matters you want to raise?

10 MR DARAMS: No, nothing further, Chief Commissioner.

THE COMMISSIONER: Okay. Thank you. Mr Chidiac, Counsel Assisting, Mr Darams, will now ask you some questions. If you'd listen to the questions, listen to the point of the question and answer directly the question. In other words, I don't want speeches. I don't want statements. I want answers and the answers must respond directly to the questions asked, and as you're fully aware the answers must be truthful and respond to the question. Thanks, Mr Darams.

20 MR DARAMS: May it please, Chief Commissioner. Mr Chidiac, you were born in Lebanon on [REDACTED], 1967. Is that right?---That's correct.

When did you emigrate to Australia?---1978.

And what's your current residential address?---[REDACTED], Rhodes, New South Wales.

Do you have a mobile phone?---I do.

30 What's your mobile phone number?---[REDACTED]-8-0-3-9.

Now, I just want to ask you about your education, Mr Chidiac. Do you have a tertiary education or just a second education?---Secondary.

Did you finish at year 12?---I did.

Where did you go to school?---Christian Brothers from, actually I did St Marys, I think a term at St Marys in '79. Went to Christian Brothers Burwood from year 7 to year 10. Then went to De La Salle Ashfield from
40 year 11 to year 12.

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Yes. Do you have any trade qualifications?---I don't.

What did you do after you finished high school?---I, I worked in a family business. That business was service stations. I helped manage and steer some of their, some of their operations.

THE COMMISSIONER: Sorry, what sort of business was that?---Service stations.

10 Sorry?---Service - - -

Service stations. Thank you.---Service stations.

Thank you.

MR DARAMS: In relation to that business were there, what, multiple service stations or - - -?---There was, yeah.

20 Right. And was that owned by you or by your relatives?---Family.

Your family. When you say family, like your mother, your father?
---They're brothers.

Brothers.---Yeah. Dad was there - - -

Right. And how long did you work in that business for?---A good question. I can't give you an exact answer on that.

30 Two years? 15 years?---Roughly six years or eight years. Again I'm, I'm guessing on, on - - -

What did you actually do in the business?---Worked, worked on the car wash or in the car wash. Worked behind the counter. Helped train, train staff. Just managed daily, daily, on a day-to-day basis.

Like deal with customers if they came in and take their - - -?---Customers, take orders.

40 Right.---Check stocks, order stocks.

Right.---Train staff that are coming onboard.

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Right. So can you just assist me, when did you finish high school, 1980, is that right.---No, '85.

'85. So then from about '85 to '91, '92 you were working in this business? ---I, I don't have the exact year. I'm only, only guessing. If you're asking me to guess I'm not going to do that.

Right.---I can come back to you with those, those answers.

10

Well, just to the best you can today. So six to eight years at the end of high school. That was '85 so sometime early nineties you finished up in that business. What did you do then?---I, I think I stayed involved probably on a part-time basis, part-time basis for, to mid-nineties I'm, I'm assuming.

What did you do after that?---I, I applied for the Army Reserve.

Did you get into the Army Reserve?---I did, yeah.

20 How long were you in the Army Reserve for?---Approximately four, four-and-a-half years to five years. Again I'm not sure on the exact amount of years.

Right. So what did you do in the Army Reserve, was it just general duties? ---What's your description of general duties?

Oh, if you can assist me, what did you do in the Army Reserve? Was there anything, did you specialise in anything?---Well, I was in 1 Commando Unit.

30

Right.---You know what their speciality is, don't you?

No. Can you assist me with that?---Well, got a lot of specialties.

Right. Okay.

THE COMMISSIONER: Where were you based mainly in that four - - -?
---Mosman.

40 - - - four-and-a-half years?---Mosman.

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Sorry?---Mosman.

Mosman.---Mosman, yeah.

And was that a training - - -?---That was, that was - - -

- - - station?---Sorry. Go on. I interrupted.

Yeah.---That's where 1 Commando Company was based.

10

Sorry?---That's where was 1 Commando Company based.

I see.---There was two companies, one in Sydney and one in Melbourne. I was in 1 Commando Company.

MR DARAMS: Right. I see. So that's from the mid-nineties till four to five years?---No, I wouldn't say from mid-nineties. I think I, I mean it's a long time ago. I think it's from '89 that I applied.

20 Right.---To maybe '94.

I see. Was that at the same time that you were working in the - - -?---Yeah, yeah, yeah.

Yes, I see.---And it also was, yeah, yeah.

So we're up to about the mid-nineties.---Yeah.

What did you do after that?---Dabbled in security as, as, as a security guard.

30

Right.

THE COMMISSIONER: So security guard?---Yes, sir.

Did you work for a particular company or - - -?---I, I, I formed me own company but, yeah, I formed me own company, a company called Proline Security Services.

What was it called?---Proline.

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Proline?---Yeah. P-r-o-l-i-n-e Security Services and then we formed a company called Online Security Services.

Online?---Online, O-n-l-i-n-e, Security Services.

MR DARAMS: And who were these security services provided to? For instance, nightclubs, shopping centres, personal security?---We, we, we specialised in special events and static special events.

10 So someone might arrange a music concert or something like that or - - -?
---We, we, one of our major clients was the Sydney Festival - - -

Right.--- - - - for, for quite a few years. The Sydney Mardi Gras. Opera House were a client of ours. The Domain – Royal Botanical Gardens, sorry, clients of ours. The Sydney Morning Herald was a client of ours. So we had, we had a major construction company, Mirvac, were a friend – a friend – were clients of ours.

20 THE COMMISSIONER: Was that a full-time engagement over the years you operated the companies - - -?---Sir, we, I was, I was in the process of a start-up. I was just building the business so it took a while to kick start, to establish ourself, so we, we started as, you know, a start-up company would. Not much work and we just built on that.

Did you employ people?---I did.

How many? What sort of security personnel did you have?---We had a lot of contractors.

30 They were contractors, were they?---A lot of contractors.

How many approximately at any one time or the high point of the operations?---I mean at some of the events that we were doing probably required 120/130. Like at some of the concerts, say the Sydney Festival would require 120/130 security guards or - - -

Did you operate out of an office or just - - -?---I did, yeah.

40 Right.

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MR DARAMS: Where was the office?---We started off at home first for quite a while.

THE COMMISSIONER: Mmm.---From home. Just, just basically pager I think it was and, yeah, then mobiles came in. Just working off a mobile and ---

MR DARAMS: Just - - -?--- - - - then opened up an office and - - -

10 Where did you open the office up?---We had an office in Gladesville.

Right. Do you still operate from that office?---(NO AUDIBLE REPLY)

Do you still operate from that office?---No, I don't.

No. When did you cease operating from that office?---I, I, I'd only be guessing.

20 In terms of the contractors, and apologies if this is a bit crude, but am I right to assume that they would be the individual security guards who might roam the fences at night or roam the fences at a particular event or something like that? That's what we're talking about. Is that right?---Well, I don't, I can't say that's a fair description.

Right, okay. Can you just - - -?---We had multiple responsibilities and multiple tasks and multiple orders and there's a set of standard operating procedures that defined, you know, certain roles for certain client, certain needs et cetera, et cetera. I mean, if you're trying to put it in an eggshell, that's going to be - - -

30

I see.---It will be difficult to do that.

Yeah. But more generally what we could describe the business as operating is, as I think you described it, security services and whatever falls under - - -?---Well, I mean, security services slash, I mean, I don't know if investigation comes under that description you just gave me, but also, you know, private investigators that I subcontracted work out to that - - -

40 So the private investigation part of the business, was this a part of Proline Security and Online Security's business?---Yes, it was, yeah.

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What, you would engage – are private investigators licensed or - - -?---They are licensed, yeah.

Okay. So your companies would engage licensed investigators to investigate what sort of matters?---All matters.

Yeah, but can you give me some examples of the matters?---Family matters, business matters.

10 Right.---Debugging services. We just go into a, you know, business office and debug, debug, or look for bugs, listening devices, Your Honour.

Do you still operate that part of the business?---No, I don't.

When did you stop operating that part of the business?---Oh, I would have to go back to my, my records, my tax returns and come back with that answer.

20 In the last five years?---You're asking me to guess. I'm not going to guess. I'm not sure, I can't answer that question.

Well, what if I did ask you - - -?---No, no, no, sorry. Last five years, no, no. It was longer than that. Yeah, apologies.

So you have some – I'm not asking you for a precise date and I accept all of that but - - -?---Okay.

- - - just some assessment of were you still operating in the last five years. ---Yeah. Yeah. Maybe 12 years ago I would say.

30

12 years ago.---Yeah, approximately.

What about the, do you still operate – so that was the private investigation side of the business, for want of a better description.---Yeah.

Do you still operate the security services side of the business?---The, the Online Security Services still exists, if that's what you're asking. The company still exists, I still trade under that, that company but I don't provide security services, if that's what you're asking.

40

That's what I was asking.---Okay.

Sensitive

So when did you stop providing security services?---I've already answered that question, sir.

12 years ago?---I, I'm not – approximately, yeah.

I see.---Yeah.

10 Sorry, I thought, just so we're clear, I thought you were answering by question about the private investigation side of the business.---No, no. Yeah.

So you included the – about 12 years ago you stopped - - -?
---Approximately.

Okay. So what's Online Security been doing in the last 12 years?---Well, we're, we had, had, had, I had, had a bit of a break and the (not transcribable) had a bit of a break then went back into providing what I call an intermediary/advisory service.

20

THE COMMISSIONER: Sorry, you went back to doing what?---Went back, started trading the company again, started, you know, engaging clients again.

In what field?---Advisory/intermediary, I mean, what they call intermediary. I connect people together, I get people around tables.

Advisory?---Advisory/intermediary, yeah.

30 Intermediary?---Yeah.

Is that the word you used?---I did.

Advisory/intermediary?---Intermediary.

Yeah. So advisory/intermediary services, is that what you're saying?
---Services, yeah.

Is that how you describe it?---That's how I describe it, yeah.

Sensitive

When did you commence that work?---Well, I'd have to go back to my invoices and give you the exact date, Your Honour.

Well, I don't want a precise date but just an approximately will do at this stage. Approximately what period of time are we talking?---Yeah. I don't know, but I hate guessing on anything. I, I, say maybe from 2015.

Right, so - - -?---Maybe, approximately. Yeah.

10

So just to get a timeline - - -?'14.

You told us that you were in the army between 1989 and 1994, then you said you dabbled as a security guard and then you formed a company or companies. In what period were you conducting your security guard work through the companies? Again, give me an approximately time frame by year, starting and finishing.---We, I mean, I was, I was engaged by friends that were in the industry to work as a, as a security guard at special events, special events, close personal protection work.

20

Well, when was that?---From '89, from '88 till, till two thousand and, could have been 2010. And then in that process I, I formed the, what do you call, the Proline Security Services.

When would you have set up that company?---I, I don't have, I can't recall, sir.

And you said you were engaged to do security work initially by a company, as I understand it. Do you mean engaged as an employee or engaged as a contractor or - - -?---No, I was, engaged as an employee.

30

An employee?---Yeah. From maybe '88 to '89. Around those - - -

What was the name of your employer?---Oh, just, just a friend of mine who worked in the security industry rang us up, rang a few of us up, "Are you interested in doing some security work?" That's how things were done back then.

So a friend of yours?---Friend, like, someone, friend of a friend.

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Well, who was your friend, what was his name?---Look, I had a lot of friends in that industry back then. I can't give you exact names, sir. I mean, I would be, I would be only guessing.

What was the name of the person who was employing you, I suppose, will do?---Oh, I, I remember his, I actually was, the, the place that we worked at I think they, they asked a friend of a friend of a friend to engage us. It was a place called British Ex-Servicemen's Club, then in the city. They - - -

10 So what was his name?---His name was, I think the guy that was in charge, Stephen, Stephen, could have been Stephen, could have been Stephen.

Who?---Stephen, Stephen.

That's his Christian name?---Yeah.

What's his surname?---I can't remember his surname.

Can't remember?---I can't.

20

How long did you work for him?---I, looking back from - - -

Between '88 and '89?---Yeah, late 80s.

Through to – just hang on. Just, let me just get it. You worked through him or for him as an employee, I think you told me in '88/'89. And was that through to 2010?---No, no, no, no, no. Just, just - - -

30 No. How long did you work there?---Oh, probably three/four months, you know, once, once, once a week.

Oh, it was only short term.---One every fortnight, that sort of, that's how I got into the, to the industry, that's, that's the point I'm trying to make.

Ah hmm, right. So when did you set up Proline Security Services approximately?---Oh, I, I don't know.

40 Well, was it early in the 1990s or was it later, closer to the year 2000, the Olympics year?---Yeah, it could have been 90s, sir. Could have been early 90s.

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Early 90s, all right.---Yeah.

That'll do. And when did – so do I take it you went from the early 90s through until about 2016 when you took a break in the security industry operating your company Proline or Online?---Yeah. Look, well, we initially
- - -

Just correct me if I'm not right, I just want to get a chronology clear.
---Yeah. We, we started off, the company started off as Proline Security
10 Services. We put the, then we moved from the other company called Online Security Services.

Right.---The exact date I don't know but we can all find that out through the registry.

Try and put it this way, when did those companies cease their operations in the security services industry?---Online, well, Proline stopped ceasing when Online was formed.

20 Can you give me years? That's all I want to know. Approximately.---I, I, I, I would be guessing Your Honour. I would be guessing.

Well, was it three years, 10 years or - - -?---No, no, no.

Are you talking, what sort of - - -?---Yeah, I, I hate guessing on, on, on, for anything but - - -

But this was your livelihood, wasn't it, through the security - - -?---It was, it was.
30

- - - contracting industry.---Yeah. It was.

It operated through your companies.---Yeah.

The name of which you have given.---Yeah.

Well, I just want, you must have a sense of how long that went on for, whether it was 12 months, 12 years or, you know, some other ambit period.
---Yeah, yeah. Proline probably in early 90s ceased to operate, Proline.
40

Oh, okay.---And then we, I formed the company Online Security Services.

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MR DARAMS: Mr Chidiac, if I tell you Online Security Services was formed in 1995, will that assist you with your - - -?---Online?

Online in - - -?---Sorry. Yeah, yeah. I, possibly, possibly, yeah.

Well, let's just take that as 1995 it would have formed.---Yeah.

I think what the Chief Commissioner is asking you is then for how long thereafter did Online Security Services operate in the security services industry, 'cause you've told us it stopped and then you took a break.---Yeah.

And I think one of your answers before is you gave an answer of around 2010 is when the security business, because you said "about 12 years ago" so it's around 2010?---Quite possibly.

Okay. Well, is that your recollection now that the security services part of the business ceased about that time, 2010?---Quite, quite possibly.

You said you took a break?---I did.

20

And then I recall you saying that around 2014, maybe 2015, you started operating Online Security again but you were providing from then the advisory intermediary services.---That's correct, yeah.

So does that chronology sound about right?---Close enough.

So can you just assist us. You took the break between 2010 and about 2014/2015. What did you do in that break period?---Looked after my kids.

30 I see.---I was a full-time father.

Okay. I think they call it now stay-at-home dad or something like that. ---Something like that, yeah.

Yeah. Okay. You did that for that entire period?---Quite possibly, yeah.

Did you do any other, I don't say this in any pejorative sense. Did you do any other paid work or anything like that, remuneratory work - - -?---I'll have to come back to you on that. I'm not sure. I can't, I, I've got no recollection on exactly whether I took paid, paid roles or not.

40

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You don't have any recollection, for instance, that you might have been a security guard for three months at some hotel or something like that?---No, that's not possible.

Okay. It will be likely if you did some paid, remunerative work as an employee or contractor, you would recall that, wouldn't you, in that period of time?---You think I would, but I, I don't, at, at the moment, I can't recall that.

10 But nothing sticks out of your mind - -?---No. Nothing sticks out. I mean, I, we keep all the invoices. I can go back and double-check. It's all on my email addresses. I can, and I've still got some invoices book from 2005 and 2006. I can double-check all that for you.

THE COMMISSIONER: Your earlier evidence was that you took a break from the security work and as I understood what you said, that was about 2016, and then at some point in the break or after the break, you said you went back to training through the company in advisory intermediary work. ---I, I can't recall saying 2016, Your Honour.

20

All right. Well, when did you take the break from the security work before moving on to other forms of work?---Your Honour, I'll have to come back to you on that.

You must have some idea.---You're asking me to guess, Your Honour. I'm not going to do that. I don't mean to be abrupt about it but that's, that's the fact, Your Honour.

30 MR DARAMS: So, Mr Chidiac, I think the chronology we just went through, that you might have accepted as being relatively accurate is that you ceased the security work under Online Securities about 2010.---Quite possibly.

Quite possibly. You then became, my words, the stay-at-home dad, you looked after your children?---Yeah, yeah.

And then you said, some of your answers, that you start trading under Online Security Services again around 2014/2015.---Quite possibly. That's what - -?---Yeah. Approximately.

40

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- - - I understood you, and then that's the time that you started providing what you described as the, when I say "you", Online Security Services started providing these advisory intermediary services from about 2014/2015.---Approximately.

Yes. So that time line seems to be consistent. And I asked you some questions as to what you did between 2010 and 2014/2015 and I'm not downplaying how important it is looking after your children, you did that, you weren't sure whether you did in that period of time any other
10 remunerative work or anything like that.---Look, I mean, I, I know you want a definite answer. I can go back and look at my invoices. And I'm sure if you've had access to my email address, you'd have all that information, anyway. I'm not sure on the exact date. So I'm not going to sit out here and have a guess on dates or on the answer that you want. I'm not, I'm not prepared to do that.

Sure. I'm not asking you for precise dates. I was just asking you - - -?---I don't, I don't like guessing. I'm not going to guess.

20 Sure.---Okay.

Nothing in terms of remunerative work in that period of time - - -?---It's all documented. It's, all the, the email address, Online Security Services, and josephchidiac@, no, joseph dot, jchidiac.com.au email address, I'm sure you, you'd have a copy or I'm sure you can get a copy of all those invoices. It's all there. That will, that will, that will answer your questions. I'm not going to sit down here and, and, you know, have a guess at the, you know, the answer that you want. I'm not going to do that, sir.

30 THE COMMISSIONER: Well, Mr Chidiac, we set the rules here, unfortunately for witnesses. If we want an approximation, we will indicate that in questions. If we say we want to know approximately when the date was that something happened, then you've got to do as a witness your best to give an approximation. You can emphasise that it's not precise and you'd like the opportunity to check it. That's quite in order. Counsel may ask you specifically for a general estimation as to time. Counsel may ask you for a precise date about an event that's happened. Now, with a question of that kind, asking for a precise date, you either answer the question and respond and tell Counsel by way of answer what that precise date was.
40 If you're not able to give a precise date by way of answer, then you indicate that and then Counsel might seek to get an approximation from you.

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Whether you like or whether you don't like giving evidence of approximate dates is not the point. We ask questions of witnesses and we ask them for a purpose in this line of question that's now being put to at least get a general picture, you understand? And I don't want you to keep saying, "I won't answer that question, in effect. I'll get documents for you." We know we can get documents. And if you want the opportunity to get documents, we'll give you that opportunity so that you can come back and say, "I've now checked my invoices. I've said it was 2006. As it turned out, that's not right, it was 2007 that I started the business." Do you follow what I'm saying?---I do, sir.

So that's the way we operate here.---I understand that. Sir, no disrespect
- - -

So Counsel will put the questions or I will put the questions. It may be seeking specific information, detailed information. It may not seek that. It may seek general information. Whatever it is, you're bound to answer the question and not simply say, "I'll take that on notice and I'll come back to you." No, no. It doesn't work that way. Understand?---I do, sir. Can I, can I say something?

No, no. You just - - -?---Just answer the question. Okay.

- - - wait for the next question. But just before Counsel resumes, you I think said that you commenced training or do some work with advisory intermediary work at some point in time. Was that work conducted through a corporate entity of yours, a company of yours or was it in your name when you first started out on that line of work?---Sir, that was conducted, by memory, it was conducted through Online Security Services. That was my
- - -

Sorry. I'm just having a little trouble getting it, and it's not your fault and if you want to wear that mask, you're fully entitled to do it. That's fine. But if you can give evidence without the mask, that's also fine. What do you prefer to do?---I'll do it without a, without a mask, Your Honour.

Sorry?---I'll do it without a mask if it's going to help with the process.

No, no, no. There's an issue here. The witness is entitled to say, "Look, I'm, you know, I'm susceptible to infection, therefore I want to wear a mask," then I'll certainly respect that wish. I just want to try and find out

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where you're coming from.---Yeah. The only reason I'm wearing a mask, Your Honour, is just to protect the Commissioner and protect the, your staff here today. That's, that's my only intentions.

Thank you. All right. Well, I appreciate that. If you are quite content to give evidence without wearing a mask, then that I think would be the preferred course, but thank you for considering members of the Commission. All right. Sir, I think we got to the point you said you commenced doing this advisory-type intermediary work through, it was
10 through a company, was it, that you started?---From memory, it was Online Security Services, Your Honour.

Okay. Thank you.

MR DARAMS: And so that's advisory intermediary services from about 2014/2015 through Online Security Services?---Plus Joseph Chidiac & Associates.

Yes. Do you know whether that's a different corporate entity name or just a
20 trading name?---From memory, it's a trading name.

So it might be Online Security Services Pty Ltd trading as Joseph Chidiac
- - -?---Quite possibly, yes.

I see. Now, can you just assist us in some detail about the nature of what you describe as "advisory intermediary services" that you provide to clients. I'm going to ask you about clients in a moment but just the nature of the services you provide.---Your Honour, we, we provide all type, I provide all type of services. I provide a service on family, family disputes. I provide
30 advice on business disputes. I provide advice on personal relationships. I help, like I said earlier, resolve business issues. I arrange to get people around the table and discuss their grievances, whatever issues they might have. We provide, we find out what the customer's needs are and we try to recommend the best professionals for their needs and, for their needs. Yeah.

So can I just try and explore some of these things in a little bit more detail if you don't mind, Mr Chidiac. So family disputes. What types of things are involved in that, just based upon your experience in dealing with these family disputes through these services?---Can you just ask that question
40 again, please.

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Yeah, sorry. I apologise. So can you just, you've identified services being an adviser in relation to family disputes but what does that actually mean? Is it sort of a dispute between two brothers over who's going to take dad to the footy on Saturday or is it property issues or is it money or something like that?---Well, I think it's all the, it's all what you've just mentioned.

Right.---And, and more. The issue that I normally come across is siblings aren't talking to each other. Mum and dads aren't speaking to their kids.

10 Yep.---Individuals, you know, family homes being mortgaged or the, the son has mortgaged the family home without their knowledge or, you know, without their consent. I get called in and I, I help resolve those issues.

So sort of some form of mediation negotiation?---That's exactly right, yeah.

Right. Likewise, you refer to business disputes. Again can you just assist us as to what type of disputes you get involved in and what you actually do in those disputes?---Let me give you an example and I think you're probably going to get to this. Allow me to mention it before you, you bring it up. There's two companies. A company by the name of Billbergia and a company called I-Prosperity. They're neighbours. They both own land next to each other. Billbergia was ready to build. Ready to start building. Needed to access what they call anchors from I-Prosperity. I-Prosperity were not keen giving that permission. I was engaged to resolve that issue. You know, the issue went on for about eight months or 10 months or so approximately. I helped resolve that issue. That's, that's one example.

THE COMMISSIONER: We'll take that as an example. Just so I understand the nature of the dispute there. So was it, I think you said
30 Billbergia was the company.---The company Billbergia, yeah.

Was it seeking something or was it resisting something and - - -?---No. It was, it needed, it was seeking access - - -

It was seeking access.---It needed access.

And what was the other one?---I-Prosperity.

I-Prosperity. And initially it was resisting, was it, giving access?
40 ---Resisting to give access.

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When you say access again, access what, over land or what is it?---I don't, I have a building background. It's, from memory was they needed to access, Billbergia needed to access their neighbouring block which was owned by I-Prosperity to put anchors. So apparently before you start building a base you need anchors.

You're talking - - -?---You need - - -

10 Sorry. Are you talking about two properties that are alongside each other or something?---That's correct, yeah.

And what were Billbergia wanting to do? They wanted - - -?---Wanted - - -
- - -to go onto the land of I-Prosperity?---That's right.

For what reason?---To put what they called anchors.

20 To put anchors.---They can't build the, you can't build the, you can't build a tower or you can't build a, you know, a block of units without having anchors.

MR DARAMS: Some sort of support for the structure.---Support structures, yeah, yeah.

And do you say that Billbergia in terms of building their tower they needed to utilise or put some support under property owned by I-Prosperity? Is that how I understand what you're saying?---Yeah, something like that.

30 Right.---That's why they call these anchors.

Right.---Anchors.

THE COMMISSIONER: Did the companies engage engineers or experts to put the case for or against?---No, they didn't.

They didn't.---No.

So - - -?---Not that I know of.

40 No. So who was the representative of Billbergia for dealing with this issue?---There's, there's multiple representatives. There's multiple

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representatives. There's John himself, John Kinsella, the, the, the owner, the CEO of the company. Bill, a chap by the name of Bill. I can't remember his surname. His surname escapes me.

MR DARAMS: McGarry?---(NO AUDIBLE REPLY)

McGarry?---That's it, yeah, Bill McGarry. There was another chap, I'm thinking, I can't, I can't recall his name but it'd be all in emails that I've got.

10

THE COMMISSIONER: They were all involved in this issue in some way?---That's right, yeah.

And on - - ?---Emails going back and forth. Phone calls going back and forth.

And I-Prosperity people, who's representing I-Prosperity in this bit of a tussle over access?---There was a lady by the name of, first name Belinda. I don't, I don't know the surname. Belinda.

20

Anybody else? For I-Prosperity I mean.---Not, not directly, no.

I see.---No, no. There's emails going back and forth from both companies, signed off by different people.

So you say this issue, we'll call it an issue, was going on trying to be resolved over a period of months, was it?---That's correct, sir.

What, how many months approximately?---Approximately 10, 10 months.

30

I see.---Approximately, yeah. 10 to 12 months.

And they managed to resolve it in the end?---I managed to resolve it, Your Honour.

How did you do that?---Just going back and forth and talking sense into, into I-Prosperity that they, they, legally Billbergia was entitled to access their neighbouring block, okay, to be able to put those anchors in place.

40

How do you know they had a legal right?---Because I, I asked around and they're entitled to it. I asked around. I asked other, other people that are in

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the industry whether that was, that was the case. They, they, they, both companies got legal advice and they said that they're, Billbergia was entitled to have access with, with, yeah.

All right. So both sides had the benefit of legal advice about that issue touching on access rights. Is that right?---Say that again, sir.

Both sides got their legal advice?---That's correct, yeah.

10 Right. And you - - -?---And, and from memory - - -

You – sorry, go on.---From memory I think both legal advice said that Billbergia had, was entitled to having access.

And you yourself made some independent inquiries with lawyers to find - - - ?---No, it wouldn't have been with lawyers, no, no.

Oh, I see. Who with?---Just, I think it could have been the town planner.

20 The town planner?---Yeah, David Furlong. It could have been David Furlong could have asked.

Right.---He's a town planner.

And you say - - -?---Highly regarded town planner.

- - - you got his advice and anyway all the advice seemed to indicate that there was a right of access?---That's right, yeah.

30 Right. Okay. So they resolved that issue - - -?---I resolved that issue, sir.

- - - through the lawyers largely I suppose.---No. It was through mediation, sir.

But the lawyers on both sides I thought you said really acknowledged that Billbergia had the right of access.---That's right, but - - -

So - - -?---Sorry, to cut you off.

40 No, no, it's all right. I'm just simply saying if they both went off to get legal advice to try and sort out this issue and the lawyers on both sides came

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to an agreement about that issue then that should have resolved from a legal point of view Billbergia's right to go on the land.---Well, one would think so, but the person that was representing I-Prosperity, Belinda, I felt at the time and I told the person she had a grudge against Billbergia. She had a grudge for some reason. She had a grudge. She just didn't like the, the way Billbergia's people approached her so she took offence to that and she said, "Look, I, I'm just going to fight this through, through courts."

10 So she was the one who was really resisting resolution. Is that putting it too briefly or is that - - -?---Well, that's, that's, that's what I was seeing but I think she could have been taking orders from, or getting permission from someone higher up from I-Prosperity, yeah.

All right. So how was the issue resolved?---Just talking some sense into Belinda and, and I-Prosperity that legally how to do it. Similar way that they're going to, similar way that they, they would when they do go up or when they do bill. They can benefit from those anchors as well and it saves them a lot of money. They've just couldn't, couldn't see through that.

20 So in effect you were telling Belinda, the lady for I-Prosperity, something which she would have known because the lawyers had already dealt with that issue.---That's right, yeah.

Oh, I see. So, so what was your role then to - - -?---My role was to talk some sense into Belinda, tell her don't take it to court. She knew she was going to lose the court case, but she still intended on delaying Billbergia's intention of building.

30 How long did she maintain that attitude for?---I think for about eight, eight months or so.

Over a period of eight months she was resisting?---Yeah, absolutely. Absolutely.

MR DARAMS: How did you get her to change her mind? What did you do?---That's, that's a good, good question. I just kept going back and forth, saying, look, you also, as you know from legal advice, it's, it's best to get on, you know, well with your neighbour. Sooner or later you're going to, you're going to need to access their block or access their property as well to
40 do what your intention is, and that is to build. It's best that you, you know, you work together as, as neighbours.

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THE COMMISSIONER: On that matter, did you communicate with her by email correspondence or other correspondence?---I think I did both.

You did?---Yeah, quite possibly both. I know I was receiving a lot of emails from various people within Billbergia and associates of Billbergia that - - -

10 No, but in dealing with this lady Belinda to try and get her to see, see the issues about right of access, did you correspond with her, send her an email and say, "Look, the boys say this"?---No, no, no, I don't, all my communication is over the phone or face-to-face.

I see.---Yeah.

Did you make a report to – well, sorry, who was employing you to resolve this dispute?---Well, I mean, I, well, Billbergia approached me to resolve the issue.

20 Right. So they really retained you, is that what you're saying?---Well, for that period of time, yeah.

For that dispute?---For that, that dispute.

And did they pay you for that?---They paid me for that.

Billbergia, I mean.---Billbergia did.

30 Right. And how much did you charge for that matter?---\$200,000.

200,000. Right. Okay. Did you maintain a file on this dispute over the eight months?---I maintained an invoice.

Yeah, an invoice, but did you have a working file dealing with the events of that dispute?---No, I didn't, no. No, I, I don't, know, I, I never do.

You never do. Okay.

40 MR DARAMS: So to the extent there was any records about the dispute, they would only be telephone records, is that - - -?---And there's a lot of

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emails coming back and forth from both parties' emails, emails, that, that'd be in my emails.

THE COMMISSIONER: To you?---Yeah.

MR DARAMS: Did you respond by email yourself? So they were addressed to you - - -?---I can't recall, I can't recall responding by emails. It was always, you know, face-to-face, over the phones, you know, over coffee, over lunch, over - - -

10

THE COMMISSIONER: So how did Billbergia end up, sorry, commence engaging you?---Well, I was, I was introduced – I'm not sure if I'm answering your question, but I'm sure you'll tell me if - - -

Perhaps I should make it clear.---Yeah.

All I'm asking is how did it come about that you were engaged by Billbergia for this particular dispute?---Well, Billbergia seen, well, seen and heard about the results. I was again, you know, from previous, previous engagements.

20

Previous engagements by Billbergia?---No, previous engagement from, from other, other, other companies.

Such as what other companies?---Okay, there was, there was a company called, a company called B1. Owned a property in Marquet Street and Mary Street. Okay, they, there was, just trying to think. There was four properties they took an option on to buy.

30

B1 took an option?---B1 took an option. There's a, they needed to buy the fifth property. The vendor refused to sell. Someone approached me on behalf of B1 if I could recommend an individual i.e. a real estate agent that can engage that lady and to seeing if she, she'd talk about selling because she was refusing to talk to anybody, she was, my understanding back then she was getting bullied by real estate agents on a regular basis and she refused to own, refused to open, open a line of communication by, you know, opening the door and engage them. I was, yeah, so I was, I was engaged by B1. I was introduced to B1 by an individual, by a person by the name of Andrew Ferguson.

40

Andrew - - -?---Ferguson.

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Ferguson.---He introduced me to B1 and he's asked, he's the one that asked me if I could help find the right real estate agent to buy that property. We did. From memory, they ended up buying that property. So that was, that was a property in the vicinity of where Billbergia is building. Yeah, so - - -

10 What role did you play in that particular matter you've just been talking about?---What role? I made an introduction to the right real estate agent to be able to pick up that property. You know, they, they, they did pick up that property. You know, you had numerous companies, numerous individuals who tried to pick that company where they, you know, where they weren't successful.

Who was the real estate agents?---Oh, an individual by the name of Kim, Tim, based in, based in Rhodes. Excuse the expression, Asian background. Tim, Tim, could be Tim Ho. I mean, I've still got his contact details, you know. Still talk to him on a regular basis. I've engaged him for multiple other, multiple roles and jobs.

20 MR DARAMS: I was going to ask you about this. Had you engaged Tim prior to this transaction? Or was this the first time you had – when I say you engaged him, had you worked with Tim prior to this transaction or it was your first dealing with him?---I'm not, I'm not, I'm, I mean, I know we had a working relationship for quite a few years.

Subsequent or before then?---I'm not, no, I'm certain afterwards, but I'm not sure if that was the first engagement that I - - -

30 Is it your recollection that the vendor was from an Asian background as well?---No, no.

No, okay.---I never met the vendor. I can't remember what nationality the vendor was.

How did you come across Tim or Mr Ho or Mr Wu, how did you come across him?---I, I, I can't, I can't, I can't recall. I can't remember, to be honest with you.

40 Did you consider any other persons other than Mr, well, other than Tim? Any other real estate agents?---I spoke to quite a few agents, yeah.

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Right. I guess the question really is how did you then identify Mr, well, Tim as being the person who might be fit for the job?---He was the most prominent operator in Rhodes at the time. He was getting record sales.

Righto. So you said before, when we started, that Billbergia had heard about your, I think, you said success on other engagements. And we went to this engagement. Were there any other - - -?---Yeah, there's quite a few other engagements. A company by the name of Prolet.

10 Sorry, who?---A company by the name of Prolet.

Prolet. Right. Can you tell us about that company?---They, they approached me about helping them put a site together.

Okay. Well, when did they approach you and where was this site?---At Rhodes, Rhodes, what they call Rhodes East.

Right. And, sorry, when did they approach you?---I don't have the exact date, no.

20

Okay. This will be one of those questions, have you got the approximate, round-about date?---I don't, no. I'll only be guessing.

Well, just, can I assist you here. We're now talking about these advisory services and you've agreed you started doing that around 2014/2015. You're with me on this time line, so - - -?---Approximately, yeah.

30 So does that assist you or can that assist you with your recollection about your introduction to Prolet when they approached you? Does that help you with the timing?---It doesn't but I can, I can come – I don't want to upset the Commissioner, here. But I can, I can get, I can get those details for you. I'm happy to come with those details.

We can assume it's after 2014, though, can't we?---I mean, if I, I, I say yes or no, I'd only, only be guessing. I'm, if - - -

THE COMMISSIONER: Just - - -?---I mean, let's, let's be safe, say, 2012 or 2013. That's probably a better guess for me.

40 MR DARAMS: So Prolet, on your recollection, approaches you around 2012/2013?---Yeah. Quite possibly, yeah.

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This is when you were caring for your children, this period of time.
Remember you took the time off - - -?---Yeah, yeah.

- - - before you started the advisory?---Yeah.

Can you assist us with the circumstances of that approach. How did they find out about you or how did they approach you?---How did they approach me?

10

Yeah.---I can't remember how they approached me. I can't recall how they approached me.

THE COMMISSIONER: Did you - - -?---They, they, from memory, I think we crossed paths somewhere. Could have been on a, at a function that we met.

Did you have a form of advertising of your services?---No, no, no. Just, just word-of-mouth, Your Honour. I don't think I've ever advertised my services anywhere at all, from memory.

20

MR DARAMS: So just in relation to this Prolet approach, what do you recall or can you assist us a bit more with this, I think putting a development together or putting something together, what was the nature of it?---Putting a, putting a, putting a site together.

THE COMMISSIONER: What did that involve?---Well, I can't remember the exact year, there was a Planning Minister that come out and said in the media that anyone lives 800 metres, approximately 800 metres to a station be prepared to have developments, to have developments. So, as a resident of Canada Bay, I'm always keen on developments around train station, around public transport facilities. I was never keen on having developments within, within the suburbia. From memory, I think the State Government were looking at rezoning the street that I live in. I think now you're permitted two storeys. They wanted to go, go eight storeys, plus.

