

OPERATION TOLOSA

INDEPENDENT COMMISSION AGAINST CORRUPTION

OPENING STATEMENT OF COUNSEL ASSISTING THE COMMISSION

26 APRIL 2022

Introduction

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1. This public inquiry is being conducted for the purposes of an investigation being undertaken by the Commission into matters relating to the City of Canada Bay Council (**Canada Bay Council**), including the conduct of its Mayor Mr Angelo Tsirekas and its former General Manager, Mr Gary Sawyer.
2. Mr Tsirekas has been an elected councillor in NSW since about 1995. Since 2002, except for a period of time between June 2016 and September 2017, he has been the Mayor of the Canada Bay Council. In June 2016, Mr Tsirekas resigned to run for the Labor Party in the seat of Reid at the 2016 Federal Election. He was unsuccessful. Mr Tsirekas ran again for Mayor at the 2017 local government elections for the Labor Party and was elected as Mayor. Mr Tsirekas was most recently elected Mayor at the local government elections in December 2021, this time representing the Our Local Community party.
3. Mr Sawyer commenced employment as General Manager of the Canada Bay Council in May 2006. He remained in that position until June 2018 and is currently retired. Prior to commencing employment with the Canada Bay Council, Mr Sawyer was employed as the General Manager of Kogarah Council. When he was employed at Kogarah Council, Mr Sawyer was approached by the then General Manager of the Botany Bay Council, who was previously the Labor mayor of the Drummoyne Council, to enquire whether Mr

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Sawyer would be interested in applying for the General Manager position at the Canada Bay Council. I expect the evidence this public inquiry will receive will be that Mr Sawyer was approached at the request of Mr Tsirekas.

4. The Commission is investigating whether:
 - a. since 2012, Mr Tsirekas has partially exercised his official functions to favour the interests of Billbergia Pty Ltd, Prolet Constructions Pty Limited and Joseph Chidiac, in relation to planning matters affecting those companies and deliberately failed to declare or properly manage any conflict of interest arising from his relationships with representatives of Billbergia Pty Ltd, Prolet Constructions Pty Limited and Mr Chidiac.
 - b. since 2015, Mr Tsirekas partially exercised his official functions to favour the interests of Frank Bruzzano in relation to the Development Application for 168-172 Victoria