30

You said Prolet approached you in relation to putting a site together. Who were you dealing with at Prolet?---Joseph.

40 Who?---Joseph Jacobs.

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Joseph Jacobs?---Yeah.

And where was the site?---Well, they didn't have, didn't have, they didn't have a site in mind at the time. They were looking at, they were looking at, they were really keen on doing something at Rhodes. They were - - -

Well, what were they looking for?---Well, they just wanted, you know, a site that they can, they can build. They asked me if I knew any, knew any real estate agents that could help them put a site together.

10

Go on. What happened then?---Well - - -

What did you do from there on and what was the outcome?---Well, I introduced them to, to quite a few real estate agents in the area - - -

MR DARAMS: Can you recall their names?---That individual, Tim. A real estate agent by the name of Dib Chidiac, who's my nephew.

THE COMMISSIONER: Did they find a site?---They did.

20

Where?---They found a few. They found, well, they found quite a few sites. One of the sites they found was in Rhodes East, along Concord Road there.

What's the address there?---I wouldn't know the - - -

What street, I mean?---Concord Road and could be Concord Road, just Concord Road and is it Blaxland, yeah, Blaxland, well, some of the properties back onto Concord Road, some fronts are on Blaxland Street, so along that, that strip there.

30

MR DARAMS: Did they pay you for these services?---They, they, they made me what they call an offer, that if I help them put their property together, and help them find a buyer, I will get, I will get paid.

THE COMMISSIONER: Is there a formal contract for the work?---There was, there was a contract, sir, yeah.

For you?---For me.

40 Yeah.---Yeah.

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And so you say you helped them find a site, put a site together?---Well, I, yeah. Well, I, well, I introduced them to real, real estate agents and, yeah.

What, through real estate agents?---Yeah, yeah. They identified a certain area they wanted to buy in and I put them onto that.

What size site are we talking about? What sort of size site - - -?---I wouldn't have a clue, Your Honour.

10 - - - that they eventually acquired in Rhodes East?---They did, yeah.

Yeah, but what, was it a house site or two sites?---There's multiple, multiple houses, multiple houses.

So they bought up a number of sites?---Yeah, yeah, in different, different spots.

20 And what was your fee for that job?---I, I, I was never paid anything but they, they, they put a contract together through their solicitor and they said, you know, "If you get a site together and you, we can, you can help us sell the site, you know, this is what we're happy to give you, happy to pay you."

So I think you earlier said you did, in fact, have a contract.---I did have a contract, yeah.

Was that executed by both parties?---No, no, no, no, no.

What? They must have sent you a contract at some stage?---They did, yeah.

30 But it was never signed off?---Well, I, from memory, it was signed, yeah, it was signed.

It was signed?---Yeah.

By both parties?---Both parties, from memory, yeah.

I see.---And I, I mean, you, you, you've got a copy of an unsigned contract.

40 Right. Okay.

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MR DARAMS: So when you say we've got a copy of the unsigned contract, if I understood your evidence, there was actually a signed version of that contract somewhere?---Say that again? Can you ask that question?

You just said to the Chief Commissioner that we, I assume you mean the Commission, has a copy of the unsigned contract.---That's correct.

You said before that the contract was signed.---There was a signed contract, yeah.

10

Do you have a copy of the signed contract?---I don't have it on me at the moment, no.

Is it in your - - -

THE COMMISSIONER: Well, was there some dispute that they've decided they weren't going to pay you or did it just not happen?---Well there was a, I, I'd made an approach to, we, we share the same accountant.

20 Sorry? I missed that.---We share the same accountant. I'm just trying to answer your question, but, yeah.

Sorry. Who is that?---That, a chap by the name of Frank Bruzzano.

30 And what happened? You say they didn't pay. I'm just trying to find out what happened about that.---Yeah, yeah, yeah. I, he, he does, he does, as, as accountants do, he, he does my tax, tax returns, so I, or his company does my tax returns and my daughter's tax return. I, I had to attend their office a couple of months ago. Don't have the exact date. And I raised that. I said, "Look, don't forget. We've got a contract with Prolet and you're the, you're the witness." He, he said, "Look, I can't, I don't know what you're talking about. I can't remember there was a signed contract," et cetera, et cetera. Anyway, I, I mean, if, I don't know whether he, that was intentional or not because he, he's had, had some health issues for the last three years or four years or so, very serious health issues. So maybe the, I'm assuming the medication he's on or, you know - - -

MR DARAMS: Who are we talking about? Mr Bruzzano?

40 THE COMMISSIONER: Who has not been well?---Frank, but that's who we're talking about, Your Honour, Frank Bruzzano.

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But when did Prolet acquire these sites? What year, approximately, was that?---I, I, I, I don't, I don't know. I can't, can't remember. Can't recall.

Well, I thought earlier we were talking in terms of you having been approached in approximately sometime in the 2012/2013 period.---Yeah. Yeah, but, Your Honour, you know - - -

10 But then it took time, obviously, to - - -?---Yeah. Well, you know, when you want to buy something, you know, it's, it's not always available, it's not always achievable. I can't remember when they made their first purchase. I can't remember when they completed their purchase.

All right. Well, I see it's usual morning tea time, so we might take the break. Mr Chidiac, we're going to take a morning tea adjournment. We'll resume at about 10 to 12.00 if you wouldn't mind being back here in time for that and then we'll continue at that point. Okay. I'll adjourn.---Thank you, Your Honour.

20

SHORT ADJOURNMENT

[11.31am]

THE COMMISSIONER: Yes, Mr Darams

MR DARAMS: Yes. Mr Chidiac, you mentioned before the morning adjournment dealings with Belinda from I-Prosperity.---(NO AUDIBLE REPLY)

30 You have to say yes or no.---Yes. Sorry, yes, yes, yes.

Yes. I want to ask you about I-Prosperity, ask you a few questions about that. How did you come to know or be introduced to I-Prosperity?---From, from memory they, they attempted to, initially they attempted to, to contact me. I wasn't sure how they got my details. Then after, I can't recall the exact time frame they sent, they could have sent a text message saying, "Look, we've just ran into the Mayor of Canada Bay, Angelo Tsirekas, and we just got your number, double-check your number. We've got your number. We've been wanting to talk to you for quite a while. Can we catch
40 up for a cup of coffee?" And, yeah.

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Sorry, who sent you that message?---Look, I, I, I, I can't remember exactly who, which individual sent it to me. It could have been Michael, Michael Gu. Could have been Michael Gu or one of, one of his offsidars.

Right. Did you understand that they got your details from Mr Tsirekas?
---No. I understood that they, they got me number from someone else. I can't remember who exactly it was. Since I wasn't responding to their, or returning their calls they asked for my number from, they crossed path with Angelo Tsirekas at some form of function, sporting function and they, they
10 double, they got me number from him and to make sure they've had the right number, yeah.

Right. Did Angelo Tsirekas call you and say that he had run into these individuals?---I can't recall him - - -

Is it possible that he did do that?---Quite possible.

Yeah. Right. Just in relation to the people. You've mentioned Michael Gu. Who else were you dealing with on behalf of I-Prosperity? Can you
20 remember the other people's names?---Look, mainly, mainly was Belinda.

Right.---But occasionally I would, I would meet with the Financial Controller, Harry, Harry something.

Is that Harry Huang?---Sorry, say that again.

Harry Huang.---Wong?

Huang.---I, I, it starts, it's H-u-a-n-g, I think. I don't know how to
30 pronounce it but.

So you've met Michael Gu, Harry, Harry the H-u-a-n-g.---Yeah, yeah.

Belinda.---I think that's how you spell it, yeah.

Peter Thornton.---Who is it?

Peter Thornton.---That name rings a bell.

40 Right.---I wasn't sure he was at, Peter Th.

Sensitive

THE COMMISSIONER: What did he do? What was his line of work?
---Who's that?

Peter Thornton.---I can't even remember name, I can barely remember the name rather than remember what he did. I've heard the name but I can't, just can't put the name to which company it was, Peter Thornton.

MR DARAMS: Right. So just at some stage someone who you can't recall contacts you. They tell you that they've been trying to contact you.
10 They've run across the mayor, come across the mayor. Is that right?---(NO AUDIBLE REPLY)

And then, what, you take their call?---No.

No.---That was, that was over the phone. That was, could have been through a message, yeah. Could have been through eventually picking the phone up and saying that, you know, "I've been trying to ring you for a while. We've just double-checked, yeah, we've got the right number. We've acquired it from Angelo Tsirekas. Can we catch up for a cup of
20 coffee?"

Right. Did you catch up for a cup of coffee?---I did, yeah.

Yeah. So who did you catch up for coffee with?---Definitely Michael was there. I can't remember who, who, who else was there.

Right. And was there someone else there with Michael?---I think there was, yeah.

30 Yeah. Male, female?---Look, I'm doing my best here. I honestly can't remember.

Do you remember where the coffee took place?---Yeah. It was in Burwood somewhere.

Was it at a place that you've gone to before or was that the first time you've been to that place?---Oh, it's a place that I've been to a few times.

40 Right. What's the name of the place?---It's no longer there. I can't, can't remember.

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(DARAMS)

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Right. Was it a coffee shop, was it?---Coffee shop, yeah, opposite a barber that I used to frequent.

Okay. Now, what did you talk about in terms of this meeting with I-Prosperity? It's the first meeting, correct?---That's correct, yeah.

10 What did you talk about?---They, they had taken an option on, on four properties in Marquet Street and Mary Street and they've been advised that they need to pick up the fifth property. It's the same property that I helped B1 or helped B1 identify the right agent to pick up that property from. They needed to buy that property from B1.

Right. And so what do you say to them, that you can assist them? Did they want to engage you to help them buy that property? What was the - - -? ---No, they just, just want a bit of a history or bit of a brief how do I, you know, what, what my, what my involvement was with B1 and how do I come about, you know, talking to B1.

20 Did you give them that?---I did.

Right. What happened from there? Did they, was that the end of it, the conversation?---No, no, that wasn't the end of it. They said, "We, we'd like to pick that property up. If you could, if you could help us." They, from memory I think they, they attempted to pick up that property to no avail, to no avail.

30 Right. In that meeting did you talk to them about what you would charge for that work or that assistance?---No, no. I, I didn't, no. I can't remember doing it.

THE COMMISSIONER: Sorry, you did what? I couldn't hear what you said.---I could not remember having that discussion with them.

MR DARAMS: Did you end up agreeing with them that you would help them try to buy the property?---I did.

40 Right. Do you recall when you, or did you ultimately agree a fee for helping them in relation to doing that?---They put a proposal to me and I accepted.

Yeah. And so what were the terms of the proposal?---It's in a contract.

Sensitive

Yeah. Can you remember the terms of the contract now?---Not exactly.

Well, don't worry about the exact terms. How much were you getting under the contract moneywise?---I think initially the contract stated approximately \$20,000 something a month.

20. Right. When you say initially, did that change at some stage?---It did.

10 When did it change?---I can't remember.

You can't remember.---It would be all in, it would be all in the invoices.

When did it change?---I can't recall.

How much did it change to?---From memory, and again I'm doing my best here to give you the approximate amount, \$30,000 something a month or \$33,000.

20 Right. Sorry, and so just going back to you – so they engaged you to try and assist them get that one property back. Is that right?---And, and that was the initial, the initial discussion, yeah. That was the initial discussion.

Right. Now, so in the sense that that the was initial discussion, were there further discussions, were there?---There, there was multiple.

What were they in relation to?---What other service I can provide.

30 Well, what did you tell them you could provide?---Well, I told them I can, I mean, I would, then I was put onto an individual by the name of Belinda. She explained to me that she didn't have a good command of the English language, she's fairly, fairly new to this industry and asked me if I could help her work through the process.

THE COMMISSIONER: Sorry, how did you know Belinda as at that time?---I didn't know Belinda at that time. I wasn't, she contacted me.

40 I thought you said you told them, in answer to their question, what other services you could provide. You told them that you could put them into contact with Belinda. That's what I thought you said.---No, I didn't say that.

Sensitive

Oh.---I can't recall saying that, Your Honour.

All right. Well, okay.---They put me in contact with Belinda.

Right. What's that?---They put me in contact with Belinda as one of their owners in one of the few, well, one of their projects.

10 So it was the other way around, they told you that they would put you in touch with Belinda. Is that the way it goes?---That's, that's correct, yeah, from memory, yeah.

And did they tell you who Belinda was and, you know, how she could be of help?---Well, she was going to be a representative.

She was what?---She was going to be their representative, I-Prosperity representative, employee representative. She's the one that would be driving the, that, that site that they took an option on and - - -

20 Ah hmm, okay.

MR DARAMS: Well, what did you understand they were doing with that site or going to do with that site?---They were going to eventually build on it.

Develop it?---Build on it.

Yeah. So they had options over various properties?---Four properties from memory, yeah.

30 Four properties. They engaged you to assist them get the fifth property? ---That's correct.

And did you understand that what they were then going to do with that, those four or five properties, was develop the site?---I think they were, their plan was to rezone it or develop it, yeah.

40 Did you understand I-Prosperity generally to be property developers?---I didn't know about I-Prosperity that much to be quite honest with you, at the time.

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THE COMMISSIONER: I'm having trouble hearing you. Could you move a bit closer to the microphone?---Oh, use that microphone?

There's a microphone there.---Okay. Just let me know if it's too, too - - -

Yeah, just whichever microphone.---Okay.

Just speak directly into it if you wouldn't - - -?---Yeah, just, just ask, sorry, just ask me that question again, please?

10

Okay.---It's not too loud, is it?

No. That's fine. Now, this meeting you've just been talking about, was that early in the piece after your introduction to I-Prosperity?---That's correct, yeah. That's, that's correct, sir.

20

And did they tell you either at the initial meeting or at any later meeting as to what I-Prosperity was and what projects or work it had been involved in up to that time? Did they give you a backgrounding on I-Prosperity?---They could have given me a background at the time, they could have.

No, I'm not asking you whether they could have, I'm asking whether they did tell you something about I-Prosperity and its work, its background and so on.---I can't recall the exact discussion, Your Honour. I'm doing my best here to, to answer your question but I, I honestly can't recall the exact discussion. I mean, we're talking about, what, 10 years, 10, not 10 years, eight years ago, seven years ago.

30

MR DARAMS: So I just want to ask you some more questions about that. So you said they introduced you to Belinda, that's correct?---They got Belinda to get in contact with me, that's correct.

Now, what I want to understand, what are you describing or telling them are the services you can provide?---Well, from, again, from my recollection, was that I told them that I had prior engagement with the company that owned that fifth property in question and that I, I assisted in purchasing, purchasing that property.

40

If I understand that, you had some relationship with the property previously but - - -?---I had no - sorry to interrupt you. I had no relationship. I just had a relationship with the agent.

Sensitive

Relationship with the agent.---Agent. And, and, and had multiple meetings with the company B1 who eventually ended up buying that property, acquiring that property.

So we're talking about pre-I-Prosperity?---That's right, yeah.

Right. So they come to you, they want you to assist them to purchase that property, that's right?---Yeah.

10

So did you tell them you could assist them to do that?---I said I, I, I would give it my best shot.

Right. And did you say to them you could do anything else, what other services you could provide to them?---Not at that time, no.

Well, when did you tell them you could provide them other services?---Do you want a date, are you asking for a date?

20 Around about time. How long after this first introduction?---It could have been after a couple more, more engagements with Belinda.

When you say engagements, you mean conversations?---Conversations, yes, coffees and - - -

So when you're having these conversations or coffees with Belinda, what are you telling her in terms of the services that you can provide to her, either her or her and I-Prosperity, what are you telling them you can do?---Well, she's, she's gave me a, a brief on what she does, what's her role in I-Prosperity. My understanding was that she held a percentage in the site at Rhodes.

30

Right.---That, the one they ended up acquiring, and they fund other projects for her.

Sorry, say that again?---Or they help her fund other projects for her, that was my understanding. She, she had, she had, she was, she was looking at getting other building sites, or had building sites.

Sensitive

For her own purposes or her own or for I-Prosperity?---No, no, for, for her own, her own company owned other sites and sometimes she relies on I-Prosperity to help her get funding of some form.

So, you have these discussions about the B1 site, correct, which you understood that I-Prosperity was seeking to buy, is that right?---My understanding was that – that’s correct, yeah, yeah.

10 Yep. Then you’re having further discussions with Belinda where you’re discussing services you might provide to Belinda in relation to other purchase of property, is that right?---Well, she, again, from memory she was asking me, you know, what I do and what services I can - - -

Sure.---Well, Online Security Services, or Joseph & Associates provide.

20 Yeah. And what I want know is, what did you tell her in response to that? ---Well, I said I can introduce her to professionals that are in the industry, town planners, architects, lawyers, real estate agents. If she’s got any business disputes, she’s got any disputes with any of her contractors, I can help solve those disputes.

Right. So Town Planners, real estate agents, lawyers, who else, sorry? ---Contractors.

What, building contractors?---Building contractors, plumbers, yeah. I can help dispute, solve disputes, if she’s got any business disputes with her contractors, her - - -

30 Again, so what you’re saying is that you can provide these introduction services effectively?---That’s right, yeah.

And then we’ve got the dispute resolution part of your business.---Yes.

Right. And are these introductions based upon your relationships, are they, or relations you have with these town planners, real estate agents, lawyers? ---Just people that I’ve come across over, over, over many years, people that I’ve heard, had, heard good, you know, good reports about, had good feedback about.

40 Right. So just going back to the terms of your fee or your engagement fee, you said it was initially around \$20,000. I take it you had agreed that, you

Sensitive

agreed that amount before you started providing the services to I-Prosperty, or did that come after you started doing the work?---I think it could have been, it could have been after.

Could have been after.---Could have been after.

THE COMMISSIONER: Was there a written contract or agreement between you and I-Prosperty for your services?---There is, there is, Your Honour, yeah.

10

And do you have a copy of that?---Do I, I have got, I, I think I have, yeah, Your Honour.

Do you remember what year it was executed?---I can't remember, Your Honour.

And that contract, as best you recall, described the services you were to provide to I-Prosperty?---I can't remember the contents of that contract, Your Honour.

20

Well, do you think it would have addressed what services they were going to pay for?---Quite, quite possibly, yeah.

And did the contract specify the, your contract price? Or your price for services?---Initially I think it would have, yeah, initially. The initial engagement, yeah. Then, then they started engaging me for multiple other roles as well, other, other precincts, other areas.

30

MR DARAMS: Well, can I just, I just want to ask if you could be shown a document, volume 1.1, page 138. It'll come up on the screen. 138. Now, just ask you just read to yourself, if you can read it. If you need us to expand it or zoom it out, we will.---Okay.

So you remember Mr Tsirekas forwarding you that email?---I can't recall that, no.

You can't recall what?---I can't recall receiving that email.

40

Right. So it's sent to a Joseph Chidiac, Labor NSW, Gmail.com. Is that an email account you've operated?---Yep, yes.

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Do you still operate that email account?---Occasionally.

Yeah. Right. Do you operate that, or did you operate that account in relation to your online security business?---I don't, I, I use two email addresses. That email address and the other email address, Joseph@, the one that I gave you earlier. That's, my primary email address is a Joseph, Joe Chidiac, .com.au. But that wouldn't have been registered in 2015. Could have been registered afterwards. So I would have been using that email, yes.

10

All right. Is this an email that you've given to Mr Tsirekas at some stage, is it?---I've given it to him?

Yes. Or how would he know - - -?---No, he, he's, well, looks like he sent it to me.

Yes, I'm talking about your email address labornsw@gmail.com. You'd given that email address to Mr Tsirekas at some stage.---He would have possibly had a business card of mine.

20

Yeah, okay.---Yeah, he probably has.

Now, well, there's a reference in the body of the email to "Joseph has also engaged me this morning." Did you understand that's a reference to you? ---Yeah, I do.

30

Can you assist us as to what this engagement was or who this email was from?---I can't remember the exact, I can't remember why he would have, I mean, "Joseph has also engaged me this morning. We're going to meet up with him tomorrow in regards cooperation with Billbergia."

Yeah.---Look, I, I can't remember - - -

Is this Mr Huang or Mr Gu?---Well, who's their, who would think, I, I don't know. I don't know, who signed that off on it?

I'm just asking you, when – do you remember having a conversation with someone about Billbergia, someone from I-Prosperty about Billbergia? ---We've had multiple discussions - - -

40

Well, just back in this time around October 2015.---Yeah.

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(DARAMS)

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Yeah, okay, well, who did you have those discussions with?---Which, which, which individual from Billbergia?

No, I-Prosperity, where you've had a conversation and arranged to meet up and talk about Billbergia, as it says there.---Oh, that would have been with Belinda.

10 Right. So you say that you met with Belinda around October 2015 and had a discussion with her about meeting up with Billbergia?---I can't remember telling you October 2015. I've had multiple meetings with Belinda regarding various things.

Yeah.---I can't remember telling you October. I can't remember the exact month or, you know, date that I've - - -

Well, just if we assume that – sorry, we don't assume. The email's come from Mr Tsirekas to you on 14 October.---Yeah.

20 Whatever conversation you've had that's referred to in that email must have happened before 14 October. Do you accept that?---Mmm. Yeah. Looks like that, yeah, looks like it.

So just wanting to know, can you assist, assist us as to why at this stage Mr Tsirekas is forwarding you this email to you personally?---He could have, I don't know, are you asking me to - - -

Well, do you know why he did it?---I don't. No, I don't.

30 All right. So you never had a conversation with him about this?---I'm sure I would have, somewhere along the line I would have said to him that I've met I-Prosperity and they said they got my number from you. I'm sure I would have had that conversation. Exactly when, I, I, I don't know.

THE COMMISSIONER: Well, as of the date of this email, Mr Angelo Tsirekas was known to you. That right? He was known to you?---Yeah, yeah.

40 You knew him.---I, I did, yeah.

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(DARAMS)

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And what's your relationship? As at the date of this email, back on 14 October, 2015, what was your relationship with Mr Tsirekas?---Well, we're both members of the political party. So we were catching up on a regular basis on local, local issues, local branch issues, membership, branch meetings, working with the candidate for the area, whether it's state or federal, whether local. Developed a friendship with him through all that.

I'm sorry?---And I developed a friendship with him through all that. He's a

10

Well, how long had you known him and been a friend of his as at October 2015?---I, I'd have to go back and see when I actually joined a political party. It wasn't long after that, come across each other at branch meetings and - - -

Okay, let me ask you a simpler question. How long have you been a, shared a friendship with Mr Tsirekas?---Probably about a year after I joined the Labor Party.

20 When was that?---Don't know the exact date, Your Honour. I'm trying to do my best here.

No, look, I don't want an exact date. Give me an approximate - - -?---Yeah. Could have been - - -

No, just let me talk. Let me talk. Don't you talk over me.---I'm not, Your Honour.

30 No. Because otherwise I can't get the question out, right?---I understand. Sorry, Your Honour.

All right. Approximately when did you join the Labor Party?---2010.

Thank you. And in the course of your friendship with Mr Tsirekas, did you have occasion from time to time to talk to him about council business?
---When you say council business, can you please elaborate, Your Honour?

Sorry?---Can you please elaborate when you say council business?

40 Sorry, I'm having trouble hearing you.---Is it me or - - -

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(DARAMS)

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Well, it might be that you're talking too closely now to the microphone. Okay, I'll put the question again and let's try again. And over the years of your friendship with him, did you, from time to time, talk to him about council business?---I'm not sure what you mean by "council business", Your Honour.

Well, you know what the word "council" means. It's a reference to Canterbury, to the - - -?---Canada Bay.

10 - - - the council of Canada Bay, right? So "council" means Canada Bay.
---Yeah.

"Business" means the work performed or the functions undertaken by the council in the ordinary course of their business, Monday to Friday.---Let me answer - - -

So my question is did you from time to time speak to Mr Tsirekas about council business, being Canterbury Council's business work functions?
---Canada Bay Council you mean, Your Honour?

20

Yeah.---Canada Bay Council. Your Honour, I, I used to get approached by many, many locals about local council issues, whether it's an application - - -

No, just a moment, hold your horses. The answer to my question first has to be either yes or it has to be no. What's the answer to the question?---Your Honour - - -

30 No, no. Just did you or did you not from time to time speak to Mr Tsirekas about council business?---I did.

Right. And that was not, that was a reasonably frequent occasion?---Sorry, say that again?

You spoke to him frequently on council matters over the years?---I would say so, yeah.

40 Yeah, right. Okay. Give us an example of what sort of matters you would discuss with Mr Tsirekas over the years.---Your Honour, I, I would get approached on a regular basis regarding an application at Canada Bay Council that has taken too long to get processed.

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Applications, I got that far. You said - - -?---Application that's been submitted to Canada Bay Council that's taken a long process, taken too long of a process for response to the applicants from council. So I would get approached, as I said earlier, on multiple occasions from local residents and I either get that by text message, via phone or via email, then I put it to, to, to, to the Mayor of Canada Bay Council saying, "Look, you've got residents out here not happy with the actual process or how long the process has taken. Can you please follow it up?" I did that on a regular basis, Your Honour.

And did you on a regular basis speak to anyone else associated with the council about those sort of applications as you call them?---I could have spoken to Andrew Ferguson when he got on the council, yes.

Anyone else?---Yeah, I think I've spoken to Tony Fasanella, that was a councillor at the time, Canada Bay Council, when Angelo wasn't there. Yep.

20 And what about any of the staff at the council?---Never approached any of the staff, never.

No. Could I ask you why not?--- I didn't know them.

Well, there's one way to fix that, isn't it, and that's to introduce yourself to them and so that you do get to know them.---Have you ever attempted to introduce yourself to a council employee, Your Honour?

30 No, but why wouldn't you, just like any man or woman off the street who walks into council, to ask and enquire, "Well, I want to speak to somebody about an application and could you please direct me to the right person," a town planner for example. Why wouldn't you do that?---Because of all the experience other people had, they weren't getting the response and attention they needed.

40 Yeah, but if you're going to make representations of behalf of somebody, why wouldn't you take those representations to council staff to find out what the problem was, why it was taking so long, so that you could understand what was happening behind the scenes which might explain the process and the time it was - - -?---Your Honour, the, Your Honour, the reason these applicants were coming to me, because they were so frustrated

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with the council process in responding to their enquiries. So if you had the applicants who wasn't receiving the type of attention that an applicant needed or was content with, what's the chance of me getting a response from a council, you know, staff member.

10 But you know, don't you, that councils make available at a certain time of the week the opportunity to go and speak to council staff about, for example, development applications, so that they can be fully informed what's happening with my application. You know that councils have that practice?---I do.

And the Canada Bay Council is in the same position, is it not?---I would assume so, yeah.

20 So it's like meet your town planner, the one who, or the other staff member who's working on the file for that particular resident and then you have the opportunity of asking questions, "Why is this taking so long?" "What stage it is up to?" "What's the next stage and when will the next stage occur?" and that sort of line of questioning, that's always open and available either to residents or anybody speaking up on behalf of residents, is it not?---Your, Your Honour - - -

No, just answer my question. Is it or is it not available to your knowledge? ---Can you just repeat that again, please? I've lost concentration there for a minute.

30 You know that councils operate, including Canada Bay Council, on the basis that they will provide an opportunity for somebody who's got an interest in a DA, for example, to come along to council at a given point of time of the week to discuss their application, to find out where it is up to, what the next stage is, why is it taking so long et cetera, et cetera. You know that is a common everyday facility that the council - - -?---One, one would assume so, yes.

Well, you know so, don't you? You've already said that you acknowledge that councils have this practice, and the City of Canada Bay was one such council? You know from your own knowledge, don't you, that councils do provide that service?---I do.

40 Yeah. And that includes Canada Bay Council?---I assume so, yeah.

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Right. Well, then if you, as you said, a resident would come to you and said, "I'm sick and tired of waiting for this council to deal with my application," the simple first step would be, "Right, let's go to the council, speak to the man or woman who's handling your application and find out why is this taking so long." What is the next stage, is there a problem or is there not a problem, and what's your forecast from this point forward, all of those sort of questions are common-sense, practical methods of understanding what's happening in the process concerning a particular application, is it not?---One would think so.

10

Right. Why would you, if you were asked by a resident to find out from council what's happening with their application, not follow that course? ---Because I think, I thought the, the, the, after listening to the grievances and their frustration, I thought it's better we go to our elected representative at the local council and let them deal with the issues.

What, and just bypass the whole of the staff of the council?---Well, we're not, no, the applicant hasn't bypassed. The applicant has, the, the, the applicant has come to me as his last, last resort I suppose.

20

Yeah. So then you say, "Right. I'll go to the council and I'll find out. I'll sit down with the town planner," or whoever it is who's managing this application, "and I'll find out what the reason for the delay is." That would be the appropriate, sensible course of action, would it not?---Your Honour in a perfect world it would be, yeah. In a perfect world.

Well, in an everyday world that we live in, in Sydney, that would be a sensible, practical way to get to the bottom of any problem that apparently seems to be occurring with, for example, a development application. You ask for information.---But, Your Honour, the applicant already - - -

30

No, no. You would agree with me? That's a sensible, practical, available course or opportunity to take up any problem that a resident has?---Your Honour, I don't want to be argumentative here - - -

No, no.---In a, in a perfect world, yes, Your Honour.

Why not in the world we live in?---Because we don't live in a perfect world. Have you ever, have you- - -

40

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J. CHIDIAC
(DARAMS)

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No, okay. What's imperfect about it which would frustrate or prevent that normal process from occurring?---You know what the process now, I'm told, at Canada Bay, before they look at the, an application, for any sort of application, it's something like 160 days before they get to it.

All right. Well, you might - - -?---160 days before they get to it.

Now would you care to answer my question? I'm not talking about a perfect world, I'm talking about the real world.---The real world.

10

The real world in Sydney in the Five Dock area, or the area of Canada Bay Council, that's the world I'm talking about, and I'm putting to you there is nothing stopping a resident, or you on behalf of a resident who is authorising you, to make enquiry with council staff to get the facts first. Nothing is stopping you from doing that, is there?---There isn't, Your Honour but - - -

20

And that would be a sensible, practical first approach to a problem, wouldn't it, to find out the facts from the staff of the council who's dealing with the matter, yes?---Well, it's not a yes or no answer, Your Honour.

It is. That is a practical course that's open to you. You don't have to trouble councillors. First port of call is go to council staff and get them to get the file out and go through it with you or the resident. That's a practical, sensible, normal course in the world - - -?---That we live in.

- - - of Canada Bay Council, is it not?---Well - - -

30

Is it not?---Yes, sir, it is.

It is.---Yeah.

Why did you not follow that course of action?---Because all avenues were exhausted. The applicant has exhausted all avenues, okay, before he came to me.

Except they hadn't spoken to the council staff.---They have. Their, their town planners have. I haven't. The town planners have.

40

Well, why wouldn't you do it to check out with the town planner - - -?
---Because - - -

Sensitive

- - - to make sure the resident understands properly the problem, that there may not be, in fact, a problem? Why would you not do that?---Your Honour, it's normally - - -

No. Why would you not do it?---Because the file's in front of me. It's already been attempted. Why wouldn't - - -

Nothing's stopping you from doing it, is it?---Well - - -

10

There is nothing stopping you from making inquiries, first port of call, with council staff to find out if there is a problem, what is it and how can it be solved. Nothing's stopping you from doing it and every reason to do it. Is that not so?---There's no reason, no.

Every good reason to do it, isn't there? So you've got the facts?---I'd normally got the facts in the file in front of me, Your Honour, correspondence from council, from town planners - - -

20 And you're agreeing with me, every reason to follow that course, as at least a first port of call. Would you not agree?---I'd agree, Your Honour, yeah.

Right. Why would you not follow that normal available course of action and instead go and take it to a councillor?---Because, like I said earlier, Your Honour, and I'm not trying to be difficult here, Your Honour. Again, understand I'm, I'm, I'm trying to do my best.

30 Yes, Mr Darams.---The, the applicant's file is in front of me. Everything has been tried and tested. They've gone to, the town planer has gone to council, they're gone to the general manager, they've gone to the planner, they've gone to other councillors, okay? They're frustrated with the actual process. They come up and they ask me for my advice. I said, "Take it to your elected representative." Okay. Who do you recommend - - -

No more statements.---Okay.

Mr Darams.

40 MR DARAMS: Yeah. But in the examples you've just given, Mr Chidiac, the application's still before council. It hasn't been rejected or denied, has it?---In some cases, it has, not in all cases. In other cases, it hasn't.

Sensitive

But there's still a process to go through within council. Correct?---They've gone through the process. Gone through the process.

But in terms of any rejection of their application, there's avenues open to them to challenge that rejection or, correct?---Well, normally, the recommendation they get is "we recommend that you withdraw your application".

10 All right. Now, is another roundabout way is that you had a relationship with Mr Tsirekas. Is that right?---That's correct.

And either by way of experiencing raising these issues with Mr Tsirekas or because you had an understanding with Mr Tsirekas, if you raised these issues that had been brought to you, you knew that he would take them onboard on deal with them. Is that right?---Not always.

Is there examples when he didn't do that for you?---Multiple examples.

20 Can you tell us what those are, the - - -?---Well, an example, let me give you a couple of examples. I, I put a couple of, got my architect to put a couple of applications on my behalf on a, a property that I used to live in and a property that I live in at the moment and they all recommended that I withdraw the applications. I kicked and screamed. He said, "No, there's nothing we can, we can, we can do for you."

Sorry? Who said that? Mr Tsirekas?---Mr Tsirekas. I went, yeah.

When did that happen?---I, I'd have to check through my records.

30

Well, you talked about one in the place that you live in at the moment. ---Yeah. Could be six, seven years ago.

Right. Okay. So you've given me two examples. What about another example of where he's rejected, for want of a better description, your approach to him?---Well, there was multiple of example. Let me give you one exam, well a lot of the appli, and it's, seems to read through the emails where I-Prosperity have called, called him useless, where Prolet called him hopeless, where Billbergia have called him toothless, yeah, toothless, yeah.

40 Multiple occasions, multiple occasions.

Sensitive

Yeah. Sorry. I was asking you to focus on, and perhaps you were in giving that answer, focus on times that you've approached Mr Tsirekas where someone has come to you, paraphrasing your words, dissatisfied with how council is dealing with it and you've taken it onboard for the applicants and gone to Mr Tsirekas. Okay. That's what I was talking about. Did you understand that?---I think I did, yeah.

10 Yeah. And so when you responded and identified I-Prosperty, Billbergia and Prolet, were they three companies who had come to you with issues they had with council. Is that right?---No. There were emails they've, they've sent to me criticising council directly - - -

And you took those to Mr Tsirekas?---I assume I would have, yeah. One would think I would have, yeah.

20 So put aside those. Because you've said in answer to one of the Chief Commissioner's questions that there were, as I understood it, many occasions where residents have come to you with an issue that they have with council and you've taken it to Mr Tsirekas. You remember that?---I do. Yeah, yeah, yeah.

That's how I understood it. So I was asking you to give me those examples where Mr Tsirekas had, my words, rejected your approach to assist and help out with the matters you brought to him.---A majority of the times, he, he, he, he said, "Look, I can't deal with it. I'll send it to the general manager," or "Get the applicant to CC me in to the general manager and the, the planner that, looking after the application."

30 Could we please put back page 138 of volume 1.1. I recall from the evidence you gave before about how I-Prosperty approached you and I understood your evidence to be that they approached you to assist them purchase the property of B1 that you had facilitated previously for B1. That's correct?---That's correct.

Can I just draw your attention to the third-last paragraph on that email, the one that starts "I-Prosperty".---Sorry? Which, which paragraph?

The one that starts "I-Prosperty".---Yeah, yeah.

40 Just read that to yourself.---Yeah. Yeah.

Sensitive

So there's a reference to a property, well, B1 and 1 Marquet Street. Is that the property - - -?---That's the property, yeah.

That's what I'm talking about.---Yeah.

This email suggests as of October 2015 that I-Prosperity has already reached some agreement with B1.---Yeah. They, they, they had a verbal agreement.

10 Yeah. Right. And do you say there was something wrong or their verbal agreement fell over, did it?---Absolutely, yeah.

But is that why they came to you; is that right?---We, is that why they come to me? I think they could have come to me prior to that.

Well, I thought I understood your evidence before that that was the reason they approached you is to assist them with acquiring this property 'cause you had been involved in it.---Yeah.

20 That's right. But at this stage, you're being sent this email from Mr Tsirekas which refers to you already meeting with I-Prosperity and there doesn't seem to be any issue with that property at this stage.---Well, if you, do you know when that property was purchased?

Well, I'm just putting a proposition to you - - -?---Yeah.

30 - - - 'cause you've said some evidence about how they came to you but, at this stage, there doesn't seem to be any issue as to why they would come to you in relation to that property where they had a verbal agreement.---Well, they, they, they, they'd been negotiating with B1 for a length of time. And they've hit, they've, they've hit roadblocks. So that's why, that's why I was brought in.

So what I'm suggesting is that this email doesn't suggest there's any roadblock with B1, though. Look, it suggests - - -?---But if you read other emails, you, you'd see there is. This email might not but there's other emails that will, that would, that would suggest there is a problem in acquiring that site through B1. There's other emails.

40 Well, where are these other emails, sorry?---They're on my email address.

Sensitive

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J. CHIDIAC
(DARAMS)

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Right. Which email address?---Well, search both Proline's, Proline, joseph@jchidiac.com.au and the Labor, ah, Labor, ah, you see there's plenty of evidence there.

And when do you say that evidence, the date of those emails? Are they before October - - -?---I, I, I, I can't recall the dates. I, I'm not going to guess which, what, what, what the date is. The email will show that, well, the, what, the date there.

10 Well, in terms of this property here, do you say that there were problems after this date, October 2015, in acquiring property?---I think it was probably before and after the date.

Well, just focus on the question about after this date, because I've understood your evidence that the reason you were approached - - -?---One of the reasons, I said. One of the reasons.

20 Okay, tell me the other reasons you were approached.---I've already told you but I'll tell you again. The other reason that I was approached, Your Honour, was they, they, they, I could help facilitate disputes with contractors, just introduce them to a range of professions, i.e. town planners, architects, architects. They didn't always take, take my recommendation onboard, and for me to be on call for them when they had a dispute or when they had, they needed to talk to someone.

THE COMMISSIONER: Are you seriously saying you would make recommendations to town planners?---Of course I would.

30 But what skill or training or qualification would you have to make recommendations to town planners who do have particular skills and qualifications?---I've got no skills whatsoever as far as town planning is concerned, Your Honour, but I know out there who's a good, who's a good town planner and I know who's a good barrister and I know who's a good architect.

MR DARAMS: So, you're suggesting what you could recommend is an individual based upon what you presume to be their experience, is that right?---That's correct, yeah.

40 Yeah. So you don't, in any discussions with a town planner, you're not making any - - -?---No.

Sensitive

Because you have no experience at all.---Well, no experience – there, there is times where, and you can see it in the emails, where I’ve sat down with the town planner and the client just to make the initial introduction and then I walk away.

And do we assume that that’s how you sold your services to I-Prosperity, that you could have introductions, you could introduce people to I-Prosperity and you had relationships that they could draw upon, is that
10 right?---That’s how I introduced myself to all companies, potential clients.

Including I-Prosperity?---Including I-Prosperity.

Yeah. In terms of your agreement with I-Prosperity, there was a fee, you said about \$20,000 a month, that’s correct?---Initially.

Initial fee. What about in terms of expenses, if you incurred any expenses? Did they agree to reimburse you or pay - - -?---No, no, no. No, no.

20 No. All right. You went to Shanghai in January of 2016. Do you remember that?---I remember it very well.

Why do you remember it very well?---Because I remember all my trips to China.

Do you? Okay. So - - -?---Yeah, I remember all my trips to, well, most trips to America and other countries but you’re not interested in that.

30 Sure. Now, did you pay for your accommodation on that trip?---Did I pay for my accommodation?

Yeah.---Initially, no.

Who paid?---Okay - - -

THE COMMISSIONER: Sorry, who?---Sorry?

Did you say who paid?---No, I haven’t said that yet, Your Honour.

40 Well, who did pay?---Okay. I’m just about to answer that Your Honour, if you don’t mind.

Sensitive

Well, I do mind. Please - - -?---Please, Your Honour, I don't mean to be, I'm not - - -

No, you've been asked a question- - -?---Yeah, yeah.

- - - about this trip in Shanghai in 2015.---Yeah.

Do you remember what month it was?

10

MR DARAMS: January 2016, Commissioner.---What month was it?

January 2016.---Yeah, early 2016, yeah.

January 2016.---Yeah, I don't think the exact date.

THE COMMISSIONER: Who paid for the airfares?---Belinda paid for the airfares.

20 MR DARAMS: You understood this was associated - - -

THE COMMISSIONER: Who paid for the accommodation?---Who paid for the accommodation, I think we paid for the, I paid for the accommodation, Your Honour.

You did?---Yeah.

You remember that, do you?---I, I think I do, yeah.

30 You think you did or you know you did?---I'm fairly certain that I did, Your Honour.

MR DARAMS: And when you say Belinda paid for your airfare, did she pay for Mr Tsirekas' airfare?---Initially she did.

When you say initially, was there at some stage that someone else paid after that?---Well, he, he ended up for, for the airfare.

THE COMMISSIONER: Who did?---Mr Tsirekas.

40

How do you know?---Because he paid me.

Sensitive

No, but how do you know he paid for his own airfares for this trip?
---Because he paid me, Your Honour. Because I paid Belinda back, okay,
and Angelo paid me.

All right. How did he pay it, by cheque?---No, he paid cash.

Of course. Yes.---Why would you say that, Your Honour?

10 MR DARAMS: When did he pay you this back?---Could have been early
'16, mid-'16.

Can I just ask you this question? Why did Angelo Tsirekas go with you to
Shanghai?---I'll tell you exactly why. He was going through a messy
divorce, going through a messy divorce, [REDACTED]
[REDACTED]. I thought he needed a holiday so I booked him a,
booked him a holiday.

20 A holiday that he paid for?---A holiday that he paid for, yeah.

Well, what did you do to assist him on that holiday?---What did I do?

Yeah.---I, what I did, we just, just went on a holiday and he, he eventually
paid me back.

THE COMMISSIONER: So he paid for his airfares?---He paid me back for
the airfares, yeah.

30 And he paid for his accommodation, did he?---He paid, from memory, he
paid for accommodation, Your Honour, from memory, yeah.

So what's this business if you taking him on a holiday?---He's a good mate
of mine.

But you didn't take him at all, he paid his own way, you say.---No, no. I
invited him, sir. I, I - - -

Oh, I see.---I invited him.

40 You invited him.---I invited him.

Sensitive

You didn't take him on a holiday.---No, no.

You just invited him.---I invited him, yeah. I thought he needed to get away.

MR DARAMS: You must have – the accommodation was booked or arranged by I-Prosperty. You remember that?---I can't remember that, yeah.

10 Well, let me show you some - - -?---I can't remember the exact, who booked what.

Well, can I ask you, did you make the booking for the hotel?---No, I didn't.

No. Who did then?---I can't remember who did.

Well, if it wasn't you, who would it have been?---I don't know.

20 I would suggest to you it was someone, well it was I-Prosperty. That's most likely, wasn't it?---Possibly.

THE COMMISSIONER: No, no. It wasn't – the question was it was likely, not possible.---Likely.

MR DARAMS: Yeah. Well, you were going there to Shanghai in 2016 to meet with I-Prosperty, correct?---That's not true.

Well, did you decide just randomly to go to Shanghai in 2016?---I did.

30 So then why did I-Prosperty likely organise your accommodation?
---Because I, no, I asked them to organise the airfare. I don't recall who organised the accommodation. I'm sure we, you can probably go through a credit card record, it probably shows who, whether I paid for accommodation or not.

I'm not talking about paying for the accommodation, I'm talking about arranging the accommodation.---I can't remember who exactly arranged the accommodation.

40 Well, I thought it was likely that it was arranged – we'll go back one. You didn't do it, correct?---I can't recall doing it.

Sensitive

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J. CHIDIAC
(DARAMS)

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Well, if it wasn't you, who else did you know in China or associated with China at that stage, January 2016?---Oh, I met a few – no, no-one comes to mind.

The only people that would come to mind would be I-Prosperity, wouldn't it?---That?

I-Prosperity.---That what?

10

The people who might have arranged your accommodation.---Possibly, likely, yeah.

Yes. If there was any doubt about it, could I ask the witness be shown volume 1.1, page 206? I just want to work back from the timing of the email, Mr Chidiac. If you see the email there, 14 December, 2015. Do you see that?---I'm just looking at the date. Yeah, sorry, yeah, two thousand, yeah, I see that.

20

I just want you to note the person who it's sent to, markzhang@iprosperty.com.au. Do you know who Mark Zhang is?---I don't, no.

No. But you recognise the iprosperty.com.au email?---I don't. I recognise I-Prosperity, that's about it.

And if we can go back to page 205, if I just draw your attention to the email down the bottom. It's on 14 December as well, "Dear Team. Please book two rooms, two more rooms, two rooms more for guests below."---Who,

30

who are the guests?

Well, the guests are yourself and Mr Tsirekas.---Oh, okay. Okay, yeah.

Do you see that?---Yeah, yeah.

So someone from I-Prosperity is arranging this accommodation on your behalf. Do you accept that?---I accept that now, yeah.

40

Now, perhaps if the witness could then be shown page 208. So this is a reservation for The Langham in Shanghai.---Yeah, yeah.

Sensitive

So that's where you stayed in January 2016?---Yes, yes.

All right. And it says it's a Grand King room. Do you recollect that's the room you stayed in?---I can't recollect the size of the room or type of room, no.

No, okay. Mr Tsirekas stayed at the same hotel as you?---He did.

10 Yeah. So just going back, I'll ask you again. You say that – well, did you tell Mr Tsirekas that I-Prosperity had arranged the accommodation?---No.

Why didn't you tell him that?---Just didn't.

But why?---I can't tell you, I don't know why I didn't.

There must have been a reason why you didn't tell him.---There's no reason, I don't have to have a reason. I just didn't, I didn't, Your Honour.

20 Well, were you worried about telling Mr Tsirekas about I-Prosperity booking his accommodation?---I, I don't, I don't know if I was or not.

Well, was it probable that you told Mr Tsirekas that I-Prosperity arranged this accommodation?---Absolutely not.

Well, why are you so adamant about that?---Because I, I, I, wouldn't have.

Why wouldn't you have?---I just, why, why would I?

30 Well, as I'd understood your evidence before, you were arranging a trip for him because he was going through a messy divorce and you were trying to help. You say he's a good mate at this stage, is he?---He is a good mate, yeah.

Was he a good mate at this stage?---He was a good mate.

Yeah. Enough for you to arrange a holiday and pay for it initially on his behalf?---That's correct, yeah.

40 Yeah. Now, in terms of the, you say that he reimbursed you for the airfares.---He did.

Sensitive

Right. What about the accommodation?---That's why, I can't recall who paid for the accommodation, yeah, I honestly can't, Your Honour. I honestly can't, that's the honest truth.

Well, you've got to - - -?---Whether you doubt it or not, that's the honest truth. I just can't remember, because I, I, I remember one incident, Your Honour, where our credit cards got skimmed, both credit cards got skimmed, okay. We were, I don't remember, because as, as you, I've been, we've been there, I've been to China a couple of times and one, on that
10 occasion I, I think it could have been 2015 or 2016 where we were skimmed, our credit card was skimmed and it's, you can go to ANZ credit card and you can see that. And we, so there was an attempt on my credit card to pay for accommodation.

THE COMMISSIONER: We've heard enough of that, thank you.

MR DARAMS: Chief Commissioner, I note the time.

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

LUNCHEON ADJOURNMENT

[1.03pm]

Sensitive

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THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

COMPULSORY EXAMINATION

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY, 25 MARCH 2022

AT 2.00PM

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THE COMMISSIONER: Yes.

MR DARAMS: Mr Chidiac, just before the, excuse me, luncheon adjournment, I was asking you some questions about your trip with Mr Tsirekas to Shanghai in January 2016. Sorry - - -?---Can you speak a little bit louder?

10

Sure.---My hearing isn't the best.

Okay. We were talking about your trip to Shanghai with Mr Tsirekas in January 2016. That's right?---That's correct.

Did you meet with anyone on behalf or employed by IPG on that trip?---I can't recall meeting with anyone, no.

20 You can't recall meeting anyone?---Meeting anyone from I-Prosperity, no.

Did you meet anyone, any locals who were introduced to you on that trip? ---No locals, no.

Did you meet up with Belinda?---I think Belinda was fly, fly in, was travelling through Shanghai. We might have had a quick coffee together, yeah.

And so you took Mr Tsirekas along with you, that coffee?---Yes. Correct.

30 You introduced Mr Tsirekas to Belinda?---I think he already knew Belinda by then. Quite possibly. Quite possibly.

Who else do you recall meeting with on that trip?---Can't recall meeting anyone.

And the purpose of meeting with Belinda when she was travelling through? What was that?---Just to catch up, coffee.

40 Talk about the I-Prosperity development in Rhodes?---I can't recall her mentioning the, the, the development there at all.

Sensitive

Well, why would you otherwise meet up with Belinda if you weren't to otherwise talk about that development?---Well, we, we, I've, we've met or I've met with Belinda on many occasions. Didn't necessarily speak about business. It was more of a social, social event. She found out obviously that we, we were, we were in Shanghai. She made contact with me, "Let's have a cup of coffee," I invited Angelo along and that's exactly what happened.

But why did you invite Angelo along?---Why not?

10

Well, wouldn't it be another, I suggest to you the reason is that you're demonstrating to Miss, well, to Belinda the relationship you had with the mayor. Isn't that the reason why you invited him along?---Is that what you're asking me?

That's what I'm suggesting to you. That's the reason why - - -?---No, that's not the case.

20 Right.---I think she's already, she's probably already worked out that I've got a relationship with the mayor prior to that trip.

Well, you would have told her prior to that trip that you had a relationship with the mayor?---Quite possibly.

In fact, isn't that one of the services that you were able to, in effect, sell to I-Prosperty, your relationship with the mayor?---That's not true at all.

30 Okay. So isn't one of the reasons why Mr Tsirekas actually accompanied you on this trip was to introduce Mr Tsirekas to IPG and people in Shanghai?---That's not correct.

Now, could the witness be shown volume 1.2, page 77? Just perhaps if we could zoom in on the email header. Just scroll down. This is an email from Kevin Ji to yourself. Is that right?---Yeah. Yeah.

See, it's copied in to Michael Gu?---Yeah.

40 Who's Kevin Ji?---Good question. I think he's an, he was an associate/friend, my understanding, with Michael, Michael, Michael Gu.

Sensitive

Right. You said some relationship with Michael Gu?---I, I, I, that's what I gathered, yeah.

And you gathered that from a conversation with Mr Gu?---No.

How did you gather that?---Tried to put one and one together and come up with that.

10 This is attaching an invitation to a wedding, I think, of - - -?---It says August 2016 here, doesn't it? Or July? 6 August? Yeah, 6 August.

Right. Did you end up going to this wedding?---We did.

So you and Mr Tsirekas went to this?---We happened to be in Shanghai at the time, yeah.

Right. And do you know why Mr Tsirekas was invited?---Why was he invited? I don't know. I don't know why.

20 You never had a conversation with him about why he was invited?---No. Never.

You attended the wedding with him?---I did.

And do you say that you were in Shanghai at this time?---That's correct, yeah.

What was the purpose of your trip to Shanghai on that occasion?---Social.

30 Social. Who else were you with at that time?---I honestly can't remember details.

Well - - -?---I honestly can't remember the, the, the - - -

THE COMMISSIONER: As at 23 July, 2016, had you had a face-to-face meeting with Kevin?---No, I could have, I could have, yeah, we could have, yeah, could have crossed path at functions.

40 Well, I suppose everything's possible in life.---Yeah.

Sensitive

I'm asking whether you had ever met him before, that's Kevin - - -?---I have, I, I did, yeah - - -

- - - before, no, I haven't finished putting the question.---Sorry, Your Honour.

No, I'll start again. My question is whether before Saturday, 23 July, 2016, the date of this email, had you ever met Kevin, the author of this email?---I, I, I, quite possibly, yes. Yes, yes, yes. Yes, sir. Yes, sir.

10

Do you ever remember meeting him is perhaps a better way of putting it? ---Yes, I do, sir.

And in what circumstances?---It would have been a - - -

No, not "would have" - - -?---Social. Social.

Okay. Let me just interrupt you again. Sometimes a person might say, "Yes, that happened." That means they either recollect that they saw it, they were there. Or sometimes they say, "Well, I might have" or "I would have." It's not a question of "might have" or "would have". It's a question of ascertaining facts. If a person does remember, then that can establish a fact. If a person doesn't remember, then obviously he doesn't. But saying "I would have" doesn't say one way or the other. So I'm not trying to be difficult. I'm just simply pointing out from a fact-finding exercise, as this Commission has to perform here, you have to, what we're interested in is facts. If a witness says, "I can't remember," that's fine. Well, we can't do anything about that unless there's a document that might prompt their recollection. So all I'm going back to that email of 23 July, my simple question was do you remember whether you had an occasion to actually meet Kevin before the email he sent you on 23 July - - -?---I would have, sir, yeah.

20

30

See, there, you just said it again, "I would have." It's not telling us whether you did.---Yeah, I did, sir. I, okay. I did, sir. I, yeah.

You do recall having met him?---I did. I do, yes, sir.

You do?---I do.

40

Sensitive

Okay. And where and when had you met him 23 July?---Where would I have met him?

Where and when. Two things. Where - - -?---Where - - -

- - - when.---Someone's Christmas party, sir. I, someone's Christmas party. I don't know exactly whose Christmas party it was, 'cause - - -

Right. Where?---In this, in, in, yeah - - -

10

When you say "Christmas party" - - -?--- - - - yeah, in the city, it would be, it would have been in the city.

City of Sydney?---Sydney CBD, yeah.

CBD?---Yeah.

And whose Christmas party was it?---Jeez, there was, we were, I was invited to multiple Christmas parties - - -

20

I can't hear you.---Could have been, could have been I-Prosperity, sir, could have been, could have been I-Prosperity.

Could have been - - -?---Yeah, yeah.

Well, do you think that's the most likely - - -?---Yes, sir. Yes, sir.

- - - they were the host of the Christmas party?---Yeah, yeah.

30

All right.---Quite possible, yeah, or one of their affiliated businesses, yeah.

So you do remember being, what, introduced to Kevin at that Christmas party?---I do, yeah. I do.

And was that the one and only time you'd ever met him?---I think I would have met him on quite a few other occasions, yeah. I would have, I, yeah, I would have, I would met him more than once.

But, again, you're coming back with that - - -?---Yeah.

40

- - - problem.---Yeah.

Sensitive

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J. CHIDIAC
(DARAMS)

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“I would have”.---Yeah.

I’m not concerned what you would have. I’m concerned by your recollection to know whether you had. It may be that you only met him once, somebody introduced you to him at the Christmas function.---Yeah.

I can understand that.---Okay.

10 You’ve given that evidence. So just be clear about it.---Yeah, yeah.

Was it at the Christmas function that you first met Kevin?---Yes, sir.

Right. Did you ever meet him on an occasion after that, before 23 July, the date of the email again? Did you meet him again?---Yes, I did, sir.

You did?---Yeah.

20 Where did you meet him next time you - - -?---Okay. Would have met him at I-Prosperity - - -

No, not “would have”. Not “would have”.---I would - - -

If you can’t remember, please say, “I don’t remember.”---I can’t remember, Your Honour.

30 Right. Do you remember ever having met Kevin on any day that you may not be able to remember after the Christmas function that you referred to? ---Yeah, I, I, I, would have, I did meet him, sir.

Where?---It would have been at coffee shop - - -

No, not would have, not would have.---No, at a coffee, okay, my apologies, Your Honour. I’m not - - -

No, no, no. I’m trying - - -?--- - - - I’m not attempting to be difficult, Your Honour.

40 No, no, no. I’m - - -?---Trying to do my best.

I’m not putting words in your mouth - - -?---Yeah, yeah, yeah.

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- - - to say you mustn't say that.---Yeah, yeah, yeah.

I'm trying to get you to focus on whether you actually do have a recollection - - -?---Yeah. Okay.

- - - or you don't.---Okay.

And if you do, where it happened and when it happened.---Yeah.

10

Okay. We've established that you met Kevin, I think for the first time, at the Christmas function we've spoken about?---Yeah.

Correct. Right. I asked you had you ever met him again before the 23 July email.---Yeah.

And I think your answer is to the effect, yes. Is that right?---Yes, sir.

20 Right. When was the next occasion or occasions plural that you met Kevin - - -?---It would have been - - -

- - - after that introduction?---Okay. It would have been in the CBD - - -

No, not would have been. I'm not interested - - -?---No, it was in the CBD in a - - -

It was in the CBD?---It was in the CBD.

30 You do remember this now?---I do.

Right. And what was the occasion?---Would have - - -

No, not "would have".---Okay. Would have been going in seeing some, going in and seeing an individual from I-Prosperity.

Going?---In - - -

In?--- - - - to I-Prosperity offices.

40 All right.---Okay. Or having a cup of coffee in the foyer of the building that I-Prosperity had an office in.

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Okay. So how many times would you have met him before this email on 23 July all-up, do you remember?---Three, four times, Your Honour.

Right. Okay.

MR DARAMS: What did Kevin do?---I'm not really sure, to be honest with you.

10 Well, what, so when you met him, what did you talk about?---We didn't talk about much. Can't remember what we, you know, what was the conversation about.

Did you take Mr Tsirekas with you on those occasions?---No.

So in terms of this first time you met him at a Christmas function, that must have been Christmas 2015?---Yes, yes.

20 Yes. Do you remember where that Christmas function was?---Not exactly, no.

Well - - ?---It was in the CBD.

Wasn't on a boat?---I, I, I, now you've brought it to my attention, we did, I did go on a function on a boat, for a Christmas party on a boat, I did. I could have met him there, as well.

But just going back to the December Christmas party of IPG 2015 - - ?
---Mmm.

30 - - - whereabouts in the city was that?---Not far from the, the Opera House, one of those places there, restaurants, just four or 500 metres up from, opposite the Royal Botanic Gardens, just before you get to the roundabout to the Opera House. What, what's that hotel there now, that's just overlooking the Opera House, on the corner there? Not far, not far from that.

40 Well, on the same side to, sort of - - ?---No. Facing the Royal Botanical Gardens.

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Right. Okay. And can you assist us as to why Mr Tsirekas was also invited to this wedding?---No. Can't explain it.

Never had a conversation with Mr Tsirekas as to why he was at the wedding as well?---Never.

Never?---No.

10 Didn't, wasn't a matter of some roving interest on your part to inquire?
---No.

THE COMMISSIONER: Did you say to him, "Well, what a coincidence. I've got an invitation to go to a wedding in Shanghai and" - - -?---I think - - -

20 - - - "so have you. How does that come about?" Did you say something like that?---No, no. We, the invitation was together. The, I, I received the invitation in my name and Angelo's name. I received the invitation in, in both, I received the invitation in both of our names.

You wouldn't be regarded as a family friend of Kevin?---Family friend?

Family friend. You wouldn't be a family friend?---Absolutely not.

No. And nor would Mr Tsirekas at that time?---No, we were good friends, with Mr Tsirekas.

30 No, but – yeah, I know you and Mr Tsirekas were good friends.---Yeah, yeah.

No, no. I'm talking about - - -?---That's what I thought you were asking.

- - - neither you nor Mr Tsirekas were good family friends of Kevin.
---Absolutely not.

And yet this is an invitation to attend Kevin's wedding, not in the CBD of Sydney but in Shanghai. Is that right?---Yes, sir. Yes, sir.

40 And it just so happens that on the guest list, amongst family friends of Kevin, were two people who were not family friends, namely you and Mr Tsirekas. Is that right?---That's correct.

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Well, didn't that seem a bit strange to you that you're not family friends and here you're being asked, invited to a wedding not in this country but in another country?---I'm not surprised, Your Honour.

You're not surprised?---I'm not.

I see.---I get wedding invitation to other countries of this world.

10 MR DARAMS: Did you suggest to Kevin that Mr Tsirekas should get an invitation to his wedding?---No.

Did you say it would be a good idea if Mr Tsirekas got - - -?---Can't recall saying that.

Did someone ask you whether you would ask Mr Tsirekas whether he would attend this wedding?---Say that again?

20 Did someone ask you, Kevin ask you to find out whether Mr Tsirekas would attend his wedding?---No, I, I think they, they, they knew that Angelo and I are going to be in Shanghai at the time of the wedding. That's how we got the invitation.

Is that because you told them you were going to be in Shanghai at the time? ---I would have, yes.

Why did you tell them that?---Why not? They lived in Shanghai. Told them I'm going to their city.

30 Did you tell them that you and Mr Tsirekas would be there at the time so that you could, so this invitation could be made to both you and Mr Tsirekas?---Say that again, sorry.

Did you tell them that you and Mr Tsirekas would be in Shanghai at this time so that the invitation to the wedding would be made to you and Mr Tsirekas?---I wouldn't have asked them to invite me nor Mr Tsirekas to any, any functions.

40 Just going back to January 2016, when you were in Shanghai with Mr Tsirekas, are you sure that you didn't meet anyone on behalf of or associated with I-Prosperty other than Belinda?---I'm fairly sure.

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Did you go to Harry Huang's wedding?---I did go to Harry's wedding but I can't remember what year that was. I did go to Harry, yeah, Angelo and I did attend Harry's wedding. I can't remember what, what year that was. I've got photos of that wedding on my phone as well.

THE COMMISSIONER: What, Harry, Harry the father of Kevin we're talking about, aren't we?---No, no, Harry's - - -

10 MR DARAMS: No, the owner of I-Prosperity.---Yeah, the owner of I-Prosperity.

THE COMMISSIONER: Oh, I see. I see.---Yes, yes, yes. I did go, but I can't remember, I can't even recall what year it was.

MR DARAMS: Well, what if I said to you - - -?---I can't even confirm it was 2016.

20 Well, what if I suggest to you it was January 2016? You said you remembered these trips, all these trips to Shanghai.---Yeah, yeah, I did, yeah.

I'm suggesting to you it was January 2016. You and Mr Tsirekas.---I was there.

You end up in Shanghai.---Yeah.

30 I think your evidence before was that you were helping Mr Tsirekas get over his messy divorce.---Yeah.

This is the trip. You go to Harry Huang's wedding.---We were going to be in, we were going to be in China at the time, and just coincidence that Harry was getting married.

THE COMMISSIONER: Are you asking me to accept that you were going to be in Shanghai coincidentally at the time of the wedding, you were not in Shanghai because of the wedding?---Absolutely.

40 You just happened to be, have plans to go to Shanghai, and the wedding coincidentally happened to coincide with your independent trip?
---Absolutely, sir. Absolutely.

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That's a fantastic coincidence, isn't it?---Well, to you it might be, Your Honour, but to me it's not. And I don't mean to be rude by that response, Your Honour. Please understand. I don't mean to be argumentative.

Do you have family or friends who live in Shanghai?---I don't. I've got friends there, yeah, no family.

No, but, no, at the time we're talking about.---Ah - - -

10

Back in the time of the wedding.

MR DARAMS: January 2016.---Yeah, I, I, I mean, I mean, what's your definition of a friend, Your Honour?

THE COMMISSIONER: Oh, well, somebody who's more than an acquaintance. Somebody you have known for quite a bit of time, that you see fairly often. You might share an activity, a sport or something like that. That's what I mean by the idea of a friend.---Okay, well, okay - - -

20

So did – a simple question.---Yeah.

Did you have any family contacts in Shanghai?---Family contacts, no, sir.

Any friends in Shanghai as at the time of the wedding.---Associates.

Who were they?---A guy by the name of – again, I'll have to get his surname, Kevin something. Kevin - - -

30 Well, he's a friend, you said.---An associate I said, Your Honour. Someone that I've met here on a few occasions.

Well, what's – so an associate of yours. What's his full name?---I, I can't pronounce it.

You can't remember?---“Sha-shai”, I can't even pronounce his surname.

Okay.---I don't know his surname.

40 Anyone else, a family or friend living in Shanghai at the time of the wedding?---No.

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No. And when you were in Shanghai, apart from going to the wedding, what else was occupying your time in Shanghai or was it only a very quick in and out?---Well, it was, we did a lot of sightseeing, a lot of, a lot of tea, drank a lot of tea.

Having a look, just sightseeing.---Just sightseeing.

10 Yeah. Any particular activity that you engaged in in Shanghai? Apart from the wedding, I mean, and apart from sightseeing.---From memory, we played a game of soccer somewhere along the, somewhere, sometime in Shanghai, I don't know exactly when, but a game, a friendly game of soccer that we got invited to through a WeChat group.

That it? That's it?---From memory.

20 Right.---I mean, sorry to – if the gentleman up here didn't mention Harry's, I honestly thought Harry was later on, and I knew you were going to get to it, but I didn't know it was in 2016. I forgot there was a 2016. And the Kevin that we, we're talking about in Shanghai, I can get his surname, it's in my phone.

If it were put to you that you went to Shanghai at the time of the wedding specifically for the wedding and for no other particular reason, what would you say?---I don't know if you're going to like this answer. Quite possibly that wasn't the case, Your Honour.

30 Sorry?---Quite possibly that wasn't the case. We just happened to be there. I, I, I can't, I, I can't give you a definite answer, Your Honour.

See, I think what your evidence amounts to is this, that you were in Shanghai, quite coincidentally independent of the wedding, and then the wedding invitation comes along and, oh, hey presto, what a coincidence, you're going to be in Shanghai anyway for – you would have been in Shanghai regardless of the wedding because you had intended to go to Shanghai.---We would have got – sorry, ready to speak?

40 Yeah, is that what you're saying?---No, what I'm saying, knowing from previous wedding special occasions, obviously you get an invitation early in the piece or, you know, in advance. So we decided to be in Shanghai, like,

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with Angelo and other individuals, from memory, that the wedding happened to be on that date and we accepted the invitation.

So, okay, so let me try and unpack this a little bit. Correct me if this is not right, but what I'm understanding or hearing you say is that you had been given some informal indication that you might be invited to the wedding, but it wasn't until later that an invitation actually arrived, so that going to Shanghai at this time was always in some way linked to the concept of a wedding. You'd made arrangements to go to Shanghai because somebody had indicated that you may well be on the wedding list as a guest. Is that what you're saying? Or are you saying, no, no, no, I was going to go to Shanghai before the wedding but not because of the wedding at all.---That's
10
- - -

I was going up there for my own personal reason and it just so happened that later I got an invitation which would invite me to the wedding, coincidentally when I was going to be up there for an independent reason. Is that, which, what are you saying?---No, that's not what I'm saying at all, sir.
20

No, okay, you just spell it out for me.---Okay. We, we had, oh, well, I would have had, I mean, we'd plan our trips fairly well, would have, would have had every intention to be in Shanghai around that time.

For what reason?---Social. Just a bit of a - - -

To do with the wedding?---Not necessarily the wedding, no. But - - -

To do with I-Prosperity people?---Not at all, not at all, not at all, not at all.
30

Okay, well, what was your plan to go to Shanghai anyway?---Why we went to - - -

Yeah.---As you do to all different other countries, as you do when we go to America or we go to the Middle East. I used to go out, have a bit of a break.

Whereabouts?---I mean, I've gone on trips to the Middle East - - -

Sorry, what city did you talk, what city did you just mention? Nice, was it?
40 ---No, no, I didn't mention a city.

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Okay.---I said when, you know, we do a trip together, America.

Okay, so if you're going to a country, you sort of pick out a place that you want to go to, just to visit, just to have a look at it, see what it's like, is that right? Is that what you're saying? And is that what you did in Shanghai? You said of all the places in the world, I think we'll zero in on Asia, we'll go to China, I think in China we're going to Shanghai. Shanghai is the one we'll go to.---The reason we - - -

10 Is that how it worked out?---No, the reason we went to Shanghai, we were, I was invited to a trip by an, by Andrew Ferguson, I think it would have been 2014, to Shanghai. We went to Shanghai and I fell in love with the city. I liked the city, I wanted to, you know, keep visiting it back, go back. Why? Because of the places I didn't get to see. I like their food. I like the people.

Okay. So see if I get it right this time. I might be a bit dense. Don't worry, bear with me.---No, you're not at all, sir.

20 2014, your first trip to Shanghai is through Andrew Ferguson. You went there that time, enjoyed it, thought this is a good place. Then in 2015 you independently thought, hey, I had such a good time in Shanghai last time, liked the food, I think I'll go back. And then you made an arrangement to go back to Shanghai, because you liked the place, to experience it again. And, hey presto, it just so happened that you get an invitation to go to a wedding which is going to be right at the same time that you will happen to be in Shanghai. Have I got it right or have I got it wrong?---Your Honour, could have been quite - - -

30 No, no, no, I'll give you a chance to explain more about it. I tried to outline what I understand you to be saying. Tell me, have I got it right or is that not right, as I just related it to you?---It's not right, Your Honour.

Right. What's not right about it? That's what I want you to address.---I would, I would have known there's a, Kevin was getting married, and would have arranged my trip to make sure we were at a wedding. I've never been to a Chinese wedding.

40 MR DARAMS: All right, the Chief Commissioner is talking about the January trip, where you ended up at Harry Huang's wedding.---Oh, Harry's, right. Oh, okay, sorry. I, yeah, okay. Harry's wedding. Okay, now, we

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would have got an invitation early in the piece. We'd have gone out, made an effort to make sure that we were at that wedding.

THE COMMISSIONER: All right.---If that makes sense.

Well, Mr Darams, I may have confused it a bit, and if it needs clarification, I invite you to.

10 MR DARAMS: So, and that's the reason why you and Mr Tsirekas had your accommodation arranged by I-Prosperity in December 2015 to be in Shanghai for Mr Huang's wedding, correct?---Arranged, you say?

Yeah. They organised – I took you to the emails before lunch where you had The Langham Hotel booked by the I-Prosperity companies.---Okay, yes, yes, yes.

20 Yes, that's the reason why, isn't it, Mr Chidiac, that I-Prosperity arranged your accommodation, your accommodation with Mr Tsirekas. That's correct?---What's the reason for arranging - - -

Because you were going to Mr Huang's wedding.---That's not true. No, no, not at all. No. Do you want to know how we came about, Your Honour?

30 THE COMMISSIONER: Well, let's see if we can try and clear it up. ---Okay, we'll give it another go. I, I, and I think you could see it through emails. I contacted Belinda, "Do you recommend a travel agent that I can purchase tickets from to go to Shanghai?" Okay, got her to arrange the, I said to her, "Give me the details, I'm happy to speak to the travel agent." She said she'd already spoken to them, she's organised, she'd organised the tickets, wanted to know who's going, et cetera, et cetera. Sent her a copy of the passport who's going, and I told her. Come back, said, "Oh, two tickets have been bought." I said, "No, no, you can't do that."

MR DARAMS: Keep going, yeah, keep going.---You with me? I said, "We can't do that. I need to pay for those tickets." Okay, and that's exactly what happened. So she's gone out and paid for those tickets without, without our knowledge. My knowledge.

40 Sorry, you're talking about the airline tickets, are you?---That's right.

Yeah.---What are you talking about?

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We were talking about the accommodation - - -?---The accommodations.

- - - that was arranged.---Okay.

That – because as I, yeah, so I was suggesting to you the reason that I-Prosperity arranged your accommodation for you and Mr Tsirekas in December 2015 was because you were going to Shanghai to attend Mr Huang’s wedding in January 2016 - - -?---Well - - -

10

Because you, I think you accepted before that you did receive some invitation to Mr Huang’s wedding.---We would have received an invitation.

Yeah. So that’s the reason why you and Mr Tsirekas were in Shanghai in January 2016.---Well, that’s what you’re assuming. I told you the reason why we went to Shanghai.

Part of the reason was to attend the wedding of Mr Huang.---One of the reasons.

20

Yes.---Not the, the, not the motivating reason. One of the reasons we said we’ll drop in and attend the wedding.

Yeah, I see. So, so can I ask you this question again. Why, why is Mr Tsirekas going to Mr Huang’s wedding?---Well, he was, why not?

Can I suggest - - -

30 THE COMMISSIONER: Now, look, you don’t answer questions by asking questions. Would you just answer that question.---Sorry, Your Honour.

MR DARAMS: So why is Angelo Tsirekas getting an invitation and attending Harry Huang’s wedding?---You might have to ask Harry and ask Angelo that. I don’t know why you’re asking me.

Can I - - -?---Does that answer the question, Your Honour?

40 Can I suggest that it was important, at least from the perspective of I-Prosperity, that someone like Mr Tsirekas, the Mayor of Canada Bay Council, be present at an event in Shanghai potentially for I-Prosperity

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investors? Is that a reason why Mr Tsirekas attended?---Are you asking me a question or are you telling me?

Yeah. I'm putting that proposition to you. Was that one of the reasons why Mr Tsirekas was present?---I can't answer that question, sir. I can't answer that. I don't know what their intentions was. I'll tell you what my intention was. I can't tell you what Angelo's intention was or what I-Prosperity's intentions were. Just like I can't tell what your intentions are.

10 Isn't one of your selling points of your services your relationships and - - -?
---Absolutely not. No, no, no, no.

- - - isn't, in terms of I-Prosperity, your relationship with the mayor of the local council where I-Prosperity is going to do a development or hope to do a development, isn't that an important relationship for you to be demonstrating to I-Prosperity?---Absolutely not.

It's not?---Absolutely not. Because you could see by the end results.

20 Well, just don't worry about the end results.---Yeah, yeah.

Let's just worry about at this point in time, in January 2016.---Yeah, yeah, I
- - -

Your ability to demonstrate your relationship with I-Prosperity, do you accept that that, that would demonstrate the services that you could provide to I-Prosperity?---I didn't have to demonstrate anything. They seek me out, I didn't seek them.

30 Yes, but you're - - -?---They came out - - -

You were getting \$20,000 a month and then \$35,000 a month for what seems to be your ability to introduce people and show relationships. And wouldn't the relationship between you and the mayor be a prime relationship to be advertising?---My apologies, how do I address you, Mr - -
-

THE COMMISSIONER: I can't hear you.---How do I address, sir, do I address him "sir" or maybe - - -

40 No, excuse me, could you just - - -?---Sorry, Your Honour.

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- - - lean towards the microphone - - -?---Yeah, yeah, yeah, okay.

- - - and not just slouch back.---Yeah, yeah.

Now, would you answer that question.---How do I address you?

MR DARAMS: You can say “Mr Counsel”.---Mr Counsel, I saved I-Prosp
10 Prosperity through the purchase of a property in Marquet Street over \$2 million. I’ve already demonstrated my ability. I’ve already demonstrated my ability. I saved them over \$2 million - - -

THE COMMISSIONER: Now you’re going on and making statements.
---Oh, yeah, okay. Sorry, Your Honour.

We want an answer.---Yeah, yeah.

Look - - -?---What was the question again?

20 Let me put it this way. We all know lobbying is a part of interface between government and the private sector. There are lobbyists there. You can look them up in the phone book and you’d find them there. We all know that. Lobbyists can play an important role. And I think what’s being put to you is that insofar as a developer, perhaps a particular, a Chinese developer who may not know everyone in the city, such as those associated with I-Prosp
Prosperity, you, like all lobbyists - - -?---I’m not a lobbyist, Your Honour.

No, no, I’m not suggesting you are.---I’m not a lobbyist, please.

30 But I’m just saying in the manner of a lobbyist can make an introduction from, to a person who holds office, who you respect, you think could help them, and you’re proud of the fact that you can introduce, make the contact between the person who holds office and the person who may need help. That right?---That’s right, sir.

I mean, that’s part of your services that you operate and provide, right?
---Just, it is, Your Honour. But let me make it clear, I’m not, I’ve never been a lobbyist.

40 No, okay, well, I was just using that as an example. I wasn’t saying you were.---I understand that, Your Honour, yeah, yeah, yeah.

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I think I tried to make that clear to you.---You did, Your Honour, you did.

So, and you have indicated that rather than, if somebody came along to you with a problem involving council, rather than going to the staff, your method was to not go to staff but to go to the council, and in particular Mr Tsirekas, and see if he could help solve the problem. So in that way you are helping to bridge or make a contact between a person asking you to render, to help them, and the person who might hold an office, such as Mr Tsirekas did. And then you would speak to the councillor on behalf of the person who's got a problem. That's the way you were operating. Is that not right? ---Well, can I, can I add to that point, sir?

Yeah, I'm asking you to, yeah. In answer to my question, have I captured correctly how it worked?---Part of what, my approach, part of my approach to resolving issues, sir.

And what part do you disagree with what I just tried to - - -?---I don't disagree with anything you've said.

I'm sorry?---I don't disagree with anything you've said, Your Honour, okay, but - - -

Oh, okay, well, I think we're on the same page.---No, we are, but it's just a small piece of what exactly I do. The first thing I – do you mind if I add? The first thing I do is I encourage an applicant to go through the whole process. When they've hit a wall and they feel they've been unfairly treated or they haven't been listened to, then I sit down and talk to them, Your Honour. Sometimes the process might take two years before I get involved.

All right. So let's take it, then, with I-Prosperity, and there doesn't seem to be any secret about it, they were looking for guidance and service and help to get this project over the line, and was it not the case that Prosperity were operating on the basis that you could help them by being the introducer to Mr Tsirekas, so that if they had a problem, he would be able to at least look at the problem and do whatever he could to help them.---They would have - - -

So far as I-Prosperity is concerned, that was the whole rationale, wasn't it? ---Yeah, yeah, yeah, yeah. Yeah, yeah. Absolutely.

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So is it the case that I-Prosperity were in effect expressing their appreciation by inviting yourself and Mr Tsirekas to the wedding, for example, as a gesture to express their thanks, if you like, for having made the introduction, which was important to them, important to their project?---Yes, sir. Yeah, yeah, that's - - -

Is that fair?---That's a very fair assessment.

10 All right. So there would be hardly any surprise, would there, given that you had been providing services to I-Prosperity people who were looking for guidance, that they would say well, gee, we've got a family wedding coming up, let's invite these people who have been helping us to the wedding, namely you and Mr Tsirekas. Is that a fair construction?---Well, I had been helping them out, Angelo Tsirekas hasn't been helping out.

20 Well, they would have been aware, wouldn't they, that you knew, Mr Tsirekas and you knew and they knew he was the councillor and indeed a mayor and that through you he might be a helpful person for them?---Quite possible they, they would have been thinking along those lines, Your Honour, yeah. It's plausible, plausible.

Well, I can't for the moment think of any other reason, unless you can supply one, why of all persons in the world Mr Tsirekas would get an invite to the family wedding, other than the fact that they saw him, because he had been introduced through you, as a person that they wanted to be able to work with in the future.---Quite possible. I mean, I don't know what they were thinking.

30 Well, was there any other reason that he would have been invited to the wedding?---I can't answer that question, Your Honour.

No.---We, we would have to ask them.

None known to you.---That's right.

40 And would it be logical that, so far as you know, having dealt with the I-Prosperity people, that the likelihood is they invited Mr Tsirekas along because they saw, well, he's a person who holds office in the area in which the project is being proposed and, you know, it would be good business to include him as a guest so that we have a good relationship with him. Is that

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a fair construction, from your point of view?---Quite possibly, Your Honour.

Ah hmm. I can't think of any other reason why he would have been invited, at the moment doesn't seem to be any, and I just wondered if you could come up with any other explanation, that's all.---I can't, Your Honour.

No. Okay, fair enough.---That's the honest truth.

10 MR DARAMS: And just following up from that. Given your business relationships and the advisory services, wasn't it important to your business, particularly vis-a-vis I-Prosperity that you had that relationship with Mr Tsirekas? You must have seen that as important to the services that you could provide to I-Prosperity.---Did I, I mean, it was, I think what, what, what was important and what I demonstrated to them that, you know, I, I, I got results previously from projects that I've taken on.

20 But also the fact - - -?---They worked, they worked on merit, I worked on merit saying, look, this is what I've, that's what I've done, this is what I've achieved.

But one of the important relationships that you had was with Mr Tsirekas, the mayor of the council, who I-Prosperity would be putting a development or seeking to do a development in their area, correct?---(NO AUDIBLE REPLY)

30 Your relationship with Mr Tsirekas, and your ability to demonstrate that relationship, was important in respect of the services that you could offer I-Prosperity. Do you accept that?---I, I don't know how they would have viewed that. I, I didn't view it as, as, as, as important.

Yeah, well, why not?---Because never, never done me any favours, never done anyone any favours whatsoever.

But I thought you said before that when people came to you with issues before the council, or roadblocks or things like that, then you would use your relationship, contact Mr Tsirekas to get it moving to deal with it all.---That's right. And I still do that now. I did that today.

40 I see. So doesn't that – I'm just putting this proposition for you to consider, wasn't it important, didn't you view it as important, your relationship with

Sensitive

Mr Tsirekas, that you were able to sell that or demonstrate that relationship to I-Prosperty to demonstrate the fees that you were charging them?---No. I saw that as an obstacle. I saw Tsirekas as an obstacle.

Is that right?---Absolutely.

10 If you saw Mr Tsirekas as an obstacle, wouldn't it be the case then that you would try and avoid occasions of involving Mr Tsirekas with IPG, Belinda and others, is that right?---No. They just, they just wanted to demonstrate their case to someone of Angelo's position. They just wanted their case heard, their, their, air their frustration. I think my relationship with Angelo probably worked against me in any DAs that I was involved in because he -
- -

Which DAs worked against you?---Well, I, I personally put in a couple of applications on a couple of residential properties that I own and, and he flatly said that he's not willing to support it.

20 Well, just put that to one side, your personal one, but what about ones where people have enlisted your services?---Not necessarily because of my relationship with Angelo. They enlisted my services for other areas, not just, other areas that I had no relationship with any, any, any political parties or any councillors there.

Well, perhaps I can show you some messages. Perhaps if the witness can be shown volume 6.3, page 281.

THE COMMISSIONER: Sorry, I didn't get that reference.

30 MR DARAMS: 6.3, page 281.

THE COMMISSIONER: Thank you.

MR DARAMS: So, Mr Chidiac, this is an exchange of text messages between Belinda and yourself. The blue balloons, they're text messages from Belinda to you.---Yeah.

The response in green is from you to her.---Yeah.

40 So if you can see the first balloon, this is 26 November, 2017.---2017.

Sensitive

Yeah.---Okay.

So you and Mr Tsirekas were in Shanghai again, this is another occasion.
---Yeah.

So you've gone back to Shanghai again. Can you recall why you went back to Shanghai again?---I honestly can't remember. Could have been a bucks night.

10 Who was getting married?---That chap by the name of Tony.

Tony who?---I can't remember his surname.

How do you get invited to a bucks night in Shanghai when you can't recall the person's surname?---I've known, I've known friends for 30 years, I still don't know their surnames, know them by their nickname or their first name.

20 Right. What about Tony, what's his nickname?---Oh, Tony, I don't think he had a nickname.

Okay, so you don't know his nickname.---I don't.

You know him as Tony. What does Tony do?---He's an accountant.

Whereabouts?---I'm not sure.

In Sydney?---Yes.

30 How did you meet Tony?---Through mutual friends?

Who's the mutual friend?---A chap by the name of Frank Colacicco, I think he's related to him.

Frank Colacicco's friend, Tony.---Yeah, related to him, I think, from memory.

40 Right. So you were going to Shanghai for Tony's buck show, is that right, is that your evidence?---Not purely for Tony's bucks night but used that as an excuse to get away.

Sensitive

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J. CHIDIAC
(DARAMS)

981PT

Sorry, you - - -?---Used that as an excuse to get away, yeah.

Okay, right. Okay. So, you go, one of the reasons, to Shanghai for Tony's bucks.---Yeah.

So miss, well Belinda – well, perhaps I could do this. Do you know Belinda to be Belinda Li or Belinda Lee, L-i?---I know her as Belinda.

Belinda, okay.---Yeah.

10

This is the Belinda we're talking about though, isn't it?---What's her surname?

Li, L-i.---How do you spell that?

L-i.---L-i. Yeah.

20

So this is the Belinda we're talking about. You don't know another Belinda involved in I-Prosperity?---Oh, mate, not with I-Prosperity. I know plenty of Belindas.

So, the first balloon, "Linx tonight. Will call you pick up." Now, Linx is a nightclub in Shanghai, correct?---Yeah, yeah.

Now, Belinda had from time to time arranged tables for you and others at Linx?---Never.

Never?---Never.

30

I see. Did you ever attend Linx?---I did.

Who did you attend Linx with?---Well, the, the night that, that bucks night, we attended as a group, there was a group of us that got a, they, one of the boys got a table.

Who organised the table?---I can't remember who organised the table.

I see.---I can't, I can't remember.

40

All right. So then Belinda says "Tell all boys," see that, the second balloon?---Yeah.

Sensitive

Then it says, "Michael and Harry will go"?---Yeah.

Right. That's Michael Gu and Harry Huang. You knew that, you understood - - -?---No, I didn't know, I didn't know that. I know Michael and Harry.

Sorry. Well - - -

10 THE COMMISSIONER: Did you know any other Michaels and Harrys in Shanghai?---Sir, there could have, Michael and Harry in Shanghai? Possibly. I know it's not the answer you want but that's, quite possibly.

MR DARAMS: Sorry - - -?---But I'd have to go through my WeChat list and contact list and come back to you on that.

Can we just look at your response.---Yeah.

20 And then you say, your response is not "Michael and Harry who?" it's, "Okay. What time?" That's suggests that you knew the Michael and Harry that Belinda was referring to.---That, that's what you're assuming.

I'm asking you.---No, we not, that's, that's not true. There was, there was a group, there's a group that we travelled together and we ended up meeting other people that were actually in Shanghai on business. There's probably 20 of us in total.

30 THE COMMISSIONER: Just listen for a moment, Mr Chidiac. There were two people associated with I-Prosperty by the name of Michael and Harry, weren't there, at this time?---There was, yeah, yeah. Yes, sir.

And Michael, well, there's Michael. What's his surname? Surname for Michael?---From I-Prosperty?

Yeah.---Gu, I think. Gu.

Gu, that's right. And one more question. Harry's surname?---I think Hung or Hong or - - -

40 Huang, yeah. H-u-a-n-g- - -?---Well, I, I, I don't know I, no, I don't know. I don't know. I - - -

Sensitive

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J. CHIDIAC
(DARAMS)

983PT

I think you spelt it before, you - - -?---No, I didn't spell it, sir.

Okay.---I didn't.

Well, there's a Michael Gu and a Harry at I-Prosperity at this time?---That's right. That's correct, yeah.

10 Yeah, right. So now this is Belinda sending you an email. It refers to Michael and Harry - - -?---Email or text, Your Honour?

No, no, don't, please don't interrupt me. It refers to Michael and Harry. Who else could it have been referring to, other than the Michael and Harry associated with I-Prosperity?---Your Honour, you're not going to like this response. You're going to, probably going to get upset with me.

No, listen - - -?---I, I, I wouldn't know, Your Honour.

20 Well - - -?---There's, there's a group of – sorry, Your Honour. Go on.

The only Michael and Harry that you knew about in Shanghai on 26 November, 2017, were the two men associated with I-Prosperity, isn't it, by the name Michael and Harry?---Your Honour, there was a group of - - -

30 No, just answer my question. I'll put it again. The only people you knew in Shanghai on the evening of 26 November, 2017, the date of the text message, was the Michael and Harry associated with I-Prosperity. That would be right, wouldn't it?---Quite possible that I've known other Harrys and Michaels there at the time. I would have, there was a group of 70 individuals that were - - -

Mr Chidiac, it might be said that answer is seeking to avoid the question. ---That's not my intention, Your Honour.

40 Are you absolutely serious when you say that as at the evening on 26 November, 2017, there could have been out there somewhere in Shanghai two other guys also named Michael and Harry who you had been introduced to or you had met at some stage? Is that what you're seriously saying? ---I'm not saying that at all, Your Honour.

Sensitive

No. Look, the Michael and Harry Belinda's referring to here is the Michael and Harry that you knew and worked with at I-Prosperity.---That's - - -

You'd accept that, wouldn't you? It had to be.---Sir, if you want me to be honest, which I'm sure that the Commission wants me to be honest - - -

No, I think you've being evasive on this question.---Sorry, Your Honour?

I'm putting to you - - -?---Yeah.

10

- - - you are being very evasive.---That's not my intention, Your Honour.

I'm putting it to you it is as plain as could be that her third text message here on the evening of 26 November, 2007, is Belinda saying Michael and Harry from I-Prosperity, they will go to the nightclub. That's what she's saying, isn't it?---That's correct.

Eh?---That's what she's saying, yeah.

20 And the Michael and the Harry was her associates with I-Prosperity that she was referring to there. That's plain, too, isn't it?---That's what one would assume.

Pardon?---That's what I would assume, yes.

Right. And do I take it that's what you did assume when you first read her text message, that's who she's referring to?---That's, that's what one would, that's what I would think, so, yeah, that's what I would say.

30 MR DARAMS: But you knew that's who she was referring to?---No, I did not know. I didn't know. I wasn't certain. I wasn't 100 per cent certain. I'm not going to sit out here and tell you I'm 100 per cent certain, just to satisfy your - - -

Was there another, you said you went with a group of people, that's what you said before?---That's right, yeah. Yeah.

Was there a Michael and Harry amongst that group? You've said Tony's bucks.---Yeah.

40

Angelo's there?---Yeah.

Sensitive

Frank Colacicco's there?---Yeah.

Another Michael and Harry?---I, I, I, I don't, there's guys who, like I said to you, they were travelling through China on a business trip. There's a WeChat group they've got going. Okay. So all these people are just sort of catching up at drinking holes, restaurants, coffee shops, hotels, et cetera, et cetera. Okay. That's what I'm saying.

10 So, well, maybe I could help you a little bit further. So perhaps if we go over to the next page. So just the third, the second balloon, the blue balloon there, could you have a look at - - -?---The blue balloon, did you say?

Yeah. So this is another text message - - -?---Yeah.

- - - from Belinda to you?---Yeah. Yeah.

20 She asks you whether you can catch up, "Michael, Harry and me come to your hotel." So, again, do you accept it's the same Michael and Harry that Belinda's referring to in the previous text message?---I would, yes.

You do?---Yeah.

And then there doesn't seem to be a response for a little while. And then if we, then down the bottom blue balloon, you've got another message a bit later on from Belinda. You see "Mike instant to go Linx" some sort of reference about going to Linx nightclub. Do you accept that?---Yes, just, do you mind if I just go back to the blue balloon?

30 Sure.---Okay. So what are we looking at? "Joe, can we catch up?" What time was that? 11.54pm, is that right?

THE COMMISSIONER: That's right.

MR DARAMS: That's, so it says there - - -?---26, 26.

Yeah.---Okay. I responded, "Sorry, Belinda. Just got message." That's at half past, that was the next day, wasn't it?

40 Well, it's, yes, the - - -?---It's, it's the next day.

Sensitive

If you take - - -?---So I didn't respond till the following day.

Well, yeah, but given that we're 11.54pm, one possibility is when Belinda sends the text at 11.54, she's thinking it's next morning, but, in any event, you respond within, say, half an hour - - -?---I respond the following day.

Well, you've - - -?---She wanted, yeah, sorry. Go on. Sorry.

10 So you respond within 40 minutes or so, but, in any event, do you see that?
---Is that, is that, 26, is that, hey, 12.31? That's the next day, isn't it, 12.31?

Yeah.---That's not, that's not, that's not, it's - - -

Yeah. 12.31am.---Is that AM?

It does say "AM" next to it, so - - -?---It does, too. Sorry. I missed that, yeah. You're right.

20 Yeah. So within 40 or 50 minutes?---Yeah, yeah, you're right, you see (not transcribable) - - -

But you are right. It's the next day but - - -?---No, no, no. I, I, I looked at the 1200, 12.31. I assumed it as the following day, 12.31. I didn't see the "AM".

Sure. Okay.---12.31, that tells you it's "PM", that's - sorry, "AM".

Well, anyway - - -?---You with me or?

30 Let's just, so you wanted to look at the text messages?---I wanted to look at the text messages?

Yeah. I was taking you to the text message - - -?---Yeah. Sorry. Go on. Yeah. No, no. I just wanted to see the timing, that's all.

40 So you've got, "Mike instant to go Linx" and then if we go over the page, you have a question mark and then the blue, "Do you want to go just with Angelo?" You understood that was a - - -?---Sorry. Just let me look at the top of the balloon. There's a question mark. "Do you want to just go with Angelo?"

Sensitive

You understood that to be Belinda saying to you do you and Angelo just want to - - -?--Want to go to the Linx, yeah, that's what, yeah. Yeah, yeah.

Yeah, just to the club by yourselves.---Yeah, yeah, yeah.

And then you say, your response is, "We can't. We have to stay with the group. Maybe later"?---Yeah.

10 And why couldn't you and Angelo go, just yourselves?---Because, because we're, we're, we're travelling as a group, we wanted to stay as a group.

Okay. Can you assist us why Belinda is extending the invitation to just you and Angelo?---I think there was a restriction on the, the amount of people that can come in for the night.

Well, why wouldn't she have chosen someone else?---She didn't know anyone else from the group. We're the only two individuals she knew.

20 I see. Now, if we go up to the next page. The top balloon.---Yeah.

So this is Belinda, this is on the 27th so "we lunch around, Michael cannot" I think that's "cannot make it". "I'm looking for Harry." Right. See that? ---Yeah.

Your response is "Good luck finding Harry." Now, you obviously, when you responded, we're talking about the same Harry and Michael, right? You had potentially permitting some other non-I-Prosperty related, Michael and Harry, let me just finish, and you had some doubt. But now that you respond "Good luck finding Harry," that suggests to me that the Harry she's referring to is known to you.---Absolutely. That's the same Harry that worked for I-Prosperty. That's right. After reading these messages.

30 Yeah, so we've got no doubt now, do we, that Michael and Harry - - -? ---That's, yeah, yeah, that's - - -

Okay. Now, then if I could ask to go to the next page, 285. You, during this exchange in the top, the first balloon, you say - - -?---That's the green balloon?

40 Yeah, the green balloon.---Yeah.

Sensitive

You say, "Hotel with Angelo." Now, why are you telling Belinda or indicating to her that you're with Angelo at the hotel?---That's where we were staying.

Sure. But why are you letting her know that - - -?---She would have probably been asking to catch up for a coffee.

Yeah.---She normally does.

10 All right. Well, isn't it that she's trying to arrange a meeting between you and Angelo and Harry and Michael? Isn't that what's happening here?---I think it's very obvious that's the case.

Yeah. Again, can you assist us why it's important for Angelo to be involved in this meeting that Belinda's trying to arrange with Harry and Michael while you're in Shanghai?---Well, that's a question for Belinda. I don't mean to be rude by that response.

20 But you must have some understanding why it was important for Angelo to be involved in - - -?---Well, I don't know what's, what was, why she perceived it as important. I don't know why. I can't, I can't answer on her behalf. She'll, she'll have the opportunity to answer that question.

But you, but you were also trying to facilitate a meeting with Angelo and Harry and Belinda and Michael, weren't you?---I wasn't trying. Look, I mean, if you read the message, Belinda was. It wasn't me.

Okay, well, let's just fast forward then to the last green balloon on the page. ---Yep. Yep.

30 So you're effectively saying Angelo's available for lunch at 1.30.---Sorry, I'm just trying to see the, what message was that again?

Down the bottom.---"Next door to the hotel." Is that, "next door", what is it?

THE COMMISSIONER: No, I think you're looking - - -?---Sorry?

40 The green one, yeah.---The bottom, right at the bottom. Okay, yeah, I see it, I see it. "We're just, we just had breakfast. Angelo can catch up for lunch 1.30pm." Yeah.

Sensitive

MR DARAMS: So you knew it was – you must have understood that it was important for at least Belinda, and possibly Michael and Harry, that Angelo meet with them. You’re putting him forward, suggesting he can catch up. ---No, I didn’t suggest that at all. I said when he, when he could possibly be available. It was very important to them by these obvious, by these messages. It’s very obvious that’s the case. We had just, we just had breakfast. Angelo can catch up for lunch at 1.30pm. That’s, that’s - - -

10 Do you - - -?---You’re asking me to remember, you know, a message that was sent in 2017. I mean, that’s, that’s, that’s pretty difficult, Your Honour.

I’m just asking you to recollect - - -?---Well, I am now after reading those messages.

THE COMMISSIONER: Just don’t interrupt.---Sorry, sorry.

MR DARAMS: I’m just asking you to recollect and assist us if you can as to why it was important for Harry and Michael and Belinda, or Harry and
20 Michael, to meet up with you and Angelo when you were here in Shanghai on some, as I understand it, some bucks weekend, partly a bucks weekend. ---You’re asking me to - - -

I’m asking whether you can assist us.--- - - - perceive why it’s so important to Belinda to get Harry and Angelo together? Is that what you’re asking me to perceive, why they, what their intentions were? I’m not going to do that. I don’t know. I honestly don’t know. Obviously it’s important to them. Obviously it’s important to them and important to, you know, what their intention at Rhodes. That’s, that’s what I assume their intentions were.

30

Aren’t you assisting Belinda and Harry and Michael facilitating the relationship, facilitating introductions with Angelo?---No, no.

Is that not what you’re doing?---That wasn’t my, that was never my intention.

THE COMMISSIONER: But that was always your practice. When you – we’ll go back to the earlier discussion we had. You were there to facilitate a meeting with somebody who had a problem somehow linked to council
40 matters. You would arrange for the matter to be taken up with Angelo, to try and break through whatever the problem was. What’s being put to you

Sensitive

here, this is of the same nature. They want to talk to you about what publicly, something to do with the project, presumably. And you're facilitating, okay, talk to Angelo. You're doing just the same sort of thing as we discussed earlier. You're, facilitating was the word I think was used. Facilitating them, whatever they want to talk about so far as the project is - - -?---I used to – sorry, Your Honour, sorry, Your Honour.

10 - - - so far as the project is concerned, and you may not have known at that time what it was that they wanted to talk about. But you were saying, okay, look, you'll be able to meet him at lunchtime, and you've had an early breakfast but they'll be there at lunchtime, he can meet with him then. Isn't that just consistent with your practice of trying, if somebody's got an issue that does involve council in some way, then you would refer the matter to Angelo to see if he could facilitate or help deal with the problem? That's nothing different to what this last text message seems to be suggesting. Is that a fair construction?---It's a fair construction, Your Honour.

20 So you may not have known exactly what it was that they wanted to talk to him about.---What their intentions were, that's right. Yeah.

But presumably it may well have had something to do with business, that is the project back in Sydney, and you were sort of saying, well, if you want to talk to him, he's going to lunch for 1.30, here he is. So you were setting it up, in other words for them to have a meeting with Angelo.---Absolutely.

Okay.---That's right.

So - - -?---Thanks for explaining it, Your Honour.

30 No, well, just going back over the ground we're discussing before, that Angelo was, you know, an important person, certainly so far as they would have seen it, is that right?---Sorry, say that again.

They would have seen him as the important person.---Absolutely.

He was mayor of the council.---Absolutely, absolutely.

40 He's the sort of man who could, in his position, do something for them if they had a problem.---No. Well, he's demonstrated over the, my, my, through my relationship he's demonstrated that he's, he's, all he would do is, you know, pass on emails to general managers. So, yeah.

Sensitive

Well, whatever he did - - -?---Yeah.

He would do it to see if he could intervene and make, work his magic or try and get the matter expedited or whatever.---I don't know, but I wouldn't use the word "intervene", Your Honour. I don't think he ever would have intervened, as far as I'm concerned.

Well, what word would you use?---As far as I'm concerned.

10

What word, then, would you chose if it's not "intervene" to help them in the council process in some way? What word would you use?---Well, he, he - - -

That identifies what he would do for them as mayor.---I think "intervene" is a strong word, Your Honour. I think he would recommend certain steps to take, or he might refer the email that I've sent him or the client's sent him to the general manager, or to the planner, the right planner, et cetera, et cetera. That's, that's, so I wouldn't use the word "intervene", that's a very strong word, Your Honour, in this, in this demonstration.

20

MR DARAMS: Along that similar line, I want to ask you, can I ask you this, in some of the interplay, so text messages between you and Ms Belinda, you refer, she refers to "our friend", and you sometimes respond with "our friend" or "ask our friend". Is that a reference to Mr Tsirekas? ---Quite possibly.

Well, perhaps you can help us out with that. If I could have the witness be shown volume 6.4, page 141. I just want to draw your attention to the second blue balloon.---Okay, what about it?

30

See that second blue balloon? This is a text message from Belinda to yourself.---Yeah, yeah, yeah.

And then the next one below it, "But we didn't receive any information from council. Can you help me ask our friend?"---Yeah.

And then if we go down to the green balloon, you say, "Will do tomorrow." ---Yeah.

40

Sensitive

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J. CHIDIAC
(DARAMS)

992PT

The reference to a friend, you obviously knew who she was talking about.
---Yeah.

Was she talking about Mr Tsirekas?---I'm assuming it's Mr Tsirekas, yes.

No. When you say you're assuming, because you didn't query who "our friend" was, you knew who the friend was that she's referring to.---Quite possibly.

10 No, no, not quite possibly. You must have known she was referring to Mr Tsirekas.---Are you answering the question on my behalf?

I'm suggesting that it's not quite possibly, I'm suggesting you do know - - - ?---No, it's more than likely it was Angelo.

Yeah. What I was suggesting to you was that you seem to be a little bit hesitant in accepting that it was Angelo and I'm suggesting to you that there shouldn't be any hesitation, that you did know that the reference to "friend" was Angelo. Does that make sense?---Yeah, listen, you're asking me for a
20 yes or no answer. It's not a yes or no answer. Quite possibly that would have been, that would have been, she would have been referring to Angelo, quite, more than likely. More than likely.

THE COMMISSIONER: Again, you used the word, yes, "More than likely."---More than likely.

You said "possible". As discussed before, in those circumstances - - - ?
---Yeah, more than likely. Yeah.

30 - - - it's more probably than not that the words "our friend" refer to Angelo Tsirekas, is that right? More probably than not.---More than likely, Your Honour, more than likely.

MR DARAMS: Perhaps if we could go forward to page 263 of the same volume. I'll ask you to look at the text from Belinda in the third blue balloon.---Yeah, I see that.

"Did you speak to our friend? Does council still want the valuation done today?" Now, this is in relation to the I-Prosperty proposal, correct?---I'm
40 not sure what she was referring to.

Sensitive

Well, this is 12 October, 2018.---Yeah.

And she then follows it up, “Not today, I mean now before the VPA.”

---Yeah. That, that would, now that I’ve read that, that would, that would mean the Marquet, Mary Street and Marquet Street in Rhodes, yes.

So the reference to “friend” again in the text message, that’s a reference to Mr Tsirekas?---Yes, my friend Mr Tsirekas, yeah.

10

Yeah. And then if we go to page 268. If you need to, you can read all the other blue bullet points but I want to direct your attention to the last one on the page.---Yeah. I see it.

You see it?---Yeah.

So “David called Peter.” So David is David Furlong, you understood that? ---Yes, yes, yes.

20 He was the town planner for the I-Prosperty proposal?---That’s correct. He was someone that I referred.

Sure. “David called Peter. Peter said must wait for valuation. Can our friend help?” That reference is to Mr Tsirekas?---Yeah, yeah, yeah. Let’s assume it’s Mr Tsirekas, yep.

30 Yep. Well, did you understand it to be a reference to any other, inverted-commas, friend?---You’re asking me to look back to a 2018 text message and describe what I was thinking at the time. I’m, it’s, it’s more than likely that it’s Angelo Tsirekas, okay?

Yeah. If the witness can be shown page 273. Just if you need to read the chain of emails, please do it, but the reference to “friend” in Belinda’s emails in the third blue balloon?---Okay, sorry, say that again? I just, you’ve lost me for a minute.

You can read the trail of text messages if you need to- -?---Okay, not just yet.

40 But the reference to “friend” is in the third blue balloon.---Yeah, okay, okay, okay. Well, I, okay. Yeah, I’ve read it.

Sensitive

So the reference to the friend is Mr Tsirekas again?---That's correct, yeah.

Yeah.---More than likely, yeah.

So then if we go to page 277. It's coming up. Here's a reference in 30 October, 2018. Now, this is your text message. Do you see you say "I can't get a hold of our friend." Were you referring to Mr Tsirekas?---I, more than likely, yes.

10

Yeah. Did you ever, in your exchanges with Ms Li, refer to anyone else as "our friend"?---Sorry, say that again? I - - -

In your exchanges with Belinda, did you ever refer to any other person other Mr Tsirekas as "our friend"?---I always do, I always do with not only Belinda, with a lot of other individuals that I talk to on a regular basis.

What, you refer to Mr Tsirekas as "our friend"?---I do refer to him as "our friend", yeah.

20

Okay. And then - - -?---Him and many others.

Then you say "Okay." She says "Okay" and you respond "He must be away." Did you make some enquiries whether Mr Tsirekas was available? ---No, no, I didn't. He just, he normally returns my calls, so when he doesn't return calls, he, he's normally away on a bush walk or Kokoda Track somewhere in, in the wilderness.

Perhaps if we can go to page 287. The last blue balloon - - -?---Last - can I read the - - -

30

Sure, if you need to.---Yeah, yeah. Just - - -

Please.---What's that email, a green email? Is there, is there, is there a purpose for that?

Well, I would ask you if you could assist us because it's your text message, but I feel you probably won't be able to assist us.---What I see, I see a traffic cone.

40

Sensitive

Yep.---That's strange. Okay, yes. "Tuesday waiting for Ken, confirmed." I don't even know who Ken is. Incoming call, "Joseph, what's your home address, we have (not transcribable) to our friends, ha ha." Okay.

So do you know what is about, do you?---No, I don't.

No. If we go over the page. Your response is "[REDACTED]." Is that your address?---Yeah, yeah. That's my address, yeah.

10 That was your address at that time as well?---It's my address, yes, sir.

Right. And you understood the reference in Belinda's text message to "a gift for our friend" being a gift for Angelo?---Quite possibly.

Did Belinda give you something around this time in 2018 to give to Angelo?---No. She knows not to give me anything because I would never, not give me anything to give to Angelo. She, she, she knows that from day one, I made that very clear to her.

20 How did you make it very clear from day one?---I told her, told her, told her. You know, "If you think you can give us, well, give Angelo presents, he's not allowed to do that and if does take presents, he's got to, he won't be able to, you know, he's going to have to declare it and won't, can't vote on your, on your DAs."

It was very important, wasn't it, that there be some distance between I-Prosperty and Mr Tsirekas because he wouldn't ultimately be able to vote on their development applications if it was known that he had some relationship with them, is that right?---Sorry, say that again?

30

It was very important for any connection between Mr Tsirekas and I-Prosperty to be not disclosed or not known because that would mean he wouldn't be able to vote on any of their development applications. Is that what I understand from your evidence?---I don't think he had a relationship with I-Prosperty or any of their - - -

Well, it was very important, and you must have made this known to Belinda and those at I-Prosperty, it was important to keep some distance between Mr Tsirekas and them so that there wouldn't be any reason why he would have to disclose a relationship with them, is that right?---Say that, sorry, I'm, I'm listening, I'm just trying to focus here.

40

Sensitive

Yeah. You must have explained to Belinda that it was important that there be some separation or distance between Mr Tsirekas and her and I- Prosperity, because if there was some relationship he would have to disclose it and not be able to vote on their applications.---That's not true. I wouldn't have recommended that.

10 Well then why are you telling them, or explaining to her about not giving gifts?---Because it's illegal to give gifts to a government representative, an elected member of council.

What about travel and accommodation to, say, Shanghai for - - -?---They never, they've never, they've, he's always paid for that or paid me back for that.

Okay.---He's never, he's never, he's never received any gifts from, from them.

20 So what about this accommodation in January 2016?---What about it?

Who paid for that?---I just told you, I'll have to go back through my credit cards and I'll come back to you on that.

Yeah, okay. So in terms of – what about all these other trips to, you said that he's paid you back. What other trips did you pay for?---Yeah, I invited, I, him and I travelled to Lebanon.

30 Right.---Again, I think could have been 2016. I'd just have to go back and double-check on a date for that. I paid for that trip there.

Well, why did you do that?---He's a good friend of mine. He needed to get away. We just lost a federal election. The, the - - -

THE COMMISSIONER: That's a gift to him, isn't it?---Sorry?

That was a gift to him.---Absolutely not.

40 But you're paying for his trip to Lebanon.---On, on, on the understanding that he'll pay me back. It's not a gift.

Sensitive

But unless he can prove that he did pay it back, it could well be deemed to be a gift.---Well, we can prove that he paid it back.

MR DARAMS: How did he pay this back to you?---Well, he, he, the Lebanese trip, the trip to Lebanon?

Well, let's focus on that one.---Now, which one do you - - -

The Lebanese one.---Okay. Direct transfer.

10

Okay.

THE COMMISSIONER: What was that?---Direct transfer into my account.

And are you saying that any benefits that you paid for – accommodation, airfares – would be shown to have been repaid by him by looking at records of - - -?---Absolutely, Your Honour.

20 - - - by records of telegraphic transfers and the like?---There is an amount of, sorry, Your Honour. I've interrupted again. Go on.

No, is the position here, if they were not gifts, that's easily demonstrated because all you'd look at is the record as to telegraphic transfers. Right? ---Okay, yeah.

But I thought you earlier said that the repayment on one of the trips, not Lebanon but Shanghai, was repaid in cash.---That's correct. That's what I said, Your Honour.

30 Well, how is, the record's not going to show at all that Mr Tsirekas repaid you anything by way of loan or otherwise, because there's absolutely no record of that.---Your Honour, you're a good judge of character I assume.

40 No, no, please don't make statements. You're answering questions. It would be the case, wouldn't it, that if he repaid in cash he'd be in real trouble then, wouldn't he, because he wouldn't have any evidence that it was in fact a loan rather than a gift.---Well, I'm stating the – I don't know what the repercussions are. I'm stating here that he paid me \$3,000 in cash in 2016 for the airfare ticket to Shanghai. That's what I'm saying to you, so - - -

Sensitive

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J. CHIDIAC
(DARAMS)

998PT

Yeah, but is there any record to show that he repaid it?---I don't have any - -
-

Did you give him a receipt?---No.

No. Is there any record that he repaid you?---I don't have any records.

Pardon?---I don't have any records, Your Honour.

10 You have nothing, no.---I don't have no records, Your Honour.

No records, no.---Yeah.

That's what I'm saying.---Yeah, I didn't think you heard me, sorry.

What about Lebanon? Have you got a record to show that he repaid you?
---Absolutely, Your Honour.

You do have a record?---Absolutely.

20

Showing that Mr Tsirekas repaid you - - -?---Transferred \$9,000 into my
account.

He did, did he?---Yes, sir. Yes, Your Honour.

And is that earmarked as repayment of airfares?---I don't know what the
descriptions are, Your Honour, but I can look back and – if you don't
already have a copy, I can get a copy for you.

30 MR DARAMS: Did you ever have a conversation with Mr Tsirekas where
you were, you explained to him what your relationship with IPG was, I-
Prosperity?---Never, never did.

You never did?---Never.

Not one conversation at all?---I, I, I didn't tell them that I was working for
them, no. I referred to them as friends. I've never told him that I had a
commercial engagement with them. I don't. There was a - - -

40 THE COMMISSIONER: It would have been apparent to him that you did
have a commercial relationship with I-Prosperity, wouldn't it, because you

Sensitive

were dealing with I-Prosperity through Belinda, mainly, but with Harry and so on. He would have – he’s not that stupid. He would see, put one and one together, you’re dealing with them, talking to them, sending emails to them, talking about setting up, you know, the meeting and so on. He would have readily appreciated that you were, as you had in other projects, been asked to provide services for them. Isn’t that the case?---Your Honour, you’ll have to ask him that.

No, no, I’m asking you.---Can you just - - -

10

It would have been, would it not, apparent to you, as somebody who’s been in this practice of providing services in relation to council matters, that you were under contract to I-Prosperity in order to explain why you were so interested and active in relation to dealing with I-Prosperity people?---See, Your Honour, I can’t tell you what’s apparent to him and what’s not. But I, I, I take complaints and application to him on a weekly if not a daily basis for ratepayers, individuals. It’s not, it’s not, it’s not the first time I’ve done that, Your Honour. I, I’ve been doing that for the last 12 years, how long I’ve known him on a single basis. And you can see through my emails, you can see through my text messages, I did that on a regular basis, Your Honour.

20

I just want to ask you this on your oath.---Yeah.

Do you deny that you ever told Mr Tsirekas that you were providing services for I-Prosperity in relation to the Rhodes project?---Did I ever tell him?

30

Do you deny that you ever told him that you were working for I-Prosperity?---I’m not, I’m not denying that at all, Your Honour. I’m not denying that, Your Honour. I can’t remember telling him that I, I did. I can’t - - -

You’re not denying that you, you did at some stage make it known to him that you were working for I-Prosperity? You don’t deny that?---I’m not denying that. It’s quite possible I could have told him.

40

That’s right. On the probabilities, given your, as we’ve seen, activities connected with I-Prosperity, it’s more probable than not that you would have – probably on many occasions – made it clear to him that you were

Sensitive

working, providing services for I-Prosperity. You agree? On the probabilities.---Most likely.

Yeah.---Most likely.

Yeah.---I don't want to use "possibly" because I know you don't like that term.

MR DARAMS: Just one other question.

10

THE COMMISSIONER: Mr Darams, just to interrupt for a moment, because there is an interruption, just to inquire about the future course of this compulsory examination. I'm not sure if you've finished the topic you were dealing with before, but do you want to – you envisage that Mr Chidiac will be returning next week, is that right?

MR DARAMS: Yeah, week after next.

THE COMMISSIONER: The week after next, is it?

20

MR DARAMS: He will be returning.

THE COMMISSIONER: Right.

MR DARAMS: I've just about finished this topic, and so it might be an appropriate time - - -

THE COMMISSIONER: All right.

30 MR DARAMS: - - - to adjourn for, to adjourn the examination.

THE COMMISSIONER: Very well.

MR DARAMS: I just have one last question for Mr Chidiac. When you've been overseas with Mr Tsirekas, have you paid for his expenses while you've been away with him?---In, in Lebanon I did.

40 Only Lebanon?---In Lebanon I could have paid for lunch and vice versa. He paid, buy me beer, buy him a beer back. Buy me lunch, I buy him lunch back, that sort of thing.

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J. CHIDIAC
(DARAMS)

1001PT

What about other travel? What about internal travel, trips that you might have taken in Shanghai, tours, things like that?---Absolutely not. They give you tours there for nothing. You get on the bus, you get on the public bus and they take, they tour you around for nothing.

So Lebanon, you paid for his expenses there.---I paid for the airfare, paid for the hotel. It was, he insisted that he would come along only if he pays me back when he does his settlement, divorce settlement.

10 THE COMMISSIONER: And because of his insistence about that, you would have been very careful to keep records to show that it was indeed money - - -?---Not at all, Your Honour.

- - - no, the money you had outlaid for him was repaid, is that right?---Say that, I missed that, Your Honour. I'm sorry.

Okay. Because of his insistence that he repay any gratuities that you provided whilst on holidays, you would realise it would be very important for you to keep records to show him doing it, that he did repay.---Your
20 Honour, I - - -

No, do you – no. Do you agree with that? It would be important to you to - - -?---I, I honestly don't understand the question, Your Honour. Please don't get frustrated. I don't understand. Just ask me that question again.

You said he was very insistent that he would repay you.---That's right, that's right, yeah, yeah, yeah.

And that was because he held a public office and he wanted to ensure that
30 things were done correctly, is that - - -?---I don't know if that's a reason, Your Honour.

Well, is there any other reason?---Well, he wasn't in council at the time, Your Honour.

Pardon?---He wasn't in council at the time, I don't think.

He wasn't - - -?---2016.

40 He wasn't what?---He wasn't in council at the time.

Sensitive

Right. Okay.---From memory.

Apart from that period when he was not on council.---Yeah.

There were other trips when he was on council.---Yeah.

Yeah.---Which one are they, Your Honour?

10 Yeah, well, let's not go over it all again, but in relation to cases in which you paid for accommodation, airfares, anything else for a holiday, because you said he insisted about repaying it, you'd be very careful to keep a record to show that he did repay it, is that right? It's logical, isn't it?---I mean, I, my record keeping, as you probably worked that out by now, isn't, isn't the best.

I take it that you didn't bother keeping any records of money he repaid to you, is that right?---Yeah, Your Honour, I told you, the \$9,000 that was transferred after his divorce settlement was transferred into my account, Your Honour. I can, I can provide that. I can give you that.

20

And what about all other expenses, accommodation, airfares and so on? ---There was no other, the only time that I paid was for airfare to Shanghai in 2016, and I'll have to come back to you on – sorry. Okay, no worries.

Mr Darams, anything else?

MR DARAMS: Nothing further.

30 THE COMMISSIONER: Right. Mr Chidiac, we'll finish there for today. You have been summonsed to return to give evidence, you're aware of that, and it's on the date on the summons. You'll be required to attend on that day week after next. Before I let you go today, you will recall that I made a direction under section 112 that prevents you by law from disclosing or communicating or publishing or making known any information about this compulsory examination today. You remember I emphasised that earlier? ---You did. I do (not transcribable)

40 And that includes also that you are prohibited from communicating anything about the compulsory examination, including questions asked, evidence given, or the fact that you have even been here today is all prohibited by law. You understand?---I do, sir.

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(DARAMS)

1003PT

And that if you breached that condition, you would be liable to prosecution for a criminal offence.---I do, Your Honour.

You recall that?---I do, Your Honour.

Yeah. I'm just simply emphasising that because the consequences if you were to breach, even inadvertently, the section 112 direction, there could be serious consequences.---I understand that, Your Honour.

10

All right. Very well. Well, I'll adjourn and we'll resume on the – have you got the date there?

MR STANTON: 5 April, Your Honour.

MR DARAMS: 5 April.

MR STANTON: 5 April.

20 THE COMMISSIONER: 5 April?

MR STANTON: Yes, please, Your Honour.

THE COMMISSIONER: 5 April. Thank you, Mr Stanton. At 10.00am. I adjourn.

THE WITNESS STOOD DOWN [3.32pm]

30

AT 3.32PM THE MATTER WAS ADJOURNED ACCORDINGLY [3.32pm]

Sensitive

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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 TUESDAY, 5 APRIL 2022

AT 10.00AM

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

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

Sensitive

THE COMMISSIONER: Good morning. Mr Darams, are we ready to proceed?

MR DARAMS: We are, Chief Commissioner.

THE COMMISSIONER: Thank you. Just before we get going, this compulsory examination to be conducted today in relation to the witness Joseph Chidiac is a continuation of a compulsory examination recently commenced. The directions I gave on the last occasion apply today. That is to say I direct that the following persons may be present at this compulsory examination: Commission officers, including transcription staff; the witness, Mr Chidiac; Mr Chidiac's legal representative, Mr Stanton.

I make a direction under section 112 of the Independent Commission Against Corruption Act 1988, restricting the publication of information with regard to this compulsory examination. The direction will prevent those present today, other than Commission officers, from publishing or communicating information relevant to this compulsory examination. It will permit Commission officers to publish or communicate information for statutory purposes or pursuant to any further order made by 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. As I indicated on the last occasion, it is a criminal offence for any person to contravene a section 112 direction.

The direction under that provision that I now make is as follows. 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 Chidiac, the contents of any exhibits that are tendered, the contents of any documents that may be shown to him, any information that might enable Mr Chidiac to be identified, and 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.

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

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THAT THE EVIDENCE GIVEN BY THE WITNESS, MR CHIDIAC, THE CONTENTS OF ANY EXHIBITS THAT ARE TENDERED, THE CONTENTS OF ANY DOCUMENTS THAT MAY BE SHOWN TO HIM, ANY INFORMATION THAT MIGHT ENABLE MR CHIDIAC TO BE IDENTIFIED, AND 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.

10

THE COMMISSIONER: Now, Mr Stanton, I think on the last occasion I made a declaration under section 38, and is it the position your client wishes to continue to have the benefit of such a declaration?

MR STANTON: It is, Commissioner. Thank you, sir.

20 THE COMMISSIONER: Thank you. Thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by the witness, Mr Chidiac, and all documents and things produced by him during the course of his evidence at this compulsory examination are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

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

40 THE COMMISSIONER: Yes, thank you, Mr Darams.

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MR DARAMS: May it please, Chief Commissioner. Mr Chidiac, when you were here on the last occasion, you recall I asked you some questions about your first introduction to - - -

THE COMMISSIONER: I'm sorry, thank you, I'm reminded that the witness on the last occasion took an affirmation to give evidence. Before we start, Mr Chidiac, is it your wish to give evidence on affirmation or - - -

MR CHIDIAC: Bible, Your Honour, yeah.

10

THE COMMISSIONER: Or on the Bible?

MR CHIDIAC: Bible, Your Honour.

THE COMMISSIONER: On the Bible. All right. Well, if you'd stand, there is a Bible there. Bible there?

MR CHIDIAC: Yeah.

20 THE COMMISSIONER: Yes, thank you. Just take it in your right hand, if you would. Yes, thank you. My associate now will administer the oath to you.

Sensitive

THE COMMISSIONER: Thank you, Mr Chidiac, take a seat. Mr Darams.

MR DARAMS: May it please. Mr Chidiac, do you recall when you were here on the last occasion I asked you some questions about the conversation you had with Belinda Li when you first met her? Do you recall that?
---Excuse me. Just ask that question again.

10

On the last occasion you were here, I asked you some questions about the conversation you had with Ms Belinda Li when you were first introduced to her, in particular in relation to the services that you or Online Security Services could provide to her and I-Prosperty. Do you remember those questions?---I don't, no.

You don't. Do you remember in answer to one of them that you gave this answer, you told Belinda that you could introduce her to professionals that are in the industry, town planners, architects, lawyers, real estate agents?

20

---I do remember saying that, yeah.

That was the truth?---Nothing but the truth.

You also told Belinda Li that if she has any disputes with any of her contractors, then you could help out with that?---Absolutely.

And that was the truth?---That was the truth.

30 So they were the services that you, as Online Security Services, could provide to I-Prosperty in relation to that engagement?---That's, that was some of the services I could, I could - - -

Okay. So there were more services that you could provide, is it?---Say that again?

There were more services that you told her you could provide?---Well, there was, I can't recall telling her what other services I could provide, but there was other services that I provided outside your description.

Sensitive

Right, okay. Well, can you tell me now what those services were?---Okay. Well, on a particular matter she rang me, her friend, her female friend had just gone into labour, about to have a baby.

Right.---And asked me what I should, what, what's the best advice I can give her. I said "Ring an ambulance."

Right, okay. So, you gave some allied health - - -

10 THE COMMISSIONER: You appreciate we're not talking about personal matters such as somebody having a baby, we're dealing with services in the commercial sense. I think that's what the question is you're being asked. Do you understand what I'm saying?---Yeah, I do understand that.

You appreciate the distinction?---I do, I do now, yeah.

MR DARAMS: Right. So it's just focusing on professional, commercial-type services that you, Online Security Services, provided to I-Prosperity. What were these additional services?---Okay. Can you just list back the
20 services that I - - -

What you told us?---Yeah.

Yes. You said - - -

THE COMMISSIONER: No, well just a moment. Firstly, you did give evidence on the last occasion about this. Doing the best you can now, what were the other services?---What were the, sorry, what were the – sorry, Your Honour, my, my hearing isn't the best. What was that last bit?
30

What were the other services that you agreed to provide?---Well, I, I was, I was on call for I-Prosperity for just any, any matter they had, they needed advice on.

No, no. Not any matter, but what services, on what matters?---Okay. Well, I introduced them to professionals, i.e. town planner, town planner. I gave them on, some advice which legal firm to use in disputes. They were in, they, they wanted to, there, there was a property they needed to buy to complete the site they, the site they had at Rhodes. I provided that service, I
40 negotiated a settlement and a reduction in asking price. Dispute, I don't

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J. CHIDIAC
(DARAMS)

1078PT

know if I just mentioned dispute with Billbergia, a neighbouring, a neighbouring dispute with Billbergia.

Sorry, what was the services you were providing there?---There, there was, there was a dispute, Your Honour, they, they had adjoining properties. Billbergia wanted access, or needed access to I-Prosperity's site. They needed their, access to site to put anchors, you know, anchors that support the, support the building process, or support getting the, off the ground.

10 What other services?---Okay. I've, if she needed to turn up to any meetings, council's meeting, I, I would accompany her to council meetings. Talk to staff. I'd introduce the people who were elected on council.

Sorry, what's that?---I introduced her to people who were elected on council, Your Honour.

Introduced her?---Introduced Belinda, yeah.

To who, elected persons?---Elected people on council.

20

You mean councillors?---Councillors, yeah.

MR DARAMS: Which are those persons?---Well, I introduced her to Angelo Tsirekas, the Mayor of Canada Bay Council. I introduced her to the Mayor of Ryde.

THE COMMISSIONER: Sorry, the mayor?---Of Ryde, yeah.

Who was that?---Jerome, excuse the pronunciation, Laxale, Laxale.

30

How do you spell his name?---Jerome, I'll have a go at spelling his surname. Laxale, L-a-x-a-l-e, from memory. Jerome - - -

And he was on which council?---Ryde Council. Ryde. I've introduced her to, who else did I introduce her to? Introduced her to the Mayor of Burwood Council.

Who was that?---John Faker. And that, that's all in my emails.

40 Is that it?---I can't recall who, who else I would have introduced her to, Your Honour.

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J. CHIDIAC
(DARAMS)

1079PT

You earlier said that you introduced her to some lawyers to get some professional services. Who were the lawyers?---I recommended some law firms.

Who was that?---I recommended Mr Stephen Stanton's - - -

Mr?---Stephen Stanton. His firm.

10 What's the name of his firm?---I know him as Stephen, Stephen Stanton.

And what did that matter relate to involving I-Prosperity?---Well just, I know they were having legal issues with Billbergia. They were having legal issues at Ryde, Ryde Council. They were having legal issues, they were having legal issues with the vendor for a property they'd bought in Rhodes.

Who was the vendor?---Oh, some Chinese chap. Can't recall his name. Met him once or twice.

20 What were the legal issues with Billbergia?---Access to neighbouring sites.

And Ryde Council?---There was multiple issues. One of the issues was they were waiting on money – the last issue I think was money waiting on to be refunded to I-Prosperity. They'd put a bond down. Work was complete. They weren't getting their money back. There was multiple issues all listed in emails. I can't remember the exact details of the issues, Your Honour.

Ah hmm.---There's multiple issues there.

30 MR DARAMS: Could the witness be shown volume 6.5 - - -

THE COMMISSIONER: Sorry?

MR DARAMS: 6.5.

THE COMMISSIONER: Just that microphone. I'm not sure if it's working properly.

MR DARAMS: Volume 6.5.

40

THE COMMISSIONER: Thank you.

Sensitive

MR DARAMS: Page 51.

THE COMMISSIONER: Page?

MR DARAMS: 51.

THE COMMISSIONER: Thank you.

10 MR DARAMS: Now, Mr Chidiac, these are WeChat messages. You understand what WeChat is?---I do. Yeah, I do.

That's like a messaging service that's used, well, including in China.
---Well, I believe it's used worldwide.

You used it when you were in China?---I, I did on one of the trips, yeah.

Yes.---Yeah.

20 So this is a - - -?---I'm still using it now.

This is a extract of messages on WeChat between you and someone called Haz. Do you see that?---Yeah, I do.

The text messages in blue are from Haz.---Can you tell me what the blue, why is it blue and green?

All you need to understand is that the blue messages from someone called Haz and the green messages are from you.---But can you tell me why, why -
30 - -

THE COMMISSIONER: Who is Haz?---Sorry?

Who is Haz, the person Haz, referred to in the email or the messaging?
---Haz? I'm not sure, Your Honour.

Well, who do - - -

MR DARAMS: Mr Chidiac, these are extracted from your phone and
40 you've identified the individual in your phone as Haz.---Well, if you have a look at my WeChat contacts - - -

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(DARAMS)

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THE COMMISSIONER: Who is Haz?---I, I, I can't, I can't recall, Your Honour.

MR DARAMS: Can the witness be shown the next page, please? Just draw your attention to the green balloon.---Yeah, yeah.

“Harry, I just told Chun to pick us up at 9.00pm. We are running late.”
Now, does that assist you in identifying who Haz is?---Not necessarily, no.

10

So I want to suggest to you that Haz is someone by the name of Harry. Do you agree?---Are you asking me or you're telling me?

I'm suggesting that to you and I want you to tell me whether you agree with me.---Not necessarily, no.

THE COMMISSIONER: Mr Chidiac, I just remind you you are giving evidence on your oath, and to give wilfully false evidence is an offence under our Act. You understand that, don't you?---Absolutely, sir.

20

And you know that giving false evidence can lead to criminal charges. You're aware of that?---It's been made very clear to me, Your Honour.

And a person can either give a false answer or a person who is evasive deliberately is also a person who is misleading the Commission. There is a duty on a witness to assist, not to mislead the Commission. In either way, it can be an offence under the Act. I just want to make it perfectly plain so that you're fully aware of the consequences. Sometimes in conversation, one might not take the care to say, “I can't remember a name of a person”
because it doesn't seem all that important. Every word that is spoken in this hearing room is important. So I just want you to do your best and contemplate the question. You were asked who is Haz and who is Harry. Doing the best you can, now that you've had your mind refreshed by looking at these messages, who do you think it might be?---I honestly don't know, Your Honour. I'm not going to give you an answer to just satisfy your question, Your Honour. I'm here to tell the truth, nothing but the truth, and I know the consequences. Okay. Mr Stanton keeps reminding me of the consequences. I know that. I'm quite aware of the consequences.
Okay.

30
40

Yes, Mr - - -

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THE WITNESS: If we, let's keep going in the message. I might, might - - -

MR DARAMS: Well - - -?--- - - - Haz might identify himself. Let's keep going.

Can I just focus on this green balloon?---Yeah.

10 You say "Harry". I want to suggest to you that the Harry is a reference to the person you're responding to, Haz. Do you agree with that?---But what, in, in the blue, blue column? I, I mean, it's, it's, all it tells me there's Haz, okay, there's a Haz. And the green, you're saying that I'm responding to the blue? Is that what you're saying?

Correct- - -?---Okay. Harry. Well, why I say Harry, not say Haz? Why would I address - - -

20 THE COMMISSIONER: No. You don't ask questions in - - -?---I'm just thinking out aloud, Your Honour.

No, just listen to what I have to say, 'cause it might recur - - -?---Yeah.

- - - if you don't take notice. A witness can only give answers, cannot ask questions. Do you understand?---I do, then, yes. I do, Your Honour.

30 MR DARAMS: Well, we'll go about this another way, Mr Chidiac, but I do want to come back and ask you about this person Harry and Haz. But just focus on, for the moment, where you say, "I just told Chun to pick us up at 9.00pm." Now, who is Chun?---He's an individual that worked with I-Prosperty.

Right. Now, had you met Chun before the date of this text message, 23 November, 2017?---'17, I have.

When did you first meet Chun?---Jeez, that's a good question. When did I first meet? I can't recall when I first met Chun, I honestly can't recall.

Did you meet him in Australia?---Absolutely, yeah.

40 Right. So you met him in Australia?---I did, yeah.

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You've met him in Shanghai?---I did, yeah.

What did Chun do? What did you understand Chun did for I-Prosperty?---I think he was a gopher.

Well, can you explain what you mean by gopher?---Go and get this, go and get that.

10 When you say he would go and get this, go and get that, did you ever ask him or instruct him or request him to go and get this and go and get that for you?---Me instruct him? Never.

All right.---No, no, let me rephrase that. I can't recall ever doing that.

Well, when you say, "I just told Chun to pick us up at 9.00pm," aren't you giving him an instruction?---Well, that's what it appears like, yeah.

20 Right. Well, in addition to this occasion, were there other occasions where you told Chun to do certain things or asked Chun to do certain things for you?---Quite possibly, quite possibly.

Well, let's just - - ?---However, let me say more than likely. I think that's what the Commissioner likes to hear. More than likely, yeah.

Can you recall what those things were?---I honestly can't, no. If my message will show and I can confirm or deny whether I did or not. I can't recall.

30 Were there other occasions you asked him to do this in China?---Quite possibly, yeah.

Yeah? Likely?---Quite likely, sorry.

Was he a person who you were told could assist you on the ground in Shanghai if you wanted things done?---Quite possibly, yeah, quite possibly, yeah.

When you say "quite possibly" - - ?---Quite likely.

40 Yeah. And can you tell us who told you that?---Well, it could have been Belinda, could have been Harry.

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Okay, well, let's focus on that Harry.---Yeah.

When you say Harry, which Harry are we talking about? Are we talking about Harry Huang, the individual whose wedding you went to?---That's right, yeah.

That Harry. Right. So I want to go back and suggest to you that "Haz" is Harry Huang. Do you agree with that?---I, I don't, know.

10

Well, how many other Harrys do you know who you'd be conversing with in the terms set out in that green balloon in relation to Chun? How many other Harrys?---There'd be only one Harry. There'd be that Harry.

Harry Huang?---Harry whatever - - -

Huang. The fellow whose wedding you went to.---That's right.

20 The owner or part owner of I-Prosperity.---The Financial Controller of I-Prosperity, yeah.

Yes. So would you be prepared now to accept and agree that this individual Haz is the Financial Controller Harry Huang? You accept that?---Harry is the Financial Controller, yes.

But this Haz, this person identified as Haz - - -?---Well, if, if, if that's what I'm communicating with Haz as a contact, well, that's, it's Harry, then, if that's what you - I just can't remember the nickname Haz or the contact in my phone as, I just can't recall it.

30

THE COMMISSIONER: Harry Huang was a contact associated, a contact of yours, associated with I-Prosperity, is that right?---Yes, absolutely, sir, yeah.

And the surname, is it H-u-a-n-g?---Oh, Huang, H-u-a-n-g, is that what you - - -

Huang? Is that right?---I don't know. I don't know the spelling.

40 MR DARAMS: H-u-a-n-g, I believe.---H, sorry, just so I don't, H-u - - -

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A-n-g.---Yeah, that's it, that's it, yeah.

Did you introduce Mr Tsirekas in to Chun?---Did I introduce him?

Yes.---I wouldn't have introduced him, no.

Do you know whether Mr Tsirekas knew who Chun was?---He's met, he's met with, yeah, he, we've met Mr Chun, yeah.

10 So when you say "we've met", you - - -?---Angelo and I.

You and Angelo Tsirekas have met Chun?---Yes.

Did you meet with, so in terms of that meeting, let's go back to the first meeting. Did you introduce Chun or did Harry Huang introduce Chun or did Belinda Li introduce Chun?---No, I, I would have introduced Chun.

You would have introduced Chun.---I would have met Chun before anyone else would have.

20

Yeah. Now, I want to put this proposition to you, Mr Chidiac, that Mr Tsirekas knew by no later than January 2016 that you had been engaged by I-Prosperity to provide what you describe as your advisory services to it. Do you agree with that?---No, I don't. I totally disagree.

You don't. When do you say that, to your understanding, Mr Tsirekas knew that you'd been engaged by I-Prosperity?---I never told him.

You never told him.---Never told anyone.

30

THE COMMISSIONER: I take it from the dealings that occurred over time Mr Tsirekas knew you were under contract to I-Prosperity, working for I-Prosperity, about matters concerning - - -?---Is that a question, Your Honour?

I'm sorry?---Is that a question?

Yes.---I, I can't answer that question. I don't know what he was thinking or what he thought.

40

Well, I-Prosperity was a client of yours.---Absolutely.

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Is that right?---Yes, sir.

And you did a lot of work for them?---I did work for them.

Of various kinds?---Yeah.

Some of them involving work associated with the development planning in the council?---That's right, yeah.

10

Is that right?---Yeah.

Because that's their business, that was their line of business?---Yeah, absolutely. Yeah, absolutely.

And - - ?---I mean, they had other businesses, sir. Yeah, yeah.

Yeah. And I-Prosperity's business in relation to their projects involved Canada Bay Council?---That's correct, yes. And other councils, yeah.

20

Sorry?---And other councils, yeah.

Yes. Well, we might come to the other councils in a moment.---Yeah.

What were the main projects that you recall now associated with I-Prosperity that involved Canada Bay Council that you helped them with or provided services for? What projects come to mind?---The Mary, yeah, the Mary Street and Marquet Street, Your Honour.

30 Mary Street and Marquet, is it?---Marquet, I think it is, yeah.

Yes. And what was the project there, just again for the record, describe it, what was the concept?---Oh, I, I think they wanted to put a - - -

Was that an office block or a - - ?---Yeah. They wanted to, they wanted to put a bunch of units on there.

Units.---Yeah.

40 Right. And - - ?---And some commercial, commercial space as well.

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(DARAMS)

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So residential/commercial?---Yes, yes, yes.

And approximately how many levels do you recall was originally applied for? It may have changed over time but - - -?---I actually don't know, Your Honour, the exact - - -

Approximately, was it two storeys or more like 10 or 15?---No, no, no. It was, it was 20, 20 plus.

10 Oh, okay.---Yeah, high-rise.

And did I-Prosperty eventually get a DA through?---No, they didn't, Your Honour.

For that project?---No, they didn't, Your Honour. Not, not to my knowledge, Your Honour, no.

Right. Were there problems encountered along the way or what happened?
---Multiple problems, Your Honour.

20

Right. What sort of problems? Well, perhaps I'll make it easier for you. What were the main problems in terms of (not transcribable) getting approvals and so on?---Just on the approval side of things, Your Honour.

Ah hmm.---Okay, the approval side of things. They, they were claiming that council weren't, weren't treating them fairly, they weren't treating them as all the other developers in, in Rhodes and, and surrounding properties. They just wanted to be treated the same.

30 Well, what do you recall the bone of contention was for this Mary Street/Marquet development that presented as a problem to getting approval? What were the main issues?---Well, I, I think the, the first issue was that they, they were asking for a lot more than what the council were prepared to give them.

Does this involve number of levels and FSRs and that sort of thing?
---Number, number of levels, yeah, yeah. The design wasn't adequate, adequate.

40 In what respect?---Just in fitting with the, with surrounding, surrounding landscape. It's, Your Honour, I'm not skipping away from the question and

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I know you're asking me to do my best to reconnect exactly the, the, the details or the challenges they had but, I mean, I, I've got me phone here, I'm happy to go to my email and show you all the, the issues they were, they were coming across.

Okay.---And I'm sure you've got a copy of those emails anyway. So you're asking me to go back 2016/2017 and that's a big challenge to go that far and go into the details but they were the main, were some of the main issues they had. They were, they had a problem with, what do they call, the
10 heliostat, the overshadowing, the overshadowing the surrounding properties and we proposed they, to overcome that we proposed they spend, you know, \$12 million on getting a heliostat that would compensate for loss of sun apparently. I helped them deal with that. I, because I know Billbergia was using a similar, similar concept and I see that he's got that heliostat there now. I was trying to get them to share the, share the same heliostat to cover both, both properties, which would have saved I-Prosperity millions of dollars if they were to get what they, the level they, or the, the height they wanted.

20 I see.---So I was fairly involved in that discussions, Your Honour.

All right. Do you recall who the main officers were at council who were involved in that development? I'm talking about council staff, not councillors at the moment.---Yeah, I'm just, look, if - - -

That's the Mary Street/Marquet - - -?---Yeah, I, I had no dealings with staff on the, staff, council staff. I had no dealing whatsoever, Your Honour. My, my instruction to I-Prosperity and all, all clients is you do that, we hit a road block, I can, I can intervene. That's always been my instructions.

30 That's the - - -?---Get your, get your town planners, get your architects, get your solicitors to do all, all that. If you feel that you've been wronged, you know, I'm happy to listen to your issues and see if I can, I can help.

So if it reached that stage, who would you go to?---I always had a political side of things, Your Honour.

We're talking about Mary/Marquet. Is - - -?---Yeah, I went straight to, I went straight to the mayor, Your Honour.

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But what representations did you make then on their behalf, that's I-Prosperity?---Well, I sat just, my role was just to sit them down, sit them down around the table and explain the obstacle they're, they're encountering and express their frustration to the, to the, to the mayor.

And so there were discussions over time, but I'm not trying to pin you down to any particular discussion, but as a result of that you endeavoured to assist them in the matters that they, were causing them what you referred to as frustration?---That was my role, Your Honour, yeah.

10

Yeah. And in that regard what representations did you make to try and overcome these problems or frustration?---My, my role was just to get the business owner round a, to a table where Angelo Tsirekas could hear their issues. That was just my role to - - -

Did that happen eventually? Did they get their meeting?---Oh, yeah, it happened quite, it happened, yeah, quite often, Your Honour, yeah.

20 So there were a number of meetings over time?---Yeah, not only Canada Bay Council, Your Honour, other councils as well, yeah.

Was Mr Tsirekas at least made aware of what the main problems were or was it just one particular problem?---Your Honour, I can't remember the exact discussion that took place. But like I said, my role was to, just to get them around a table. I encouraged all the elected official that I knew of to meet and listen to local business owners, sit down and talk to them and listen to their frustration.

30 Well, amongst the meetings that occurred with this project Mary/Marquet Street, what were the meetings that focused – involving Mr Tsirekas, there's yourself and representatives of I-Prosperity – that were focused on, was it questions of height or was it, was that the main issue or was it something else?---I think it was everything, Your Honour. Like, heights, contribution that I-Prosperity had to make, part of the application if they, if they got the DA. They, they, I think council, from memory, were, this figure always sticks to mind, council wanted \$17 million contribution. I-Prosperity thought they'd been, they, you know, they, fairly unfair comparison, comparison to all the neighbouring properties, what they contributed. They contributed a lot more.

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That's the contribution that a council calls for for a development.---That's right, yeah, yeah.

And it was obviously, that was a bit of a hot issue and there was a discussion about that at one of the meetings?---From memory I think that was, that was the concern they, they expressed to me. I can't remember if that was discussed with Angelo or not. That was, from, I'm sure I would have taken that to Angelo, and Angelo's response would be "Look, this is a legal matter. I can't get involved in that." He made it very clear.

10

Well, as you say, it is a large sum of money that they are being asked to cough up.---That's right. They just felt, like I said earlier, they just felt they, unfairly treated because the neighbouring properties didn't have to pay that sort of, that levy or whatever the calculation they used to pay that levy.

MR DARAMS: When you say the neighbouring properties, which properties are you referring to?---Well, the neighbouring properties.

20 Yeah, can you recall who owned those properties?---I believe Billbergia owned one or two properties around there. I don't know the exact, who owns what.

When you were sitting down around the table with the mayor and I-Prosperity you must have made it known to the mayor that you were there on behalf of I-Prosperity because they've got an issue with council.---Say that again.

30 When you say you sat around the table with the mayor and I-Prosperity to discuss the issues they had, you must have let it known to the mayor that you were there on behalf of I-Prosperity.---No. I always introduced them – sorry, Your Honour. I've always introduced them as friends. They, they, these are my friends.

THE COMMISSIONER: Well, in any event you would have explained that, as you've said, you're on their side. They've got a problem. You're trying to see if a solution can be found for their problem.---I explained that they're my, Belinda is a good friend of mine. That's how I introduced all clients, as friends of mine.

40 MR DARAMS: Could the witness, I'm just going to ask you, Mr Chidiac, about some invoices and see whether you can assist me. So if the witness

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could be shown volume 1B, page 4. Now, Mr Chidiac, can you just have a look at this invoice.---Yes.

Did you prepare these invoices yourself?---No.

Who did then?---It would have been a nephew or my daughter.

Well, what's your nephew's name?---Alex.

10 Alex who?---Chidiac.

Right. What role, why did he or why would he have prepared your invoices?---Because I asked him to. I didn't have a, I didn't have, me printer was down at home. My computer was, picked up a bug. Yeah, ended up chucking them out I think from memory.

Right. And so presumably you told him what to include in the invoice. Is that right?---I would have, yeah. I would have, yeah.

20 Well, there's no other way that he would have obtained that information other than from you. Is that right?---Well, it's quite possible.

When you say quite possible, do you mean quite possible he obtained the information from someone else?---No.

He would have had to obtain the information from you?---Well, I would have given him the amount. I, I, one would think that I would have given him the description, yeah.

30 Yeah. Now, just having a look at the dates here, do we take it that this is one invoice for two months consulting fee?---Yeah.

Now, do you have any recollection of what you actually did in terms of the introductions you say you were making or the services you were providing? ---Well, I can't recall the exact details but all I can tell you I was, obviously by the invoice I was engaged by that time, yeah.

Yeah, but you indicated before the services that you provided included introducing I-Prosperity to professionals. Just thinking about this time in
40 here, can you assist us with any professionals who you introduced I-Prosperity to?---Could have been David Furlong, the town planner.

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Okay. So - - -?---The high-profile town planner.

Yes. Any other professionals at this stage?---I could have in the process of negotiating the, the purchase for one of their properties.

10 What property was that?---Oh, what property was that. Actually it was part of that, they, they, I think they, from memory they had, already had four properties. Council instructed them to, to build. They wanted that whole precinct included. To go out and buy a particular property that I'd, I'd negotiated a deal for the, for the original, for the owner B1 who Andrew Ferguson introduced me to and asked me to provide a service for them, okay. I-Prosperity had, from memory I-Prosperity had found out that I helped purchase that property or advised on how to purchase that property and then they come to me and asked me if I could do the same thing. Which I ended up doing and I think I saved them from memory about \$3 million or \$2 million.

20 So it's possible that you were involved in providing some services in relation to that B1 property?---Quite, quite possible, yeah.

Right. Okay.---Again, again, I don't mean to interrupt, again my, the email trails will all show that. I'm happy to, because there's, I'm happy to show all, you know, communication through emails if you don't already have a copy of it and that will confirm dates and particular services and - - -

30 Can the witness be shown page 6, please? So this is the, again, did you prepare this invoice or did you instruct someone else to - - -?---No, no, no. I've never prepared any of the invoices.

Right. Do you know whether this is your nephew or the other person you referred to?---I'm not really sure, to be quite honest with you.

Well, who would it be other than those persons?---Well, it was my nephew or my daughter, oldest daughter. And it'd be, it'd be, it, it'd show in my emails where I, you know, who I, who sent it to me.

What about the introductions in February?---What about them?

40 Did you make any introductions in February?---Mate, you're asking me to go back as far as February 2016. Okay.

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You can't remember now?---You're asking me to satisfy your question.

I'm just asking you whether - - -?---Okay.

- - - you can remember.---I, I, I was doing a lot of consulting, okay, for I-Prosperity at the time, I, that, if you have a look at the contract that you've got, signed contract, I was engaged to provide that sort of service – consulting, PR, be on stand-by, et cetera, et cetera.

10

When you say “PR”, what do you mean by PR?---Public relations.

Yeah, but what do you mean by public relations?---What's the, what's your definition of public relations?

THE COMMISSIONER: No, no. Please, no questions. Remember? You give the answers, please.---Well, you want the Google meaning?

20 MR DARAMS: No. I want the meaning, you've identified that you were engaged to provide PR.---Yeah.

And I'm asking you what public relations services did you provide.---Well, I, I, if they, Belinda was going into a meeting with, with a, say, a, a neighbour of Billbergia, I used to tell her how to, how to, how, how to approach, you know, Billbergia, how to, how to talk to them, which angle to come from, to make, take notes of all conversations, be calm, collective. I used to occasionally turn up to meetings, as well, to help her through the actual meeting.

30 THE COMMISSIONER: So the consultancy fee, then, you say it applied to PR, stand-by and consultancy?---Yeah, yeah. Yeah.

Anything else?---Networking.

Networking.---Introductions.

What's “networking” mean?---Well, help her meet other, other professionals in her industry - - -

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Such as, what, town planners and so on?---Well, town planners, people who are in the, actually, actually, in the industry, tradesmen, people who've got sites they want to sell.

Right.---Tried to, she was looking at buying a couple of, couple of sites at Rhodes. I tried to, you know, connect with the seller or people who owned the land.

MR DARAMS: Well, sorry, just in relation to that. Other sites in Rhodes.
10 Are you talking about sites for I-Prosperity or are you talking about sites for Belinda Li in a different capacity?---Well, see, that, that's, that's, I'm glad you raised that because Belinda was a, my understanding, Belinda was a shareholder in that Mary/Marquet Street, small shareholder, but also at the same time, she had her own, own operations. She not only was a builder but she was a developer, as well. Well, I, I did, did quite a bit of work there, unpaid work there, as well - - -

You also (not transcribable) do you understand Forte, F-o-r-t-e, that was her
- - -?---Forte, Forte, Forte.

20 Yeah, that was her business?---Yeah, yeah, I think that's, yeah, she, yeah, yeah, she's involved.

But you also understand that Joseph Chidiac & Associates rendered invoices to that company, as well?---Possibly, yeah.

Yeah. So I just want you to focus on your invoices to I-Prosperity Group
- - -?---Yeah.

30 - - - and go back to the question - - -?---Yeah.

- - - that I asked you before about properties in Rhodes for I-Prosperity. Were there other properties you say you were involved with?---No. She was - sorry. Okay. Trying to answer the question with the best of my ability, Your Honour.

THE COMMISSIONER: Yeah. Go on. Go ahead. No. Answer the question.---Okay. Sorry? What was the question again?

40 MR DARAMS: So just focusing back to I-Prosperity.---Yeah.

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And you have indicated about being involved in relation to potential further other purchases in Rhodes. Were they for I-Prosperity?---Well, I'm not sure whether for, for I-Prosperity but I know Belinda was on the hunt, like, all other potential, well, all developers were on the hunt to buy property around station precincts. A company that's owned by Prolet, or Prolet, they had a site there and part of the agreement was that if I help them purchase a couple of lots and help them sell, sell the actual site they, they've acquired, I was to be paid for my services.

- 10 Sorry, you're talking about Prolet now, correct?---No, I'm talking about Belinda and Prolet. She was looking at acquiring further real estate in Rhodes, okay, so I directed her to a, a site that I was familiar with that's owned by Prolet.

THE COMMISSIONER: Can I just ask you this - - -?---Does that answer your question?

- 20 Just before we go on, and I'm sorry to interrupt the line of questioning, but I just need it clarified. The consultancy fee for the 2 March, 2016 that was shown there and you were asked some questions about what that related to, and in short you said the consultancy fee would relate to one of a number of matters. It could relate to public relations, being on stand-by, consultancy, networking, introduction. I think that's five areas that you charge a consultancy fee, is that right? Is there anything else?---Yeah, there is.

Or does that cover it?---Trying to, we worked for about eight months or so to try to purchase a property they, they, they needed. So I negotiated a price for a property they ended up purchasing from, from B1.

- 30 But the nature of the services you were providing, we're going back now to 2 March, 2016 but as I understand it your consultancy fee that you charge as a lump sum covered those areas, is that - - -?---That is right, yeah, yeah, yeah.

Does that cover it?---Yeah, yeah, yeah.

They're the sort of - - -?---Well, yeah, yeah, it does.

- 40 Just one matter. You said from time to time you would attend meetings, for example, with Belinda, Mr Tsirekas, trying to sort out the problems you earlier identified. Those services for attending such meetings, how were

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they classified? Are they public relations or were they consultancy or were they networking or do you class them as introductions?---Good question, Your Honour. I never thought about that. Do you want me to come up with an answer now?

Well, you tell me now, what do you think that sort of activity of arranging a meeting with council, going to a meeting, trying to help them explain to council their point of view and to get council's hopefully favourable decision, would that be public relations or would it be consultancy or networking or all of those things?---I mean, I'll take all - - -

Ah hmm.---I'd take all, all the, all those things, yeah.

It could be public relations, it could be networking?---Yeah, yeah, yeah.

Could be introduction or a bit of all of that.---Yeah.

Is that right?---Yeah.

20 I just want to understand - - -?---Yes, yes, yes, Your Honour, yes, yes.

- - - what the consultancy fee related to, that's all.---Yeah, yeah, that's it, yeah.

It would cover that sort of activity?---Yeah, yeah.

Is that right?---That's right, Your Honour, yeah. I would say that, yeah.

30 And did you keep a running diary or a running record of what actual services you did provide in any one of those categories?---I did not keep a - -

In other words, did you keep a running sheet, as it were?---No, no, Your Honour. Just email trail, email trail.

40 So when you came to this invoice of 2 March, it's back on the screen now, 2 March, 2016, \$20,833.33, was that based on work actually done or was that a fixed-fee arrangement or what?---Again, I would have to go back to the contract, Your Honour. I, I think initially, no, that initially that was the, we had signed the contract by then and that's when payments were started, started to come forward. There was an agreement of a \$20,000 a month,

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from memory, I don't have the exact figure, and then it went up to 30- something thousand where my role expanded and there was, I think, yeah - - -

Who did you strike that agreement with, for a lump sum?---Harry, Harry. Harry.

He decided the lump-sum arrangement for consultancy fees, is that what you're saying?---When you say lump sum, what do you mean by that?

10

Oh, well - - -?---That's a monthly, that's a monthly fee, Your Honour.

A monthly fee?---That's a monthly fee, yeah. The 20,000 and 30,000, it eventually became a 30,000, that was a monthly fee.

Monthly, well, that's sort of the same as lump sum, isn't it, that you say there's a monthly fee agreed.---It was an ongoing monthly fee.

20 Rather than being paid for individual services.---There, there was occasions where I requested to have payments made upfront, you know, to like cover me for five months, six months, yeah.

Okay, okay.---I, I would call that a lump sum, Your Honour.

Righto. Yes, I'm sorry, Mr Darams. I took you off your path.

30 MR DARAMS: No, thank you. That's okay, Chief Commissioner. Just so we understand, to the extent that you were having any meetings with Mr Tsirekas and I-Prosperty, getting around the table as you describe it, that work was part of, in any particular month, part of the consulting fee you'd charge?---Well, I just explained that to the Commissioner. I would include all that, yeah.

Okay. Perhaps if the witness could be shown – I just want to have the witness shown page 18, and I want to go through some of these pages and just identify a few documents. So we start with page 18.

THE COMMISSIONER: This is Exhibit 1B, is it?

40 MR DARAMS: Correct, Chief Commissioner. So just - - -?---Is that the invoice I'm looking at?

Sensitive

It is the invoice.---Yeah.

See 4 May. Do you know, so this is for April.---Yeah.

If the witness can then be shown page 20. Can we have the May invoice, sorry, the period of May. Again, 20,833.---So what was the previous invoice?

10 April.---April. This is May, yeah.

Yeah. And then if we could go to page 31.---The Langham invoice. The Langham receipt.

No, no.---No.

And so here we've got one for June, so I've taken you April, May - - -?
---Yep.

20 - - - and now June we've got \$35,000.---Yep. Yep.

Now, I just want to ask you some questions - - -?---Please.

- - - about, so there's been an increase in your monthly rate that you've charged I-Prosperty.---Yeah.

Why did that rate increase?---I think I came to the conclusion that I was worth, worth that at the time.

30 Sorry, can you just – so did you just decide your services were worth perhaps another - - -?---15.

- - - 50 per cent, 15,000. So almost double.---It's not double.

Almost.---Oh - - -

But any event, you're just deciding. And who do you go to - - -?---Straight to Harry.

40 Straight to Harry.---Yeah, let me anticipate your question. Yeah, straight to Harry.

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THE COMMISSIONER: And how did you convince him that you were worth that much more?---How did I convince him? I just - - -

Yeah, well, you must have given him reasons why.---Absolutely, Your Honour. I had just saved I-Prosperty over, close to \$3 million in their property purchase. And as you can see the email trail, the price they were prepared to pay and the price they ended up paying for, they're saving over, close to, close to \$3 million.

10

So how did you justify to him that from now on the monthly consultancy fee would be 35,000?---I can't, I can't remember the exact details, Your Honour - - -

Well - - -?---But I would have said to him, "Take a look at the board. I've got runs on the board." That's, that's something I would have said, Your Honour.

I suppose in general commercial practice you don't get what you ask for, you've got to get, you have to support what you're asking for by some means or other, putting forward a submission or something to make Harry realise that you're now worth 35,000 a month and not 20. That's ordinary practice. You would expect that sort of thing. Can you tell me if anything like that happened, that you pointed out to him you required the extra, taking it up 35,000 for particular reasons so that he could look at it and make up his mind as to whether he would - - -?---Well, there was, there was, I mean, there was extra demand. They wanted me to be on 24-hour call.

I'm sorry?---They wanted, wanted me to be on 24-hour call, on stand-by, call me any time they want. But - - -

But you'd already been on stand-by.---No, not, not, not really, no. No.

24 hours, why 24 hours?---Well, they, they, they - - -

You're not going to be working through the night, are you?---I do sometimes, Your Honour.

No, but as a regular practice.---I have the security background. Phone 24 hours on, you know, your, your phone's always on, taking phone calls.

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1100PT

Are you trying to convey to me that you discussed with Harry that you were now going to require 35,000, not 20,000, because you were going to do a 24-hour stand-by arrangement? Is that – are you saying that you told him that or not?---Well, I don't agree with your, I don't agree with your description, Your Honour. They asked me to be on call for them. Okay, what is on call for – my, my description of being on call is just being available when they need you. Two, I had just negotiated a property deal where I saved them close to \$3 million, Your Honour.

10 But you told me before you already had an arrangement whereby the consultancy fee would cover being on stand-by. What happened to jump it up to \$35,000? Because you're just doing what you had done before - - -? ---Well, yeah, I - - -

- - - being on stand-by?---I, I, I thought I was worth that sort of money. They, they, they agreed.

Yeah, but how did you convince him?---They agreed.

20 Just a moment.---Yeah.

I can understand you say I'm worth more. The question is how did you go about convincing him that you were worth more - - -?---I can't remember the exact - - -

- - - i.e. \$35,000 a month.---Yeah, I can't – sorry, Your Honour. I keep interrupting you.

Okay. I was just asking - - -?---I, I can't remember - - -

30

- - - what you put to him to justify and win him over?---I can't remember the exact details, Your Honour.

Well, just generally what were the matters that made - - -?---Okay.

- - - that sold it to him?---Well, let me, let me, if they wished for me to do that today I'd show them what I've achieved for them so far. I've saved them - - -

40 We're not dealing with today. We're dealing with - - -?---I saved them \$3 million - - -

Sensitive

No, no, just, don't keep talking. We're dealing with - - -?---I'm answering your question, Your Honour.

- - - June 2016.---Yeah.

10 So we're not talking about today's money value and so on. As at June 2016, what were the matters you put forward so that you could sell the proposition to him that you were now worth every month \$35,000 not \$20,000-odd?---I honestly can't remember the details, Your Honour.

Can't remember.---I honestly can't remember. That's the truth.

It was a big ask, wasn't it, to go every month from 20,000-odd to 35,000? ---Not, not, not for the services I was providing. I thought that was pretty fair at the time.

20 That's what I'm trying to get from you. What were the extra services you were starting to provide from June '16 that you weren't previously supplying?---Well, my role expanded. Started off, started off as, started off as introducing them to professionals in the industry to being on, being on call. Negotiating the purchase of properties. Introducing potential sites for them.

But you're doing that before.---Oh, not to that, not to that extent, Your Honour.

Well, when you say not to that extent - - -?---The role - - -

30 - - - well, what extent was the increase?---Well, the, my workload increased, Your Honour.

But we can all say that we all work harder, but then the boss who is being asked to fork out more money would say, "Yeah, but how much more work are you doing that would justify this big increase?"---Well, I - - -

40 He must have wanted to know why he would be paying so much more every month. What did you put to him?---What did I put to him? I can't recall - - -

To Harry?--- - - - exactly what I put to him but I, I got - - -

Sensitive

You can't remember?--- - - - I went in there and asked him for an increase and he agreed to, to pay it.

Did you make the request in writing?---No, I didn't. I wouldn't, no, I didn't. I can't recall doing it in writing, Your Honour. It was a verbal, verbal one-on-one in, in their office.

10 MR DARAMS: Did you have to negotiate at all or did you just put the fee to him and he just agreed to it?---Oh, well, just from memory I went in and had a bit of a – just trying to go back to the exact meeting and date. Would have gone in there and explained to him that I, I deserved an increase. Would have put it to him and I assume he would have come back to me and said, “Okay, we'll go, we'll go ahead with it.” That's what I'm assuming. If you're asking me for the details I don't have, you know, particular details of the conversation and if I did tell you I've got particular, unless it's been written down I'd be telling you a - - -

20 So just so I understand this. So you say there was going to be expanded scope. That you now say you were on call 24 hours. Is that right?---My role increased.

Right. Including to be on call 24 hours?---My role, from memory I think I was always on call.

Yeah, okay.---From memory.

You had - - -?---From what the Commissioner just reminded me, yeah.

30 You had achieved what you say is a saving of \$3 million in relation to a property purchase.---And, and, yes, yes, yes.

THE COMMISSIONER: Which property?---In Mary/Marquet Street. Don't know, don't know the exact detail.

40 MR DARAMS: How much did the property sell for?---Look, it's all in my email trail again. I can get that for you, Your Honour. They, if you have a look at the emails, I-Prosperity – before I got involved – they put in an offer of, what did they put in offer? An offer of, I think they started with an offer of, well, the owner wanted, the vendor wanted \$8 million. They were

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prepared to pay that sort of amount. The property, after I got involved, the property from memory, from memory sold for about \$6 million.

THE COMMISSIONER: How much?---About \$6 million, Your Honour.

Six?---Yeah.

The vendor had been asking for 30 and sold for six, is that right?---No. He was asking for eight, Your Honour, close to eight.

10

Say again?---8 million, Your Honour, eight, eight, eight.

8 million?---Yeah.

MR DARAMS: Was this the B1 property?---No, it was – B1, yeah, sorry, yeah.

It was the B1 that you had been involved in previously?---That's right, yeah.

20 All right. So you explained to Mr Huang, because of that involvement, that justified an increase in your rate?---That would have been one of the, that would have been, I can't remember the exact discussion. If you had asked me that, you're trying to pin me down to the, commit to an exact discussion I had, I, I don't have, I don't have the exact, I can't recall the exact communication that I had with him.

Well, but just about the substance of the communication. So you've identified the runs on the board so to speak and this was what you had identified to justify - - -?---That would have been if, if the, if we'd, the
30 property had been settled by then, that would have been the case, yeah. I would have used that, I definitely would have used that. Yeah.

Well, what else did you use then to justify the increase?---Well, I was, I was, I, I introduced Belinda to a well, highly-regarded town planner.

But that's what you were getting paid the \$20,000 a month for, and I think when we went to your first invoice you had indicated by this stage you had introduced the town planner. So you had already done that, hadn't you?---I said negotiating that, that they were to put a heliostat, one of the
40 requirements from council was that if, they're going to have to put a heliostat, that was negotiated with Billbergia, if they can share one heliostat,

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(DARAMS)

1104PT

that would have been a saving of \$12 million for I-Prosperty. So I was, I was, the discussion was, was very positive with Billbergia on that, Billbergia was very receptive about that.

As at, well, no later than June 2016, is that what you're saying?---Say that again?

10 These conversations you say you had with Billbergia involving this heliostat and the sharing the heliostat, and you say they were very positive, no later than June 2016 because of this increase in your rate?---I can't remember the exact dates. There was multiple meetings regarding the heliostat, there's multiple emails regarding the heliostat. I don't, I, I don't know what, exactly when those discussions were - - -

So it's entirely possible that those discussions occurred well after June 2016?---I don't know, I would have to look at my email trail and come back to you on that.

20 Are you able to tell us with any degree of likelihood actually what it is you put forward to justify this increase from 20-odd-thousand to \$35,000 a month?---I can't recall the exact confirmation but I would say my, say my, my ability, I would have told them the achievements that I would have had. I can't remember the exact achievements. Again, I will have to go back to my email trail and come to you on that.

Right. Could the witness be shown page 22 of volume 1B?

THE COMMISSIONER: What was the volume?

30 MR DARAMS: 1B. Now just, this invoice is dated 10 June, 2016, so around about the time you negotiated the - - -?---That would have been a lump sum.

Around about the time you've negotiated the increase in your consulting fee. All right. So, this is described as a consulting fee, \$165,000. Do you see that?---Yeah.

What was this for?---That was a payment in advance.

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(DARAMS)

1105PT

Payment in advance of what?---I guess, part of my fees. I said, “Look, I, I, I, need some, I need some money.” He said, “What do you need.” I said - - -

THE COMMISSIONER: Who did you speak to?---Harry, Harry, sorry, on the, Harry, Harry.

You spoke to Harry about it?---Yeah. Dealt with - - -

10 About giving you money in advance?---Advance, yeah.

And did you ask him in writing?---No, I didn't, Your Honour.

Did he reply in writing?---I can't, I can't recall, Your Honour, whether he did or not.

What did you say to him?---I just said if they could, could pay me in advance - - -

20 But what did you say to explain why you were making that request?---What did I say? I, I can't remember what I said - - -

Well, what was the effect of the message you were conveying as to why now you want it in advance - - -?---Why did I want it?

- - - a payment of \$165,000?---I was looking at investing it somewhere, Your Honour.

30 You were what?---I was looking at investing it somewhere.

Where? What investment?---I was looking at using that money in, in, in buying an investment property.

Which property?---Well, no property in particular, Your Honour. There was a couple of properties that were coming up on the market that I was looking at picking up.

40 Well, did he say, well, he'd have to take that request back to the company for their consideration?---I can't remember what his response was, Your Honour.

Sensitive

What was his position again with the company?---Financial Controller, I think it was.

So did you understand that he was, in effect, the boss, was he?---He's one of, one of the bosses.

Where was his office?---Phillip Street, I think it was. Phillip Street.

In, where? What suburb?---City, CBD. Sydney. Sydney.

10

CBD.

MR DARAMS: Just having a look at the bill or the invoice, Mr Chidiac, do you see Level 19/126 Phillip Street. Is that - - -?---That's, that's his office, yeah.

The Deutsche Bank building?---Yeah, yeah, that's the office.

20 So let's just go back and explore this. You said this was payment in advance?---Yeah.

Payment in advance of the consulting fee that you were charging them? ---Well, I just asked. I said, "Look, I, I need some, some money. If you could pay me in advance?" And he said, "What do you, what do you need?" I, I asked for an amount and that's what he ended up giving me.

When you say "payment in advance" that must be in advance of you having some other entitlement to the fees. Correct?---Some other entitlement? There's no entitlements there at all, outside my, outside my contract.

30

Correct.---That wasn't part of the contract, no.

So payment in advance of what? Payment - - -?---I just, I, I wanted a lump sum, okay, that would eventually come out of my contracted period.

THE COMMISSIONER: But you wouldn't know how long the contract was going to last. It could have lasted, well, it could have finished in June 2016, couldn't it?---That's right, Your Honour, yeah.

40 Well, why would they advance money of this order in those circumstances - - -?---Well, that's - - -

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1107PT

- - - when they can just say “finish”?---He could have said that, yeah, he could have said that.

Okay. Well, why would they, in those circumstances where they weren't tied or committed to you beyond paying you monthly, why would they suddenly turn around and give you almost like a gift \$165,000 on request? ---No, it definitely wasn't a gift, Your Honour.

10 Well, there's got to be an explanation for it, hasn't there?---Well, I - - -

Why any commercial operator would say upon request, “Please pay me \$165,000?” and say, “Oh, sure. We'll make out a cheque straightaway.” ---I don't know what he was thinking, Your Honour. I went with that proposition - - -

But that's how it happened, was it?---Say that again?

20 That's how it happened – you asked him for an advance?---Yeah.

And did you specify 165,000 or a higher figure?---Actually, I, from memory, I asked for 200.

200, did you? Right. Okay.---Yeah, I thought you would have had the invoice of, yeah, I, from memory, I thought it was 200.

And this was on the phone you made this request?---No. It was face-to-face, Your Honour.

30 Oh, I see.---Face-to-face.

Whereabouts did the conversation take place?---In his office, Your Honour.

In Phillip Street?---That's correct, Your Honour.

Level 19/126 Phillip Street?---That's right.

It's the Deutsche Bank building?---Yeah.

40 Was there anyone else there when you - - -?---No, just him and I.

Sensitive

Just him and you. And you - - -?---From, from memory, again, Your Honour, from memory, just him and I. I can't remember anyone else was there.

And after you made this request to him face-to-face, what was his response?---“Okay. Leave it with me.”

Is that what he said? Okay. Well, what's the next you heard about?---I got called in.

10

When? How long after?---A couple of, I, I'm guessing a couple of weeks later.

That's your best estimate, is it?---Yeah.

A couple of weeks later, yes?---Yeah, yeah. Went in - - -

Called in to 126 Phillip Street?---Yeah, went to the coffee shop downstairs, yes.

20

Right. Who called you in?---Who called me in? It could have been Harry.

Well, was it?---Could have been Harry, Your Honour. I can't recall.

Well, could it have been somebody else?---It, could have been, yeah.

All right. Then you, what, went down to the coffee shop on the ground floor of that building?---That's correct, yeah. Yeah.

30

And had a cup of coffee with who?---With Harry.

Harry. I see. And what happened while you were talking over coffee? Who said what?---He said send him an invoice of, of that amount.

I'm sorry?---He said to send him an invoice of that amount.

What amount?---That amount that's there, hundred and – what is it? 160, 165,000.

40

Well, did he discuss the basis upon which he was indicating his company would pay that amount to you?---Say that again, Your Honour.

Sensitive

Did he discuss with you any conditions for making this payment?---I, I can't recall any condition being discussed, Your Honour. He said he'd - - -

All he said was "Give us an invoice for 165,000."---Well, I explained, like I said to you earlier, Your Honour, I explained to him that that'll eventually come out from my fees.

10 So are you saying over coffee the conversation just immediately went to the request you had made, and he said, as to that request for money, "Give me an invoice for 165,000"?---I would have asked him, "How did we, how did you go with my request?"

Right. Is that what you think you did ask him?---I, that's what I, I - - -

Well, you're obviously very - - -?--- - - - assume I did, yeah.

20 - - - very keen to get an answer on that one, I imagine.---Absolutely, Your Honour.

Yeah. And when you asked him that, what did he say in reply?---He, like I said earlier, said, "Send me an invoice for 165,000."

So he's indicating to you he was going to meet your request?---That's correct.

30 On that invoice you'll see it says, "Harry Huang already paid." Whose handwriting is that? Is that your - - -?---I wouldn't have a clue. That's not my handwriting, Your Honour.

Not your handwriting. Do you recognise the handwriting?---I don't, Your Honour, no.

Okay. So is there anything else discussed at that meeting as to what you were to do now that the company was going to pay you the 165,000? ---I made it very clear that it would come out from money that's (not transcribable) eventually be owed to me.

40 And was that tied in, the discussion about the \$165,000, tied in to the discussion about the proposed development at Mary and Marquet Street? ---Absolutely not.

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(DARAMS)

1110PT

Well, did you have any other projects for them at that time other than that one?---I was trying to pick up properties for them to build on.

Yeah, but at that time of this conversation in the coffee shop at 126 Phillip Street, that's the Deutsche Bank building, I take it there was discussion about the proposed development at Mary Street, Marquet and Mary?---Very rarely I discussed Marquet Street and Mary Street with Harry.

10 But that was their big project at that time, wasn't it?---That was one of their projects, Your Honour.

Well, it would have been one of their major ones, I imagine, if it was going to be - - -?---No, their, their main source of investment was hotels.

Pardon?---Their main source of business was hotels, owning hotels.

20 Yeah, but I'm talking about property development in the Rhodes area. This was a big project that they were looking at, wasn't it?---They were a shareholder in that project, Your Honour.

It was a big project, though, wasn't it?---When you say "big", I mean, who are we comparing it with?

Well, it was proposed to be a multi-level development, as you've explained earlier.---Yeah.

Residential and commercial.---Yeah.

30 And the levels were going to be as high as – how many did you say?---I can't, 20-plus I'd say, Your Honour.

Yeah, so you'd call that a fairly big development project, wouldn't you? ---Not when you compare what's going on there at the moment, Your Honour. You've got I think 40 storeys there at the moment.

MR DARAMS: But this was the only project that I-Prosperity were doing that you were engaged to advise them on.---I-Prosperity, yes.

40 Yeah. So - - -?---But Belinda and her company were involved in other projects.

Sensitive

Yes, but I-Prosperity, you had this conversation with Harry, Financial Controller of I-Prosperity, correct?---That's correct, yeah.

I-Prosperity paid this \$165,000 on the 10th of June, correct?---That's what the invoice states, yes.

Yeah.---Oh, the, the invoice was made out on that date.

10 Yeah.---You can have a look at the bank records, and see when the money was paid.

Isn't it the case that this money, the reason that you went to Harry and told him that you deserved this money wasn't because it was a payment in advance but you had just achieved some significant resolution for them at council a week and a bit before?---I can't recall what resolution was achieved. It'd all be in my emails. It'd be on all the emails. If you show me the emails, it might bring back some memory.

20 What about the uplift resolution that was tagged on to Billbergia, you remember that?---No, I don't, no.

Wasn't that part of your discussion with Harry when you discussed it with him, said, look, we achieved - - -?---That was never part of, never discussed, the site, with, with Harry.

THE COMMISSIONER: Never at all?---Can't remember, I honestly cannot remember ever discussing - - -

30 Is this what you are saying on your oath? You, to your best of your recollection, never, never discussed the project at Mary Street and Marquet Street with Harry?---On oath, Your Honour, would have never gone in to details with I-Prosperity to my knowledge.

That's a different question. But you would have discussed the project with him? It seems to be obvious but that's the case, isn't it, from time to time? ---I, I can honestly say, Your Honour, that I can't recall ever discussing, having a conversation, to Harry about the site in Rhodes. I can honestly say that, Your Honour.

40

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(DARAMS)

1112PT

But you don't deny that you may have discussed that very project with him -
- -?---Well, the term that you like, more than likely I would have.

- - - from time to time – no, no. Wait a minute, I haven't finished talking.
---Oh, I'm sorry, Your Honour.

Well, you'd better be.---I am, Your Honour, yeah.

10 Because you've done that before, talking over me or talking over Counsel.
Just wait until the question's finished, would you, before you jump in?
---Yes, sir. Yes, sir.

Do you say on your oath that you never discussed the Mary Street/Marquet
Street, Rhodes project with Harry Huang?---I swear on, on oath that I
cannot recall verbally ever discussing, or having a conversation, with Harry
regarding the details in Rhodes as far as this site is concerned.

20 Not the details. I just asked you, I'm talking about the project.---Well, I
mean, he could have asked me how the project was going.

No, but do you deny that you ever spoke to him about the project?---In
details, I do.

Yeah, but you don't deny that you did in fact talk to him about the project?
---I, I could have spoken to him, Your Honour. That's possible.

Yeah. The likelihood - - -?---It's likely, it's likely I could have spoken to
him, Your Honour.

30 You had been talking to him about consultancy fees from time to time, that
you were going get paid, yes?---Say that again, Your Honour?

You verbally discussed with Harry, as you've told us, consultancy fees that
you were being paid on a monthly basis by I-Prosperty. You spoke to him
on the phone you've told us.---I can't remember saying that I've discussed
the consultancy fee, from memory, with him. I've asked him, I wanted an
increase in my fees, I've asked, I wanted a lump sum. Okay. That's the
only discussion I can recall having regarding the Rhodes site.

40 And he knew that you were doing this work, public relations, stand-by,
consultancy - - -?---Absolutely, Your Honour. Yeah, yeah.

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(DARAMS)

1113PT

- - - that you were doing networking, right?---Absolutely.

You're nodding your head. Yes?---Absolutely, sir.

He knew that, didn't he?---Absolutely, sir, yes.

He knew that you were making introductions?---He did, yeah.

10 And he knew you were working on I-Prosperity's property at Rhodes?
---Absolutely.

Right. And he knew that the work you were doing, or were assisting I-Prosperity to get a development on that site?---Absolutely, Your Honour, yes.

Get it through council, is that right?---No, no, no. Not get it through council, Your Honour.

20 Well, it had to go through council, didn't it?---It would have had to but that wasn't my role to get it through council, Your Honour.

But if you had an issue that the I-Prosperity people were frustrated over with council, you told us, you would go with them and have a round-table conference - - -?---They would have round-table conference.

No. But you would go and explain to Mr Tsirekas whatever the problem was and they can then address Mr Tsirekas and tell them what their point of view was?---That's right, Your Honour, yes.

30 Right. So, Mr Huang knew that you were engaged by I-Prosperity to do all of that sort of work to get this project over the line?---Help get the project over the line, Your Honour.

Yeah, help get it over the line.---Yeah.

All right.---Absolutely, Your Honour, yes. No doubt in that.

40 I'm going to take a morning tea adjournment. About 15 minutes, Mr Darams? I'm going to have to adjourn at quarter to 1.00 today. I have another matter I've got to attend to at that point in time.

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(DARAMS)

1114PT

MR DARAMS: May it please the Commission.

THE COMMISSIONER: All right. I'll adjourn and take the morning tea adjournment.

SHORT ADJOURNMENT

[11.34am]

10 THE COMMISSIONER: Mr Darams.

MR DARAMS: Thank you, Chief Commissioner. Mr Chidiac, just continuing on from the questions before the adjournment, you referred to the \$165,000 as a prepayment or a payment in advance I think was the terms - - -?---Yeah.

- - - that you used. Did you ever take off any part of that amount or the entire amount from the invoices you submitted to I-Prosperity after that day?---Well, I wasn't given the opportunity to because the project came to a
20 halt.

Right. So did you have any particular invoices that you were going to discount this amount from?---Well, my calculation, understanding the project there, was it could take up to any, anywhere between four to eight years, so I think the, I-Prosperity probably would have taken, deducted that money that they paid me as part of that invoice from their overall fees that I would have been charging them.

No. So my question was were there any particular invoices that you were
30 intending to have this amount deducted from?---Was that \$165,000 deducted from any other invoices? Is that the question?

No. No, the question was when you came to ask for this payment in advance, right, were there any particular invoices that you had in mind that you would deduct this payment in advance from?---No particular invoices because there's no particular invoices existed. But I was providing a service on a regular basis, like I said earlier, we, I, my understanding was the project could take up, you know, anywhere from four to eight years and sooner or later, I-Prosperity would have deducted that amount. That was
40 my understanding.

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(DARAMS)

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Do we take from that that you never had a conversation with Mr Huang when you were discussing this payment in advance as to when you would repay some or all of this amount?---No, no exact date was given. No.

Was there any discussion about a date?---I can't recall the exact conversation, no.

10 So as we understand your evidence, you go in, you ask for a payment in advance, Mr Huang agrees to it but there are no other discussions about when you would be crediting some or all of this payment in advance against your other invoices?---Yeah, I'm assuming that Harry would have said it eventually would come out of my, my fees.

THE COMMISSIONER: We don't want assumptions. We just want facts as to what happened.---Well, I can't recall that conversation, Your Honour.

Well, were there any conditions surrounding the payment of - - -?---I can't recall if there's any conditions, Your Honour.

20 No, just let me finish my question before you start answering.---My apologies, Your Honour.

Would you do that? Remember we discussed that before the morning tea adjournment?---I did, Your Honour. I did, Your Honour.

Let's see if we can stick to that if you would?---Thank you, Your Honour. I will.

30 Were there any conditions discussed concerning the payment of \$165,000, any conditions at all that you recall that were discussed?---I can't recall if there was any conditions, Your Honour.

You don't recall any discussion whereby the amount had to be repaid by a certain time?---I can't recall having that discussion, Your Honour.

Well, there's nothing in writing about any conditions at all for this advance of \$165,000. Is that right?---There's nothing in writing that I'm aware of, Your Honour.

40 You see, based on your evidence, for a company to advance \$165,000 to you without there being any stated conditions recorded somewhere would

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1116PT

be completely reckless, 'cause you could take off the next day. Isn't that right?---Absolutely.

Yeah. So you could have been paid on or about 10 June, 2016, then be gone by 1 July, 2016, and they had no remedy to fall back on a contract which would entitle them to call in the money?---That's a possibility, Your Honour.

10 But that's too fantastic to believe, isn't it, that a commercial company would give somebody they'd only not long been involved with providing services, such as you, would give them, would give that person \$165,000 with no recorded conditions? That would be absolutely reckless, wouldn't it?---Is that a question for me, Your Honour?

That's a question right for you and nobody else in this room.---Okay. I just thought you were making a comment there, Your Honour. My apologies. Well, again - - -

20 So there has to be an explanation as to why Mr Huang, incidentally Mr Huang was a director, wasn't he, of I-Prosperty?---He was a what, sorry?

A director.---My, my understanding he was a Financial Controller, Your Honour.

He might have been that but he's also a director, wasn't he?---Could have been.

30 Yeah. Can you come up with any explanation as to why he would authorise you be paid \$165,000 at your request with nothing in writing to support your request and nothing in writing about conditions upon which the money was advanced? Can you explain why he would operate in that fashion? ---Are you asking, I'm not going to assume why he would have thought that, Your Honour, so the - - -

Is there an explanation known to you - - -?---I don't have an explanation, Your Honour. I don't, Your Honour.

40 It is fantastic, isn't it, given the amount of money, that there's no documentation at all either to justify your request for this amount to be advanced to you personally and no documentation recording any conditions

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(DARAMS)

1117PT

about the repayment of the money? Is there anything that you can point to which would explain such extraordinary behaviour by Mr Huang?---I can't explain anyone's, one's behaviour, Your Honour. That's what you're asking me to - - -

No. There's nothing that occurs to you, known to you as to why he would act in that fashion?---Your Honour, in saying that there's a lot, in this industry there's a lot of, a lot of trust involved.

10 No, no.---If you have a look at the – sorry, Your Honour. Go on.

Well, are you suggesting that this was just simply done on a trust basis?
---Well, it appears that way, doesn't it?

It's certainly, it's looking more and more, isn't it, like this was money that was advanced to you for you to use on behalf of the company in some way?
---Well, that's what it might appear to you, Your Honour, but not to me. So I disagree with that statement, Your Honour.

20 So from what you say, this transaction of \$165,000 being totally undocumented, which left the company high and dry in terms of being able to call the money in, did that for no reason known to you. Is that right?---I missed that last bit, Your Honour. My apologies. Like my hearing isn't the best, Your Honour, so I'm trying to do my best to absorb everything.

Can you advance any reason why this company, I-Prosperity, would give you personally, in a personal capacity, \$165,000 with no strings attached, no documentation specifying conditions? Can you explain that?---Sir, one thing I can explain - - -

30

No, no, no, no, no.---No, I (not transcribable) Your Honour.

No, no, stay with my question. You are duty-bound to answer the point of questions. Do you understand that?---I do understand that, Your Honour.

Now answer it.---You want me to give you an explanation. Is that right?

Can you give any explanation as to - - -?---I can't, Your Honour.

40 Nothing known to you as to why he would act in that fashion?---Well, if you let me (not transcribable) I might, might - - -

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1118PT

No, no. I'm asking you, you know nothing, no facts known to you as to why Mr Huang would act in that fashion. Is that right?---Not known to me, Your Honour, no.

MR DARAMS: Do you still though therefore stick by your evidence that this is a payment in advance of your services?---Payment in advance. I do, yeah.

10 Yeah. So that would mean if you have not repaid any amounts on this you would still owe this money to I-Prosperity. Correct?---No.

Why not?---Because I carried on services, carried on providing my services, okay, once regular payments were made, monthly payments were made.

I don't understand that, sorry. Can you, you haven't, in answer before you said that there wasn't any invoices against which some or all of this payment in advance was deducted against, that's correct, because the project came to an end?---My apologies. I missed that last bit again.

20

You said before that there weren't any invoices that you had against which some or all of this 165,000 was deducted from. That's right, that was your evidence?---Yeah, yeah.

You said that was because the project came to an end, that's right?---That's right, yeah.

30 So that suggests that this entire amount of 165,000, for want of a better description, still remains outstanding. That is, it hasn't any part of it's been deducted against future invoices or repaid by you.---No, that's not true. I disagree with that.

40 Well, how would you describe this amount then?---Okay, all right. If I, I, I was, as I stated on previous occasions here, on many occasions, I helped settle a dispute between I-Prosperity and Billbergia where I saved Billbergia close to \$2 million in legal fees. That's what Billbergia instructed me I did. I also believe I saved I-Prosperity close to \$2 million as well because of the dispute. If you have a look at their, their, if you have a look at their invoices or the, the costs they were, lawyer, barristers and lawyers were charging to represent them in that dispute would show that I've saved them millions of dollars - - -

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(DARAMS)

1119PT

THE COMMISSIONER: Stop there. I'm not going to allow you to make statements of this kind. It's just utter nonsense. All right.

MR DARAMS: Just in relation to that question about that, you talked about saving Billbergia money, correct?---That's correct.

You charged them \$200,000 for that though.---I did.

10 Yes. So just back to my question. There are no invoices against which any or all of this amount has been deduced against, correct? So you would have to agree that this amount still remains outstanding to I-Prosperity.---No, not at all. If anything they owe me money.

Right, I see.

THE COMMISSIONER: You've never repaid it.---Say, say that again, Your Honour?

20 They gave it to you at your request.---Yes.

Why haven't you repaid any of it?---Because I've carried out other services that I never billed them for.

What services?---The dispute between Billbergia and I-Prosperity.

MR DARAMS: Weren't you charging your monthly fee to I-Prosperity during that period of time of the dispute?---I was.

30 Your monthly fee, as I understood, the advisory services included settling or resolving disputes.---That's true.

Yes. So, to the extent that you had this monthly fee that you were being paid by I-Prosperity, that's what you were getting paid for, to resolve that dispute.---One would expect bonuses on top of that as well.

THE COMMISSIONER: Oh, this is nonsense. Mr Chidiac, you are travelling very close to the wind here in terms of giving misleading evidence. I'm not going to say any more. I've already told you what
40 jeopardy you will be in if you keep this up.---That is not my intention, Your Honour.

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(DARAMS)

1120PT

No. Well, you'd better be very careful to tell the truth. Because at the moment I'm very sceptical of your evasive answers that you've been giving on this \$165,000 and why you haven't repaid it. To say that there was an offset because you were acting for I-Prosperity later, for which you were already paid, does not explain why you haven't repaid \$165,000. So is there some other explanation you can offer as to why you have not?---Well, there was work done that I never invoiced them that wasn't part of my, my, my role. I stated earlier, Your Honour - - -

10

What precisely work you did do?---Well, Your Honour, I, I, I - - -

No. Can you?---I can, sir.

Yes or no.---I can, Your Honour.

How can you do that?---Okay. Well, I've, I've - - -

Have you got records?---They would be in my records, Your Honour, yes.

20

Yes, all right.---They would be, they should be.

And if it's not on the emails then there would be no record, is that right?
---That's right.

Right.---You can throw the book at me then.

30

MR DARAMS: You keep referring to these email records. What emails are you talking about?---Well, can I answer that? Yeah. Emails, meetings, well, let me go back to the property that I-Prosperity wanted to buy from B1.

No, no, no. But we're not talking about B1. I want you to – you've referred to on a number of occasions emails, everything's going to be in the emails. I'm just asking you, what emails are you talking about in terms of evidencing these services that you provided to I-Prosperity?---Well, if you'll allow me to answer that question, I - - -

40

THE COMMISSIONER: You're being asked that question. Where are the emails?---In my email address, Your Honour.

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(DARAMS)

1121PT

Where?---In my email address that you've got access to.

MR DARAMS: Which email address is that?---Well, you've got my phone. That's got all my emails.

THE COMMISSIONER: No, just what email address?---Well, there's two email addresses there, Your Honour, joseph@jchidiac.com.au, there's Labor, labornsw@gmail, Labor NSW, yeah, I think it's Labor NSW Gmail, yeah.

10

MR DARAMS: And if I understand your evidence, you have emails and those email addresses that demonstrate or establish the services you were providing to I-Prosperity?---There's evidence there that there was an attempt from both parties, I-Prosperity - - -

THE COMMISSIONER: Please, please, answer the question. Put it again.

MR DARAMS: If I understand your evidence, there are emails in either one of these or both of these email addresses which evidence the services that you were providing to I-Prosperity throughout the period that you were rendering invoices to them.---They should be there, yeah.

20

Well, when you say "they should be", I understood your evidence to say they're in the emails, so that means - - -?---They're in the emails, yes, yes.

30

Yes. And are you saying that the emails cover all of the services that you were providing to I-Prosperity, or are you talking about one in particular instance of the services?---I think there's multiple instances there. I'll have to go through the emails. Everything was, there's a lot of emails coming from, from I-Prosperity and B1, Billbergia, Prolet, et cetera, et cetera, through my email address.

You still have access or copies of these emails, do you?---I've got access to my email address.

You still have access to all of these emails, do you?---I haven't checked those emails recently.

40

All right. When was the last time you checked these emails?---Oh, I can't give you an exact date.

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(DARAMS)

1122PT

THE COMMISSIONER: I'll ask you this, the \$165,000 that I-Prosperty paid to you, into what account was it paid?---Would have been my - - -

No, not "would have". What was, which account was it?---Company account, company account, Your Honour.

Which one?---Company account. Online Security Services account.

Which account is that?---Commonwealth Bank, Commonwealth Bank.

10

What's the name of the account?---Online Security Services.

And which bank was that?---Commonwealth Bank.

And the branch?---Well, I like to do my banking in Burwood but I think that it was opened at Concord, the account, if that's what you're asking.

So it's Burwood generally.---That's where I do my banking, Your Honour.

20

Was it transferred electronically into your account?---Yeah, it's all electronically, Your Honour.

MR DARAMS: If the witness can be shown volume 1B, page 25. Just if you look at the account number in the top right-hand corner. Is that the account that you're referring to, Mr Chidiac?---Where does it say the name of the account?

No, it's account number.---Oh, I can't remember the account number. I've got quite a few accounts, yeah.

30

Right, I see. Well, perhaps if we scroll down some of the entries. Just take you down to 10 June. Right. Now, see - - -?---Yeah.

Does that look like the payments you received?---No, it doesn't.

It doesn't?---No.

So it's another \$150,000 payment from I-Prosperty.---Yep.

40

And another \$31,500 from I-Prosperty.---Yep.

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(DARAMS)

1123PT

Right. So you say these are, this is a different \$181,500 payment?---Well, it looks like it, yeah.

Okay, well, what – are you sure about that?---I’m not a hundred per cent certain, Your Honour.

Are you saying that there was another 150, say, \$181,500 payment you received from I-Prosperity?---Well, that’s what, yeah, that’s what the bank account shows, yes.

10

No, no, my question was – I’m suggesting to you that this is the payment of the \$165,000 plus the GST. That’s what I’m suggesting to you. Would you agree with that?---What are you suggesting again?

That this is the – these two payments comprise the \$165,000 that you invoiced on 10 June, 2016.---Are you asking if they’re the same invoices? Is that what you’re asking?

20 I’m suggesting to you, I’m putting this to you, that you add those two figures together, you get \$181,500. Do you accept that?---Well, I don’t have my calculator so I’ll take your - - -

Take it from me that’s \$181,500.---Yeah, we’ll go with that.

I’m suggesting to you that that’s the payment from the invoice dated 10 June, 2016. Do you agree with that?---I, I, no, I, I don’t, I don’t know, I don’t know if that’s the case.

30 So when you say you don’t know if that’s the case, that must mean that you are of the view that there might have been another \$150,000 payment and \$31,000 payment being paid - - -?---Quite possibly.

For what, though?---For the, like I said to you, I negotiated a property settlement for them, saved them close to \$3 million. I helped them settle a dispute with Billbergia. I was trying to get Billbergia and I-Prosperity to agree on sharing the heliostat, that would have saved them \$12 million. I was approaching potential vendor or potential sellers to pick up properties for I-Prosperity and Belinda and her companies.

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J. CHIDIAC
(DARAMS)

1124PT

Now, I want to change tack, Mr Chidiac. Perhaps if the witness could be shown the top of the page? Can you tell me who Titan Global is?---Titan Global? Titan Global?

Well, they deposited \$38,500 – sorry. You seem to have paid – sorry. They deposited an amount of money into your bank account - - -?---Titan Global? I'm not sure on that company, Your, Your Honour.

10 You don't know who Titan Global are?---No. Not from where I'm sitting at the moment, I don't.

This is a company that over the period 2015/2016 deposited about \$170,000 into this bank account.---Yeah.

You don't know who they are?---I can't, I, I've, I've dealt with multiple companies. I can't remember the name of the companies, that company. I can't - - -

20 What about Mr Wu? Anyone you've dealt with called Mr Wu?---Mr Wu?

Tim Wu?---Yes, yes, yes, yes, yes. That's a real estate agent. That's a real estate agent. Yes, yes, Tim. I can't remember his name, company name. I know he worked for LJ Hooker at Rhodes, yes. He's a real estate agent.

Well, do you know him to be associated with Titan Global?---I'm not, not sure.

30 You can't assist us one way or the other as to who Titan Global is in relation to these, well, not insignificant amounts of money being deposited into your bank - - -?---That's, sorry. Can I respond?

Yeah.---That's, if you're saying that's linked to Tim Wu, Tim Wu is a real estate agent, operates out of Rhodes. My understanding, he worked for a company name of, company's name LJ Hooker Rhodes, from memory. I, now I think they've changed, he's, he's with a different entity at the moment. That's money that's, that's referral fee that I would have got from him.

40 For what?---Refer him to clients. And after he's achieved the sale, I, I got a commission.

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J. CHIDIAC
(DARAMS)

1125PT

Right. Did you have some, what was the commission rate you had with him?---Look, I, I never put a, I never put a figure on it. I've always asked him, "Pay me what you think I'm worth."

And how many properties or clients did you refer to him?---Quite a, quite a bit. Quite a few. I can't give you the exact number but I'm sure it'll show up in the - - -

10 Right. Well, what about Property Investors Alliance. Who are they?---PIA, it's a company in, based in Olympic Park.

Well, what relationship did you have with them?---Working relationship.

20 Yeah. What services did you provide to them?---Well, there's quite a few services I provided to them. One of them was that they had this, they've got, their address is number 2 something, number 2 something. There was a, I can't remember which authority was there, was the Olympic Park Authority wanted to take the number 2 from them and give it to another, another company. Justin Wang, the owner and director of PIA, approached me to see if I can give them any, any advice or any assistance on that. And that was the, that was the, yeah, that was the, that, that's one of the tasks I did were charge them a fee and he also then put me on a, on a retainer to be, to be at his service, as well.

Did Mr Wang or his company have any developments or any other business before Canada Bay Council?---No.

No?---Not that I'm aware of.

30 Did he ask you about any developments or business before Canada Bay Council or ask you to provide services?---No, not that I'm aware of. I can't recall him ever mentioning. I know he had a development I did some work for him out west somewhere. I can't remember the, it could have been London, Londondy. Anyway it's in the invoice anyway, invoice that I would have – contract. You would have a copy of a contract that him and I had, PIA and Online Security had.

40 Could the witness be shown volume 3C, page 3. Just have a look at this invoice. Now, again did you prepare this invoice?---I didn't prepare any of the invoices, no.

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J. CHIDIAC
(DARAMS)

1126PT

Who prepared this invoice?---Who prepared that invoice? It wasn't, that's not my invoice.

Sorry, when you say that's not your invoice, what - - -?---Well, that's, that's from Clear House Pty Ltd trustee for the Clear House Trust. That's not a company that I'm, I'm associated with.

Well, if that's right, if we have a look at the bank details down the bottom.
---Yeah, yeah.

10

Are they your bank details?---They are, yeah.

Yeah. Well, can you explain how the name of a company that you say you're not associated with is on an invoice that has your bank details on it?
---Yeah, I can.

Can you please tell us how that is?---Okay. The individual that's, that's associated with that company to my, to my knowledge, a chap by the name of Joseph Jacobs from Prolet - - -

20

I see. Right.---Okay. Approached me and informed he was going to do a joint venture with Billbergia and said to me they were struggling to pick up, Billbergia was struggling to pick up a couple of properties. If I could refer any agents for him. The standard fees for agents down there when they, they, they succeed buying or selling the properties was about 5 per cent. The type of work that involves 5 per cent. I negotiated with all the agents down there to charge a fee of I think 2 per cent from memory, 2.2 per cent et cetera, et cetera. So I saved the buyer close to 3 per cent so I was rewarded for referring someone and saving them 3, 3 per cent in the, in the, in the real estate agent fees. Excuse me.

30

All right. Well, let's - - -

THE COMMISSIONER: What was the property 448 Concord Road, Rhodes?---Yeah, 448.

What was it?---It's a residential property, Your Honour.

And what sort of residential property?---It's a house, Your Honour.

40

And who owned it?---I can't remember who owned it, Your Honour.

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J. CHIDIAC
(DARAMS)

1127PT

Well, whoever owned it were they associated with Billbergia?---No, they weren't associated with Billbergia to my knowledge, no.

Were they selling to Billbergia?---They're, I think Billbergia wanted, Billbergia or Prolet wanted to buy that, that property so they can do a merger together.

10 And what, you negotiated the deal, did you?---I, I referred an agent. I referred an agent from memory. Not only, not only to that property but numerous other properties, Your Honour, for Billbergia.

Who do you understand the recipient of the 100,000 was?---The recipient? I was the recipient, Your Honour.

You were?---Yeah. See the bank details. That was banked.

20 Why is it on Clear House Pty Ltd letterhead?---Because they, they, they made the referral. I, the agreement was with them that I want a, I deserve, you know, get a fee if I'm successful. So they typed up an invoice and I, from memory I think I re-invoiced Billbergia themselves for that, for that, for that service.

MR DARAMS: Sorry, say this again. I'm having a little trouble following it I'm afraid. So you referred, you said you referred an agent. What does that mean?---I introduced an agent.

30 So you introduced an agent to who?---To any potential buyer, potential, potential buyers. In that instance Prolet and Billbergia are working closely together to pick up a number of properties in Rhodes.

Well, just is this in relation to this property here, 448 Concord Road?---I'm not sure, sure if that's just for that property there. I know there was multiple properties that the agent that I referred, or introduced Billbergia and Prolet, they picked up multiple properties. I mean, multiple. When I say multiple, 10-plus properties.

40 So just focusing on this time in September 2015. So you introduced an agent to Prolet or Billbergia?---Agents.

Agents?---Yeah.

Sensitive

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J. CHIDIAC
(DARAMS)

1128PT

Right. Who were these agents?---Tim Wu, LJ Hooker Rhodes.

Right.---Dib Chidiac.

Your relative?---Nephew.

Is that it?---From memory, yes.

10 So you introduced these agents, how is it that you end up getting the \$100,000 paid into your account? Just explain the process.---How did I - - -

Yeah, why did you get, why did you receive \$100,000 for introducing - - -? ---Because the, the agents agreed to pay me a fee for, for introduction.

But this payment to you isn't coming from the agents, it's been billed to Billbergia.---Yeah. That's right. That one was, yeah.

20 Yeah. So you introduced the agents to Billbergia or Prolet?---Both of them, yes.

Right. So how do you end up getting \$100,000 for that?---Well, like I said, why did I get the 100,000?

Yeah.---Okay. Agents normally charge 5, 5 per cent plus.

30 Right.---I convinced the agent on a long-term relationship, charge 2 per cent, okay? So I saved there, there's a 3 per cent saving to the, to the buyer, purchaser. So I was rewarded, on that occasion I was rewarded from the company.

From Billbergia?---From Billbergia, yeah.

Yes, I see. So then just – but why is the invoice sent by some company called Clear House?---I don't know why. I don't know, I honestly don't know why.

40 Did you have any – you must have had a discussion with someone in order to - - -?---It would have been Joseph, Joseph Jacobs from Prolet.

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J. CHIDIAC
(DARAMS)

1129PT

All right. So you have a conversation with Joseph Jacobs from Prolet and, what, you say to him "I've introduced you to these three agents now" - - -? ---Two agents.

I thought you said three. Tim Wu, LJ Hooker Rhodes and - - -?---No, Tim Wu works for LJ Hooker.

Oh, so you introduce him to your nephew and you introduce him to Mr Wu. Is Mr Wu the same Mr Wu - - -?---The Global, I think, yeah.

10

Yeah?---Yeah.

Right. Titan Global?---Yeah.

Who during this period he's paid you \$170-odd-thousand as well, Mr Wu? ---That's correct.

So is Mr Wu paying you as well with this introduction?---That's right, he was, yeah.

20

So you're getting a payment from both sides of the track?---On some, on some occasions, yeah.

So just go back to, you have a conversation with Joseph Jacobs and, what, you say, "I've now introduced you to two real estate agents and they will only charge only 2 per cent so now you pay me \$100,000." Is that how it works?---No. That's not how it worked.

How did it work?---Well, he, he approached me.

30

Who, Joseph Jacobs?---Yeah.

All right.---From memory, approached me to help him pick up real estate that he was, he was interested in.

Right.---Which we did very successfully on some occasions.

Yes.---Billbergia, I know Billbergia has, was also trying to achieve the same, same result, wanted to pick up certain properties in Rhodes. I mean, he, (indescribable)- - -

40

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J. CHIDIAC
(DARAMS)

1130PT

Just, so I just want to focus on this invoice here. So, Joseph Jacobs approaches you but then you introduce two agents to him and then he, or a company associated with him, sends a bill to Billbergia. The amount on the invoice is directed to be paid into your account?---Well, that's what it appears - - -

That's what happened, though, didn't it?---No, it's not. I think I had to resubmit an invoice to Billbergia for that fee.

10 You still got that hundred.---I still got the hundred. But who did I get it from? Clear House or from Billbergia? I think, if you have a look, I think it was from Billbergia.

But that would be consistent with the invoice, wouldn't it? It's been billed to Billbergia, you see that?---Yeah, Clear House billed it to Billbergia.

Yeah. Directing - - -?---Then I, the request from, from Accounts was for me to directly bill Billbergia.

20 Right.---From memory, again, from memory.

Whatever way that happened, you ended up being paid the \$100,000 from Billbergia.---I did, yeah.

Yep. Well, what I'm asking you is that other than introducing the two real estate agents, was there anything else you did in order to earn the 100,000? ---To earn that 100,000, no.

30 No. Okay. Could the witness then be shown page 7. Now, just, so this is an invoice dated 1 February, 2016. I take it, given your previous answers, you never prepared this invoice either?---No, no, I didn't, no.

Can you recall who did this invoice?---I can't recall. It's either my nephew or my, my daughter.

All right. Now - - -?---I assume it's my daughter.

40 Yeah, why do you make that assumption?---Oh, because my nephew started early in the piece, 15, 16, doing my invoices, then my daughter took over.

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(DARAMS)

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So this is still February 2016, though.---Yeah, so I, I, I'd say it's my nephew.

Right. But you don't, you don't have any, there's no, you're not certain either way, are you?---No, I'm not, no.

No. So just, can you assist us as to how you earned or became entitled to this \$100,000?---Is that the same 100,000 as the other one?

10 Well - - -?---Could we go back to the other invoice?

We can go – if we go back to the page 3.---Is it the same invoice number?

No, it's a different invoice number, Mr Chidiac.

THE COMMISSIONER: This one's 9 September, 2015.---Okay, what was, what was the other one?

20 And the other invoice you're being asked about is dated 1 February, 2016.

MR DARAMS: Yes. So if we now go back – so just before you go, Mr Chidiac, see the invoice number? Just take the last three digits, 1-6-5. ---Yep.

30 So if we go to page 7 now, you can see the last three digits are 1-7-7. It doesn't look like, well, certainly not the same invoice. It doesn't look like the same, certainly not the same description.---No, no, definitely it's not the same description. It could have been the same invoice or for the same service. I mean, the bank, the bank account will confirm that. The bank deposit will confirm that.

Sorry, so are you suggesting that this is a, a replacement invoice for the - - - ?---Possibly, yeah, possibly.

THE COMMISSIONER: Who is Waterpoint Site 2 Lessor Pty Ltd? ---I mean, if I go off the Meadowbank address, I'm - - -

No, but just answer my question.---Sorry, what was the question?

40 You see the bill's made out to Waterpoint Site 2 Lessor Pty Ltd at an address in Meadowbank?---I don't know the - - -

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(DARAMS)

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Who's behind that company? Or who was?---Can I assume that it's Billbergia, Your Honour?

No, who was behind the company?---I don't know.

Not a clue in the world?---No. If I can work off the address, it'd be, it'd be Billbergia.

10 What is the property 2 Llewellyn Street, Rhodes?---Well, I'm assuming that's a residential property there, Your Honour.

Well, do you know?---I don't know the exact property. I'm not familiar. [REDACTED] I just can't recall exact, exact property itself. Like I said, we were involved in multiple acquisition there.

MR DARAMS: So do you have any, can you tell us why you invoiced – when I say “you”, someone on your behalf because you say you didn't do it – why you invoice Waterpoint Site 2 for \$100,000? What did you do to
20 generate or earn that?---Would have been help in the acquisition of that property.

When you say “help”, what do you mean? What help did you provide? ---Refer an agent and use a strategy with the agent on how to pick up that property.

THE COMMISSIONER: Well, what did you do?---I made a, I introduced the agent to the, to the buyer.

30 Which agent?---On that occasion, it could have been either Dib or - - -

No, no, I don't want could have beens.---There was the - - -

Tell me who the agent was?---I can't remember the exact agent, Your Honour.

What?---I can't remember the exact agent. I know there was only two of them, from memory again, I can't remember the exact agent.

40 MR DARAMS: So you introduced - - -

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THE COMMISSIONER: Sorry. Go on.

MR DARAMS: You introduced one or two of these agents. What else did you do?---For who?

To earn this \$100,000.---Refer an agent.

10 But hadn't you already referred these agents previously? Like, they're the same agents.---It's like an ongoing commission.

Who did you negotiate this commission with?---Who did I negotiate that commission with?

Yeah.---That would have, could have been John Kinsella.

Who – well - - -

20 THE COMMISSIONER: Yes. Not could have been.

MR DARAMS: Who was it?---But I can't, I can't, I can't recall.

THE COMMISSIONER: Anyway, that's the name that comes to your mind?---Yeah, I can't, I honestly can't recall, Your Honour. I honestly can't recall.

In relation to this property [REDACTED], the name John Kinsella comes to mind as the person who - - -?---That's, that's - - -

30 - - - is behind the purchase?---That's right. And it could have, I know you don't like that, that term, is either Billbergia or Joseph Jacob from Prolet.

And what did you do to earn \$100,000?---What did I do? I - - -

That's my question.---Yeah. I assisted in picking up the property.

What's that mean?---I referred a, a successful agent to negotiate in the purchase of a, a particular property where all, all had failed.

40 But the agent normally does the listing of the property and inspections and so on and earns a commission that way. That's right?---That's right.

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(DARAMS)

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That's what a real estate agent does?---Yeah, yeah, yeah, yeah.

But you were not the real estate agent in this transaction, were you?---I'm not, Your Honour, no.

So how come you earn a commission not being a real estate agent for a transaction involving this property?---Well, I, I, I referred the, referred the buyer, sorry, the, yeah, the purchaser to, to the agent. Agent normally charges, let me know if I'm, I'm - - -

But you don't get payments - - -?--- - - - babbling on here.

There's nobody who gets paid just simply for sending a person to an agent. ---On this, this property, well, it's not a property that was listed for sale. This - - -

You're making this up, aren't you?---No, I'm not, Your Honour.

20 This is a pack of lies, isn't it?---Absolutely not, Your Honour.

Mmm.---You know, my reputation and - - -

Yeah.--- - - - my livelihood is, is at stake here, Your Honour. Okay. This property wasn't listed for sale or auction, Your Honour. This property was doorknocked.

Who owned the property again?---Who owned it? I don't know who owned it, Your Honour.

30 Not a clue in the world?---Not a clue in the world, Your Honour.

MR DARAMS: So did you render this invoice upon the sale of the property?---I think once – that, that property could have been once, once the deposit was exchanged possibly. I, in some instances that's, that's exactly what happened.

Well, what about this instance though?---I can't recall exactly whether they wanted a deposit. It would have been a deposit, Your Honour. It would have been a deposit, because normally these people, you know, well, in

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(DARAMS)

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some instances there was a two-year delayed settlement and part of our condition was that we would only - - -

THE COMMISSIONER: Yeah. Stop making statements. Yes, next question.

MR DARAMS: Yep. Now, in terms of these – you said part of your conditions. Were these ones negotiated with Billbergia?---Sorry?

10 Were these conditions, part of your conditions of payment, were they negotiated with Billbergia?---Well, yeah, Billbergia and the agent and, and, yeah, and the agent. The agent would have made that very clear to the buyer.

THE COMMISSIONER: And who did you speak to in Billbergia?---Well, my, my contact would have been John Kinsella.

MR DARAMS: So you negotiated these terms with John Kinsella?---Like I said earlier, the agent would have negotiated that - - -

20

No, no, no - - -?---Someone on behalf of - - -

Your terms, the terms upon which you got the 100,000.

THE COMMISSIONER: Your terms for your valuable services. Who did you deal with in Billbergia?---My, well, my dealing was with John, well, I dealt with John Kinsella and there was another chap, forgot his name, he's still in the company there now.

30 But you normally dealt with John Kinsella?---Occasionally, yeah. That's, yeah, that - - -

Usually I said.---My, my primary, yeah, my prime, prime contact, yes.

Your prime - - -?---My primary contact is John Kinsella there, yeah.

MR DARAMS: Did you go to him each time that there was a potential sale or did you just negotiate one upfront, here are my terms, and each time there was a sale you applied those terms - - -?---No. Sorry, I interrupted you
40 there. No. They, they normally come to us. Billbergia normally comes to us saying, "Look, these are the properties that we want to pick up, we've,

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we've tried numerous agents. We've failed. Do you know anyone that can help us pick them up?" And - - -

Do you say that happened on each of these occasions that you ended up rendering an invoice, Billbergia came to you, "We need to pick up this property. We're failing," you introduce an agent, the agent is successful in obtaining a sale, deposit is exchanged. Is that what happened on each of these sales?---Well, on that occasion I, well, from memory, Joseph from Prolet, who had a good relationship with Billbergia, would have, from
10 memory he came to me on, on, for that.

Sorry, when you say for that, which one are we talking about?---The \$100,000 invoice.

All of these invoices that I've showed you are for \$100,000. Which one? ---No. I think there's, there's, I think there is, only one \$100,000 invoice was paid. They, they, they, there could have been, this could have been a duplicate invoice, invoice.

20 THE COMMISSIONER: Yeah, it's not a duplicate.

MR DARAMS: No. They're not duplicates.

THE COMMISSIONER: Is it just a coincidence that you were getting 100,000 each transaction?---No. How many \$100,000 transactions were there?

No, please. Don't ask questions. Do I have to say it five times to you? You don't respond to a question by asking a question, you respond by giving an
30 answer. Has the message got through to you yet?---Yes, Your Honour.

MR DARAMS: Chief Commissioner, I note the time is 12.45.

THE COMMISSIONER: Yes. I'll take the luncheon adjournment.

MR DARAMS: May it please.

THE COMMISSIONER: We'll resume at 2 o'clock.

40 MR DARAMS: May it please.

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LUNCHEON ADJOURNMENT

[12.46pm]

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THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

COMPULSORY EXAMINATION

OPERATION TOLOSA

Reference: Operation E17/1221

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY, 5 APRIL 2022

AT 2.00PM

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THE COMMISSIONER: Yes, Mr Darams.

MR DARAMS: Can Mr Chidiac please be shown volume 3C, page 12. Again, Mr Chidiac, I take it you didn't prepare this invoice.---I didn't.

Either your nephew or your daughter did it.---Yes.

10

Can you assist us as to what this \$100,000 payment was in relation to?---As explained previously, that would have been for a referral I would have made.

The referral being you referred either of the two agents you have identified?---Yep.

Were they then responsible for being involved in the sale or the transaction, is that right?---That's correct, yeah.

20

You didn't have any involvement in the sale or the transaction?---No, not at all.

Your role was limited to simply introducing the two agents, firstly, that's right, that's part of your role?---That's one role.

The other part of it was to negotiate what you say is the discount in the agents' fees?---That's correct, yeah.

30

There was no other role that you had in relation to generating or earning this income?---No.

No. In terms of the invoices I've taken you to, the \$100,00 invoices, you had the same role in respect of each of those transactions, that's right?---So we're talking about the two invoices you've showed me?

Well, this invoice here. So we've got your evidence on that. Then if I could ask you to be shown page 7. So this invoice here, the 100,000.---Yep.

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So your involvement in that was the same as the last invoice, that is you introduced the two agents?---I can't remember the actual details on that but I, I, I, I, I believe that would have been for the same service, yes.

So introducing two agents?---Introducing a, a, a particular agent.

One of the two agents?---One of the two agents, yeah.

10 Also having that agent agree to a reduction in their commission?---That's, that's, that's right, yeah.

Were you involved in any way in the sale or the transaction of this property?---Not at all.

No. That was left up to the, the agent and - - -?---Agents.

20 THE COMMISSIONER: So just to get it right, you were introducing the agents in what sense? What was the introduction?---Well, I was introducing a, the, the buyer would come to me and give me a particular property they would like to buy. I would go out, identify the right agent for the right, for that particular property, I would negotiate a commission fee and that's my role. Commission fee.

So you would speak to a potential buyer, is that right?---A potential buyer would come to me.

30 Yeah. So a potential buyer would say, "I want to buy a house in this area," or something like that, and you would say, "Well, I'll introduce you to this agent," or agents, "for the purposes of finding a house." Is that what you're saying?---No, that's not what I'm saying, Your Honour.

Okay. Well, when you were introducing, let's call him Mr Citizen, is looking for a house. What introduction were you making?---Well, in this particular incident, Your Honour, is that you want me to focus on, this particular incident?

No, no, no. No, no.---Okay.

40 We're just talking in general.---Okay.

We've seen now two or three of these referrals, you call them.---Yeah.

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Who are you referring, what's the introduction? You are referring, firstly, somebody who's a prospective buyer, are you?---Well, I'm, I'm doing both, yes, prospective buyer, okay, and - - -

So, let's take the case, a man comes a long, Mr Citizen we'll call him - - -?
---Yeah.

10 - - - he says, "I'm looking for a house somewhere in this area," and so he comes to you, is that right, and tells you that he's looking for a house?---In - - -

Okay. Let's see if I can put it in plain English this time and - - -?---Please, please.

I'll put it in a different formant.---Please, Your Honour.

20 You used the words here "business referral". Referral means referring someone to another, is that right?---That's right, yeah.

Okay. Just describe for me the nature of that referral that involves you and that involves somebody else.---Okay.

30 How did it work?---Okay. On occasion the agent will come to me, would say, "I've got a particular property or properties for sale. Do you know anybody that might be interested?" Okay, it's either yes or no. If a yes, I would reach out to a potential buyer, in this case being a developer. I would introduce them to the property, they do their due diligence, they come back, they just say yes or no. If it's a yes, I connect them with the real estate agent, okay, I negotiate the percentage the real estate agent should charge the buyer and then I get a commission from the agent and I get a, occasionally I get a commission from the buyer.

Okay. So you're like acting as an agent for an agent. An agent comes along to you and says, "I have a particular property for sale," is that right, that's what you said?---That's right, yeah.

Says that to you?---Yeah.

40 "Do you know anyone who might be interested?"---That's correct, Your Honour.

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(DARAMS)

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Okay. You respond then either, for example, “Yes, I do know somebody who might be interested” or “I’ll make some enquiries and come back to you”?---Yeah, Your Honour.

So then if you do know somebody who might be interested, you’ll ring the agent and say, “Well, look, there’s a guy by the name of,” say, “Fred Nerk, this is his number. He might be interested and might be a prospective buyer for you”?---That’s, that’s right.

10

And the agent comes into the common picture, he’ll meet the prospective buyer, take him to the house, show him the house and then it goes on from there. Is that it, have I got it?---That, that’s one of the descriptions that I do, Your Honour, yes.

Okay.---And also the role could be reversed, I go to the - - -

And - - -?---Sorry, go on.

20 Go on.---I’m interrupting you again.

Role reversed in what sense?---Well, an agent, not an agent, a potential buyer also comes up to me and says, I’m attempting to buy in this precinct. I’m struggling. Can you, do you know anyone that can help us, any agent that can help us pick up those properties?”

Did you advertise your services somehow?---Absolutely not Your Honour, no.

30 Word of mouth or something, is it?---Word of mouth, Your Honour.

Okay. And to get a commission of \$100,000, that’s a lot of money on buying a residential property, isn’t it, or selling a residential property?
---We’re talking about 3 or \$4 million properties each, Your Honour, Your Honour, here. 3 or \$4 million per property.

Well, if it’s a residential property, it’s not worth that sort of money, is it?
---It definitely was, Your Honour.

40 MR DARAMS: So just in relation to, if we focus on this invoice here you’ve given two alternatives. The agent who is looking to sell the property

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(DARAMS)

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comes to you. The other is some other buyer comes to you and says, "Oh, interested in that property. Can you assist with getting a sale?" They're the two alternatives that you've described.---That's one of the two services that I provided, yes.

So one of the two services?---That I would have provided when, in a, in a, when a property is going to be purchased or sold, yes.

10 What's the other service you provide?---Well, I would have advised the agent what percentage of commission they should charge.

I see. Okay.---Okay.

Just focusing on this invoice in front of you. Can you tell us or assist us what this transaction was, that is, is this a seller coming to you and saying, "Do you have a buyer?" Or is this you being approached by a buyer to obtain or to - - -?---Yeah.

20 Which one is it?---Sorry, just go, no, that would have been a buyer.

You know that because of who you've billed this to. Is that right?---I know that the sellers, I don't think we've ever charged the seller a fee.

Okay. So this is a buyer approaching you, can you assist us purchasing this property 2 Llewellyn Street?---That's right.

You do that by identifying one of two agents.---Identifying the best agent.

30 Yes. Of one of two agents.---Not necessarily.

Well, who are the agents you had identified for this transaction?---Well, for that particular area I identified two, Tim Wu and - - -

Your nephew.--- - - - my nephew.

Yeah. So you then make a decision as to which of those two agents would be the best to try and transact the deal.---That's right.

40 You negotiate with that agent the commission they would charge the buyer who has come to you.---That's right.

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That agent gives you a commission as well or a fee.---On some occasions, yes.

On some occasions.---Yeah.

And the buyer here has given you a commission of \$100,000.---That's correct, yeah.

10 Yes. So just if we can go to page 3 of the same – again just look at this invoice.---Yeah.

This is the first invoice we took you to today.---Yeah.

So is this the same description, and what I mean by that, is this the buyer coming to you saying we wish to buy this property?---Yeah.

You then make a decision as to which of the two agents is the best agent to assist in that transaction.---That's correct.

20 You negotiate with that agent the commission that they should charge the buyer.---That's correct.

That agent gives you a fee or a cut.---On some occasions.

On some occasions. Can you recall whether they gave it to you on this occasion?---I can't recall, no.

In any event the buyer on this occasion has also given you \$100,000. ---That's correct.

30 You weren't involved other than what I've just described identifying the agent and negotiating the - - -?---That's, that's correct.

Yeah. I just want to then ask you again about page 12, the invoice at page 12. So I have the same questions in relation to the process for this one. ---Yeah.

40 So this is an occasion where a buyer's come to you and asked you to assist in acquiring 43 Blaxland Road. Is that right?---Yes, yeah. Well, that's what, that's what the invoice says, yes.

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(DARAMS)

1145PT

Are we entitled to assume that where you write 43 Blaxland Road, that's the property in which this transaction related?---One would think so, yeah.

Well, is there any other reason you would put the or ask for the description of 43 Blaxland Road to be put on there if it wasn't in - - -?---Could have been a typing error.

Right.---I don't know. I can't answer that question.

10 Okay. But assuming there's no errors, make that assumption, there's no errors - - -?---Yeah.

- - - in that, this is in relation to services for that property. Correct?
---Assuming there's no errors?

Yes.---That's right.

So the buyers come to you, "Can you help us obtain this property?" Is that right?---Yeah.

20

You've identified one of two agents?---Yeah.

You negotiated a fee with that agent?---Yeah.

That they should charge the buyer?---Yeah.

The buyer's given you or decided to pay you \$100,000 for that service?
---Well, doesn't always, is specific to one property. There was, Billbergia, there was multiple properties that I helped introduce an agent to them, not just one particular property.

30

Well, how do we tell that from this invoice?---You can't tell from this invoice.

Right. Well, can you say how many properties this was in relation to?---I can't. I can't recall.

And how do you know it's in relation to multiple properties then?---Because I, we purchased multiple properties for them.

40

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(DARAMS)

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When you say “we purchased”, do you mean to say that you - - -?---The, yeah, it was the real estate agent and myself and - - -

Now, in terms of Billbergia, was the services that you or Online Securities provided to Billbergia limited to this type of service we’ve been talking about in relation to these invoices? Do you understand that?---For that invoice?

10 No, no. These three invoices I’ve taken you to, do you accept from those three invoices the service that you were providing was the same?---So the, the, the fee was for the \$100,000 each we’re doing - - -

Correct.---Okay. Yeah, I, it’s, yeah, I, I - - -

That’s right?---Yeah, I, I’d assume, yeah.

20 And so those services, you could describe them any way that you want but generally they seem to be related to introducing agents, real estate agents, for the purchases of property. That’s a fair description?---In one, that, that invoice that I’m looking at, that would have been for that’s, yeah.

Well, it’s the same description in relation to that invoice as the other two invoices for 100,000.---Okay. well, there’s a \$200,000 invoice. That was for a different services.

That’s the anchoring invoice?---That’s right, yeah.

Yeah, but let’s not worry about - - -?---But we’re not talking about that, no.

30 Not talking about the anchoring invoice.---Okay. Okay.

So we’ve got the anchoring services, the dispute resolution between, you told us about this, between Billbergia and - - -?---Yeah, yeah, yeah, yeah.

Put that to one side.---Yeah, yeah, yeah.

40 Then you’ve got these three invoices. That’s about introducing agents in relation to the sale of properties. Correct? Correct?---Do you want me to answer that or - - -

Well, is that a fair description?---Say that again?

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What you did was that you introduced an agent to complete a sale for or purchase for Billbergia?---That, that's, this invoice would have been for that type of service, that's right.

So would have the other two hundred - - -?---I'm not, I'm not that, I'm not sure about the others. I can't recall the others. I'll have to, I'll have to go into - - -

10 I thought I just took you to all of those invoices and you accepted - - -?
---No, you showed me, you showed me the invoices and you showed me the address of them. I can't recall the job description on that, for that job.

Well, what other services did you provide to Billbergia for which you were charging them \$100,000?---As, as described per, per the, per their invoice.

But you don't - - -

20 THE COMMISSIONER: The invoice doesn't say much at all, does it?
---Well, "business referral". What's the other invoice? What's the description on the other invoice?

MR DARAMS: well, let's just go to the other invoice. Go to the one at page 7. There you go.---"Business referral", is that it?

Yeah.---Yeah. Yeah. "Business referral".

30 Well, the business referral, as I understood it, I took you through the process and you agree that's what you did.---That's one of the services I provided, yes.

Well, what is the other service you provided in relation to this \$100,000?
---Well, I can't remember the, recall the exact service I provided for that but if it says "business referral" and there's an address there, that would have been introduction to the real estate agent and putting a strategy together to purchase these particular properties, more than one property.

40 But the services that you were providing to Billbergia related to the acquisition of property or properties?---Properties, yes.

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J. CHIDIAC
(DARAMS)

1148PT

Well, perhaps because you've now, to be fair to you, if we can go to page 3, you've got a different description here. You've got "commission".---Yep.

Now, what was the service - - -?---Would have been the same, just - - -

Okay. So we can take "business referral" and "commission" to be interchangeable?---You can take it however you like.

10 Well, I'm asking you, Mr Chidiac, because you wanted to explain "business referral" and we gave you the opportunity and now there's a different reference to "commission" and you need to help us 'cause they're your invoices.---I'm doing my best to answer your question to the best of my ability, sir, okay? Just keeping in mind I did not type those, those, those invoices.

But you must have told the person who typed them up what to put into them?---Quite possibly.

20 Well, who else would have done that?---Maybe, I don't know.

But it had to be you because it was either your daughter or your nephew. ---It's either me or the – sorry to interrupt. Yeah, go on.

It was either your daughter or your nephew, as I understood the evidence. ---Yeah, yeah.

'Cause I asked you whether you did these invoices and you said you didn't. ---I didn't do those invoices.

30 So you must have told them what to put into the invoice.---Possibly.

No, no, it's not possibly. It had to be you.---No, it, why, why, no, it's not.

Well, who else would it have been? Who else would it have been?---They could have used their own initiative and came up with that description.

Well, did they use their own initiative on this invoice and come up with that description?---I'm not really sure, yeah, sir, I'm not really sure.

40 Well, let me just go back to the question again. You've described the services, put aside the anchoring, you've described the services in relation to

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Billbergia that you provided, and that relates to the possible potential purchase of properties by Billbergia. Did you provide any other services to Billbergia?---Did I – no, I didn't.

No. So if I can then ask you to go back to page 12, please. So this is the last of the \$100,000 invoices, Mr Chidiac. So do you recall, or can we assume after this date of this invoice you weren't involved in providing – put aside the anchoring – providing any other services to Billbergia?---I was providing introduction to real estate agents.

10

Do you say there's more of those introductions where you didn't get paid for?---No, I think I got paid for everything.

Right. So if this is the last of those invoices - - -?---What's the date on that?

It's the 23rd of February, 2016. So if that's the last of those invoices, the last in time, can we assume that the real estate introduction services that you provided to Billbergia ended around about that time in 2016?---Did you say "assume"? Am I allowed to ask that question, Your Honour?

20

I can clarify the question for you, Mr Chidiac. There are no further invoices after the February 23, 2016, other than the anchoring invoice. You know the one I'm talking about, the anchoring invoice for \$200,000.---Yep.

So there are no further invoices of this nature after that period of time. In fact, no further invoices that you've issued to Billbergia.---I'm not sure that. I'll have to go back and check my records.

Well, if you make this assumption there are no further invoices - - -?---I'm not making that assumption.

30

Okay. Well, what other services would – if there are other invoices, what would they be in relation to? What services?---Same thing we just, that we described.

Yep, okay. So again, introduction of agents in relation to the sale of properties? Is that right?---Business referral, sometimes we call it business referral.

40 But that's - - -?---Agent introductions.

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It's the same service, though, that we've been talking about?---Yeah, yeah.
Yeah, yeah, absolutely.

THE COMMISSIONER: The Billbergias had a number of projects going in the area, did they?---He did, Your Honour.

And the area which Billbergia projects were going forward were in the Rhodes area?---Rhodes area and Wentworth Point.

10 And?---And Wentworth Point, Brisbane. He had multiple projects.

The Rhodes project, suburb of Rhodes, that was subject to the Canada Bay Council area?---Yes, sir.

That's right. And would Billbergia from time to time encounter difficulties, as no doubt developers often do, with council to your knowledge?---Yes.
Yes, sir.

20 And can you give me example of some of the issues that Billbergia had with the council about any of its developments in the Rhodes area?---Well, the, the last issue that would come to mind, Your Honour, that Canada Bay Council and the mayor in particular wasn't supportive of what he was proposing.

What was he proposing?---I don't know the exact details, Your Honour, but he was, he's got a, he was proposing a couple of projects that council weren't going to support, that - - -

30 Was that after, was that one of the issues in which he, sorry, which Billbergia was pursuing with council, successfully or otherwise?---I think he had a major, major project that he was, had issues with Canada Bay Council.

And were you - - ?---Multiple.

Were you able to assist him from time to time in any of those?---Absolutely not.

40 Hmm?---Absolutely not.

None?---None whatsoever.

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So you never made any representations?---I did, I made plenty of representations.

To whom?---To Angelo, the Mayor of Canada Bay, Angelo Tsirekas.

Representations on behalf of who?---Well, I, let me, let me just, I wouldn't use the word representation, we were - - -

10 Well, whatever you call it.---Okay, sorry, Your Honour.

Call it submissions or whatever.---Yeah, yeah, yeah.

On behalf of whom?---Submissions on behalf of Billbergia.

Right.---They, Billbergia had, they were, they felt they were being fairly, unfairly treated. Billbergia and his co-workers, i.e. Bill - - -

MR DARAMS: Graf?---Bill?

20

Graf?---No, no, not Bill Graf.

McGarry?---McGarry, McGarry.

THE COMMISSIONER: Well, whatever his name is.---Yeah, no, no, no. Bill McGarry. You've got a better memory than I have. Bill McGarry, every time we've crossed paths, they would express their frustration, they would, the mayors not meeting with them, the general manager is not responding to their emails, staff are very slow, et cetera, et cetera.

30

Well, from time to time then, in relation to those matters, do you know what the outcome was of - - -?---I don't honestly, Your Honour.

At certain stages did you endeavour to assist finding a resolution to whatever the problems were?---No. Not, not what, no, whatsoever, Your Honour. My, as stated earlier, I always encouraged business owners and elected officials to sit down and, and, and listen to each other's issues.

40 Well, were there any of those projects with Billbergia where the mayor was able to help?---Not that, not that I'm aware of, Your Honour.

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All right. Did you assist Billbergia in any respect, other than property purchases?---Well, I, like I said earlier on, I encouraged him and his team to sit down and, and discuss whatever issues they've had with, with council.

Ah hmm. And did they?---On, on, on quite a few occasions, Your Honour, yes.

10 And did you try and act as a facilitator to try and get their case across, as it were, to council to get them to - - -?---No, no, no. Just, my role was just to get them around the table, Your Honour. My role was just to get them around the table either for lunch or coffee or dinner and - - -

Well, did that prove to be a good way of dealing with issues?---Well, if, if you ask Billbergia, it was a complete failure,

I see. Well, did you do your best to try and help them find a solution with council?---No, Your Honour, I did my best to get them around the table.

20 Right. And so then who are you talking about? Who are you talking about from Billbergia and council?---John, John, John Kinsella and Angelo Tsirekas from council.

Ah hmm. But do you remember what project that was?---I don't, Your Honour. I honestly don't.

You don't.---They've got multiple projects over there. I know they were looking at rezoning Rhodes East.

30 Ah hmm.---Rhodes East, they were very, very concerned Rhodes, Rhodes East. And John Kinsella had multiple issues, multiple complication, if I can call them that, with Canada Bay Council and the State Government et cetera, et cetera. So, well, my role was to get them around a table and have a, have a, have a chat.

Well, how would you do that? How would you organise a meeting?---Well, I, I would ring both of them and say, "Let's sit around a table," either for a coffee or lunch or dinner, whatever it was.

40 And you say both, you're referring again to - - -?---Yeah, yeah, yeah. Mr Billbergia and Bill McGarry as well, I think, was present on a couple of

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occasions. There's another chap in there that I can't remember his name, he's in the emails again.

From council?---No, no, from Billbergia and Bill, Bill, what was the other chap you've mentioned earlier, Raf, Raf, Scaff?

MR DARAMS: Graf.---Graf, sorry. Yeah.

10 THE COMMISSIONER: And who represented council in those discussions?---Normally, normally when I was involved Angelo, the Mayor of Canada Bay.

Angelo Tsirekas are you talking about?---Yes.

Yeah.---Yes, yes.

20 And did Mr Tsirekas ever give you any report back to say, you know, what they're asking for is far too much. They're barking up the wrong tree or something like that?---He told me they're very greedy.

Oh, okay. Well, yes.---He told me they're very greedy.

Well yes, we won't say anything against developers here.---Yeah, no, please don't.

All right.---They pay my bills.

30 That's the way he put it to you.---Yeah. Absolutely greedy, yeah. They always want more.

MR DARAMS: Can I understand this. So John Kinsella or Mr Graf or Mr McGarry would ring you, run into you in the street. Both of those? Either of those?---Normally we would have crossed paths or - - -

Yeah, but what does that mean?---At each other at fundraisers, functions, restaurants, coffee shops or at times John Kinsella would express his frustration, frustration to Joseph Jacob from Prolet. Joseph would get in contact with me if I can arrange get together, a lunch, et cetera, et cetera.

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Why would Mr Kinsella go through Joseph Jacobs to you?---Because they were trying to work on a, merge properties they both own to get, get a DA for or get it rezoned. They had a close relationship.

So - - ?---And, and – sorry to interrupt. Billbergia knew I had a relationship with Joseph from Prolet.

Yeah.

10 THE COMMISSIONER: I think before in one of your answers you referred to Mr Billbergia. You probably meant Mr Kinsella, did you?---John Kinsella, yeah, yeah.

Okay. That’s all right.---Yeah. Yeah.

MR DARAMS: So you either reach out through one of the Jacobs brothers, Joseph Jacobs.---It’s normally Joseph, yeah.

Normally Joseph.---Yeah.

20

Will ring you directly or see you directly.---Emails, texts or ring me directly, yes, yes.

Sure. Would you then, you’ve indicated that you’d try to get everyone around a table or have a lunch or have a coffee. Correct?---(NO AUDIBLE REPLY)

30

Would you actually be there sitting at the table or you just do the introduction over text message or say go and meet on this day, go and meet on that day?---Yeah. No, most, most times I’d be there but, there but, you know, I’d leave them together. I’d go out, get on my phone, do my emails, et cetera, et cetera, yeah. But occasionally they, they, they’d meet up together without me present or, you know, there’s times where, probably the majority of times I’d be present. I’d start it off and I walk away or just, yeah, get on my phone or - - -

And did you get paid for doing any of that service?---Not at all. Not for that service.

40

Well, did you ask for payment for that service?---No, I didn’t, no.

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Why not?---I just didn't.

Well, it seems to be what you've described is a similar service that you were providing to I-Prosperty. Would you agree with that?---I agree with that.

You charged I-Prosperty the sums of money you did. That's right?---I didn't charge them for all the projects that I took on for them.

10 Right. I see.---I did numerous other, I handled numerous other projects that they were never, they were never invoiced.

Right. So just going back to this other involvement you had with Billbergia and the mayor. Why not charge for that service? That seemed to be the type of service you were providing or in the process of, in the habit of providing.---I just didn't.

Had you already charged them enough money in terms of these business referral and commissions?---I don't think I charged them enough.

20 Right. Were those payments that we see in the invoices, the business referral commission, were they part payments for these other services that we've just been talking about?---Which, which, which of those services are you talking about?

Sitting around, getting people around the table to resolve issues.
---Absolutely not.

30 THE COMMISSIONER: You said sometimes you'd try and get these get-togethers and that might happen over coffee, over lunches or over events such as fundraisers. Is that right?---That's correct. That's right, sir.

Now, in respect of any of the lunchtime meetings you had when either Mr Kinsella was present, yourself and say the mayor - - -?---And, and Prolet. And Prolet. And Prolet.

And Prolet. They were - - -?---Yeah, majority of times Prolet were there, yeah.

40 Who's that, Mr Jacobs, is it?---Joseph Jacobs and, yeah.

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And those luncheons, is it like business luncheons, were they? Where you try and, where sometimes the issues would be talked about, semi-social, semi-business?---No, probably more business.

The fundraisers, what sort of fundraisers were you referring to?---Well - - -

Is it a fundraiser for election-type fundraisers or what are you talking about?---Well, no, no, the one that I had, that was, it was a function organised by a doctor to raise some money to buy some medication and
10 medical equipment to go overseas. And there was sporting events, I think that, you know, well I, end up being on the same table as Mr Kinsella. Football games, I'd end up on the same table as well with Mr Kinsella and Rick Graf. Yeah.

And you'd be there, you said, for those occasions?---Absolutely, yeah, yeah, Your Honour.

People from council, Mr Tsirekas and others from council? Or just Mr Tsirekas?---Football, yeah, no, football games, yeah, Mr Tsirekas would be
20 there as, yeah, yeah at a football game. That we'd, we'd cross path with. He'd be at - - -

So it's Mr Tsirekas at the football?---Tsirekas, Tsirekas.

And what were the other events?---At football, football games. Sporting events, sporting fundraisers. I think I've been to a couple of sporting fundraisers for volleyball or – not volleyball, water polo I think, that I'd end up on the same table as, from memory, as John Kinsella as well.

30 Okay, thank you.

MR DARAMS: Just in relation to these other, I'll call them services but the getting Mr Tsirekas and Billbergia around a table, just in relation to those services, why did you do that if you weren't getting paid for it?---I enjoyed doing it.

All right. But just purely altruistic, just - - -?---I saw, I – sorry to interrupt again. Go on.

40 Purely altruistic, you enjoy doing that work, is that right?---I, I love doing it. I enjoy, I started off doing what I'm doing now not charging anyone, and

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I'm still doing it now. I do a lot of work for people that I don't charge. I'm still doing that as we speak. And I saw John Kinsella as a future client of mine, you know.

He'd been a client of yours, hadn't he?---On odd occasions. I didn't have, he didn't have me, he didn't have me as a, as, as a, as a full-time consultant, only on occasions.

10 But his companies had given you about \$500,000 over the preceding couple of years.---I'm not, I'm not sure about that \$500,000 figure. I'd have to check that out. My, my understanding was \$300,000 figure.

What about the \$200,000 for the anchoring?---No, that's 200 plus the 100,000.

I see.---I've got to double-check to see if I, though you know, but we might have duplicated those invoices. They might have come back but changed the name of the company or the address on the - - -

20 I see. Just asking about another topic, did you have any involvement in Mr Tsirekas' federal campaign in Reid?---I did, yep.

What was your involvement in that?---I don't think I had a title. I was pretty active.

Yeah, but what sort of things did you do?---Well, I did everything from putting posters up, arranging to, arranging fundraisers, standing in front of, going out on, doing street stalls in front of shopping centres or in front of Coles or the corner store, handing out pamphlets.

30

Did you go out and – did you ask people to donate to his campaign?
---Absolutely.

Yeah. Do you know Mr Cronin, Brendan Cronin?---Who's that?

Brendan Cronin.---Never heard of him.

What about Craig Stubbs?---Craig Stubbs. The name is familiar.

40 What about Ballyfore, Ballyfore Engineering & Excavations?---No.

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What about Bossy Blue Pty Ltd? You know that name?---No. Not that.

Did you ask Mr Kinsella to contribute to the federal campaign?---I would have, federal campaign, yeah.

When you say you would have, did you?---I would have.

Yeah. Can you remember doing that?

10 THE COMMISSIONER: Perhaps not any fault on your part. Sometimes when a witness is asked questions, the question is directed to ascertaining the facts. So if a question is raised “Did you go to the races with so-and-so?” either “Yes, I did”, “No, I didn’t”, or “I can’t remember”. But “would have” doesn’t say which of those things it is, so I’m just - - -?---My apologies.

- - - trying to assist you to direct your mind to the question put. Sorry, what was the question?

20 MR DARAMS: Yeah. Did you ask Mr Kinsella or Billbergia to contribute to his campaign?---I can’t recall.

You can’t recall. Is it likely that you did do that?---Very likely.

Yeah. Why is it very likely?---Why is it very likely?

Yeah.---Because I, I approached everyone that I knew to make a contribution.

30 THE COMMISSIONER: The work you helped with his campaign federal, I take it all the work you’ve described, putting posters up and so on, that was all voluntary work on your part?---Absolutely, Your Honour, yeah.

MR DARAMS: Now - - -

THE COMMISSIONER: Sorry. Then I think Mr Tsirekas ran for a federal seat, did he not?---He ran local, state and federal if that helps the answer.

40 After he had run unsuccessfully for federal, he came back into local government. Is that right? Came back as mayor?---Can I add to that, Your Honour, or do you just want “yes” or “no”?

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No, well, just firstly, just answer the question, then we'll come to something
- - -?---He, he, yeah. Okay. Fair enough.

He came back, did he?---He, he, after a while, he came back as the mayor,
yeah.

So he ran at the next local government election after the federal election that
he'd been unsuccessful in and he was successful in that local government
10 election to return as mayor? Have I got the chronology right?---No, it's,
I've gone, just, yeah. I've just lost focus there. Can you just say that again,
Your Honour?

Okay. He was mayor for some years?---Yeah.

Then he decided to run for a federal seat?---Yeah.

He did?---Yeah.

20 Failed?---Failed miserably.

Then he ends up coming back into local government and once more resumes
a role as mayor of - - -?---That's correct, Your Honour. That's correct,
Your Honour.

- - - Canada Bay Council?---That's correct, Your Honour, yeah.

Okay. Right.---Okay.

30 In the election that he ran, the local government election after he came back
from the unsuccessful federal election, he ran and was successful and
became mayor once again?---That's correct, yeah.

And did you assist him in that election?---I assisted him in every campaign,
except the last campaign.

Right.---Except the last campaign.

40 Okay. So whether it was federal or local government elections, over the
years, you've been a supporter of his, to help him at election time?---I

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assisted all, quite a few campaigns, Your Honour, quite a few candidates, not just Angelo, in particular.

No, no.---I would have - - -

No, we're just talking about him for the moment.---Yeah, I did. I did, Your Honour.

Yeah. Okay.---Yeah. Yeah.

10

All right. Thank you.

MR DARAMS: Mr Chidiac, you've travelled with Mr Tsirekas overseas on a number of occasions. Is that correct?---That's correct.

On any of those occasions, did you assist him financially in terms of his expenses for that travel?---Okay. How far do you want me to go back?

20 Well, from the beginning.---Okay. 2016, as we've discussed previously, I paid for his airfare.

Sorry? For which trip?---2016 to China, to China, to China.

Which one?---China.

Yes, but you went twice in 2016.---I did.

So which one of those?---The first one.

30 January?---From memory, it was the first one.

So you paid for his airfare?---That's correct.

I think you said on the last occasion that he repaid you that?---He did.

I think you said he repaid you in cash?---He did.

Can you remember how much it was?---\$3,000.

40 Can you remember when he repaid you in cash?---Do you want the exact date?

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Well, if you know the exact date?---I don't know the exact date.

Can you tell us the approximate date?---I know it was in 2016.

And where did he hand you that cash?---Home.

Your house or his house?---My house.

10 Right. Did he give it to you in an envelope? Did he just hand it over to you, got it out of his pocket?---Envelope, from memory.

Did you assist him with any other expenses on that trip?---As I stated earlier, I'm not, I could have, I know if, Your Honour, you're not going to like this, this, well, you know, this term that I'm going to use, I know I paid one of his hotel's stay. I wasn't sure whether it's '16 or '17. I, I, if you're going to ask me to whether it's '16 or '17, I say '16 I paid for his hotel.

20 Do you know where the hotel was? Was it in China?---China. China. Yeah.

Is that The Langham hotel?---The Langham hotel from memory.

Right.---But we can all crosscheck that.

But you don't know whether that was on the January '16 or the July, sorry, the January '16 or the August '16 trip?---Yeah, yeah. I'm not, I'm not certain. Again, I'll have to go through my credit card.

30 Right. So we've got the airfare of \$3,000 for January 2016.---Yep.

We've got the hotel accommodation for one of these China trips at The Langham?---Yeah, yeah.

In either '16 or '17, is that right?---That's correct, yeah.

Can you remember how much that was?---Oh, approximately \$1,000 I think, from memory.

40 Right. Has he repaid that?---He has, yeah.

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When did he repay that?---Oh, again, I'll have to check my banking record. I think it was sometime in '18 or '19 or – I've got to check my bank statement.

So when you say you need to check your bank statement, does that mean to say that there was a transfer of 100,000, sorry, of \$1,000?---No, there's a transfer of \$9,000.

A transfer of \$9,000?---Yeah.

10

Right. From Mr Tsirekas to you?---Yeah.

Okay. So was 1,000 of that \$9,000 repayment of this hotel accommodation, was it?---That's affirmative, yeah.

Yeah. Okay. So we've got the hotel accommodation, we've got the airfares. Just focusing, because you said you would start from the beginning, so just focusing on 2016, were there other trips that you paid some or all of his expenses in relation to?---I can't recall ever paying, no.

20

No. So you've got – well, why don't we deal with it while we've got it in our minds, but what about the transfer of \$9,000, 1,000 was for the accommodation. What was the other 8,000 for?---Okay. There was an airfare to the, to the Middle East.

Right.---And again, from memory, I think it was about 6,000, close to \$7,000.

30

\$7,000.---Six to 6,000, 700, again it would be in my emails from the travel agent. And the rest were hotel and, and food, which came up to about \$8,000 in total.

For that one trip?---For that trip, yeah.

For that trip?---Yeah.

So when you say the Middle East, is this a trip to - - ?---Lebanon.

Lebanon?---Yeah.

40

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Right. I see. So this would have been, what, in 2016?---I, I, yeah, I think so, yeah.

How many times have you gone to Lebanon with Mr Tsirekas?---Once.

Okay. So the Lebanon trip that you went with Mr Tsirekas, you paid his airfare, you paid some of his accommodation, or all of his accommodation and some food?---Yeah.

10 Are they the only financial, is that the only financial assistance you've given to Mr Tsirekas in respect of his travel?---Yes, sir.

That includes all other trips to China?---Absolutely, yes.

So all up, about \$12,000?---That's right, sir.

No receipt or record of a \$3,000 payment?---No.

20 But there is a transfer record for the \$9,000?---There should be. Yes, there is.

THE COMMISSIONER: Where is it?---It's in my bank account.

MR DARAMS: When you say bank account - - -?---Commonwealth Bank, the Commonwealth Bank, only, yeah, Commonwealth Bank, Your Honour.

Do you have multiple bank accounts with the Commonwealth Bank?---I have, yeah. I've got about five accounts, six account.

30 THE COMMISSIONER: The bank doesn't issue receipts.---Well, it shows, I get a notification.

You're talking about you receiving the receipt, as I say, you acknowledging payment by Mr Tsirekas to you, you give him a receipt acknowledging payment.---Oh, do I give him a receipt?

No, you didn't.---No, no, no, no, no.

40 That's the point.---No, sorry. I just thought it was, there's a, there's a copy of it.

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So there's no receipt?---No, no. No.

That's all right. Ah hmm.

MR DARAMS: So the only record will be, if you're correct on this, there'll be a transfer of \$9,000 from - - -?---That's correct, yeah.

Now, can you assist us again, sorry, do you recall when that payment was made?---I, I honestly can't.

10

Can you give us an approximation of time?---'18, 2018.

2018. And just in relation to why you say 2018, is there a particular event or time in 2018 that - - -?---Not at all. Oh, yeah, sorry, did I, can I, can I answer that?

Sure, if it helps.---Yeah, he had just, I know he just settled the, the settlement of property that him and his wife owned, and he's, he's always told me once he sells the property and it settles, he'll, he'll make the payment.

20

So your understanding or recollection now is the \$9,000 payment came after his property settlement?---That's my recollection, yeah.

Now, in terms of your travel to Shanghai with Mr Tsirekas, I only want to focus on trips with Mr Tsirekas, did I-Prosperity pay anything towards either your travel expenses or Mr Tsirekas' travel expenses?---2016, I believe Belinda paid the airfare.

30 Which, so is this the January 2016?---The January two thousand, yeah.

This is the one you explained to us last time. Belinda Li paid for it.---Paid for it.

You repaid her and now you're saying - - -?---Yeah, yeah.

- - - Mr Tsirekas has given you - - -?---Yeah, that's right.

40 Right. So just, so that's one, one expense that ultimately, on your evidence, I-Prosperity didn't pay anything 'cause you repaid it, is that right?---That's right. That's - - -

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What about any other expenses on any other trips that you and Mr Tsirekas have gone on to Shanghai?---They never paid for anything.

Yeah.---I can't recall them ever paying for anything.

All right. Did you ever ask them to pay for anything on any of these trips?
---Absolutely not.

10 Right.---I was, I was filthy when I realised that she'd paid for the airfare.

Why were you filthy?---Because it goes against what I believe in.

What do you mean by that?---Well, I didn't want no favours from her because I knew, you know, I'll have to give her a favour back. That's why I, you know, paid her, paid her when I paid her.

20 Well, if you were going, if you were going to Shanghai and Ms Belinda Li was there, I mean, why couldn't you have a conversation with her about the development? I mean, you were engaged by them at this stage, pulling 20-odd thousand dollars a month from them. I mean, why would you be filthy if they'd paid your airfare?---Because it'd cost me probably more in the long run.

What do you mean by that?---Well, there's never ever a free, free lunch, is there?

But you were - - -?---There's no such thing as free lunch.

30 But if I understand your evidence, you were providing all of these services to I-Prosperity. They were paying you 20-odd thousand dollars a month at this stage, January 2016.---Yeah.

If I-Prosperity, or Belinda on behalf of I-Prosperity, pays for your airfare, you have a conversation with her you talk about the development. Why isn't that the return for that? You've sat down with her, you've had a discussion with her about the development. They've paid your airfare. There's no free lunch here. You've provided your services.---No, I know how they operate. They'll, they'll always use, you know, use that against
40 you.

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(DARAMS)

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Sorry, who will use it against you?---Just any, any, any potential business associate will use that against you, you know, “We’ve done you a favour here,” you know, et cetera, et cetera.

But just help me out on that. I’m finding that hard to reconcile. You’re in a contractual relationship at this stage with I-Prosperty, correct?---Yeah.

You’re charging them a fairly significant amount of money, \$20,000 a month.---I don’t think it was significant, but go on.

10

THE COMMISSIONER: Increased to 35.---38, yeah. 35, sorry, yeah.

MR DARAMS: So you’re charging that for what you’ve described as pretty general, broad services.---Yeah.

What does it matter if they pay for your airfare? You’re in Shanghai. You go to the Chief Financial Officer, director, one of the founders’ wedding on this occasion. Why wouldn’t you, if you have a conversation with either Harry or Belinda about the development, why would that cause you any sort of problem whether they’d, if they’d paid your airfare?---Because I, I, I told Angelo that I paid for the airfare.

20

THE COMMISSIONER: But, listen, this doesn’t make sense. This is the company you went to and asked them for an advance of \$165,000.---Yeah.

You weren’t dirty at them doing that, were you?---No, absolutely not.

No, I mean, that was an act of complete generosity on their part, wasn’t it? ---Or they, I think they - - -

30

You asked for 165 grand. You don’t have to put anything to prove that you’re worth that and they agree to pay it. So you weren’t dirty at that, were you?---I think they saw talent Your Honour.

You weren’t dirty at that, were you?---No, absolutely not. No.

You were probably overjoyed.---I wouldn’t be - - -

You wanted the money, you needed the money and they gave it to you.

40

---I wouldn’t say I was overjoyed. I was, I was - - -

Sensitive

You needed and wanted the money of 165 grand. In fact you had asked for 200,000. They ended up giving you \$165,000 at your request. Correct?
---That's, that's correct, Your Honour.

Not dirty at them then.---Absolutely not.

You were overjoyed.---Absolutely.

10 Yeah. So what's this business of not wanting them to pay your airfares?
---Because, Your Honour, I - - -

It doesn't sit comfortably, does it? It's a nonsense. It's a total nonsense, isn't it, to be suggesting that you were getting dirty at them because they were paying your airfares when they gave you \$165,000 just for the asking. It doesn't stand up to common sense, does it?---Well, from where you're sitting probably it doesn't but - - -

I don't care where you're sitting.---Okay.

20 The facts - - -?---I know you don't.

The facts don't stack up, do they?---Your Honour, as I stated earlier, I told Angelo that I was paying for the airfare.

Yeah, don't make statements.---And I was, I was - - -

30 Don't make statements. The fact that they paid, you were trying to convey in your evidence that you were upset, you were dirty at them trying to pay your airfare, and here you are, you're extracting 165 grand from them. That doesn't make sense, does it?---Well, it makes sense to me.

You can see how others would see it just doesn't make sense.---I can see how, I can see how you probably see that it doesn't make sense. I, I told - - -

You could understand somebody saying that doesn't make sense.---I can see that, yeah. We've all got different views, Your Honour. A different interpretation was - - -

40 Yes. Thank you for that.

Sensitive

MR DARAMS: Mr Chidiac, just I've asked you whether I-Prosperty, and in that I include Belinda Li or any employee of I-Prosperty, whether they had paid anything towards either your or Mr Tsirekas' expenses on the travel in Shanghai and you've identified the airfare in January 2016. That's right? You've identified that as being something that I-Prosperty had paid. ---I see as Belinda paying not as I-Prosperty. Belinda.

10 Okay. So you see it as Belinda paying but not I-Prosperty. Does that mean that there were no other expenses paid by I-Prosperty or anyone on behalf of I-Prosperty in relation to your travel or Mr Tsirekas' travel to China. Is that correct?---Look, I, I can't recall them paying any other expenses.

What about Mr Fan paying – you know Mr Fan, Kevin Fan?---Kevin Fan?

Yeah.---Is that the same Kevin that I turned up to his wedding?

20 Do you recall a Mr Kevin Fan?---Kevin Fan. I know, I know, I know another Kevin in Shanghai but I don't, I didn't think he worked with I-Prosperty at all. That's a different individual.

All right. Well, just focusing on Kevin Fan. Do you know a Kevin Fan? ---I can't, I, I know a Kevin. I can't, I don't know a Fan.

Do you remember a Kevin meeting travel expenses on your behalf and Mr Tsirekas' behalf in Shanghai?---Absolutely not.

So the only expense related to Shanghai travel is the expense of the airfare in January 2016?---That's my recollection.

30 Yeah.---You've got me thinking about that Kevin Fan now.

THE COMMISSIONER: Just before you go on. Are you about to take a break or - - -

MR DARAMS: Oh, I'm at the end for - - -

THE COMMISSIONER: I need to take a break to sign some documents but you have finished?

40 MR DARAMS: I have finished.

Sensitive

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J. CHIDIAC
(DARAMS)

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THE COMMISSIONER: All right. Thank you. All right. Mr Stanton, before we adjourn is there anything you wanted to raise?

MR STANTON: No, there's nothing thank you, Commissioner.

THE COMMISSIONER: I'm sorry, I can't hear.

MR STANTON: No, there's not thank you, Commissioner.

10 THE COMMISSIONER: Thank you.

MR STANTON: Sorry, sir.

THE COMMISSIONER: Thank you, Mr Stanton. Very well. That, Mr Tsirekas [sic], completes the examination today. You may step down. ---Thank you, Your Honour.

Yes, thank you. I'll adjourn.

20

THE WITNESS STOOD DOWN [3.00pm]

AT 3.00PM THE MATTER WAS ADJOURNED ACCORDINGLY [3.00pm]

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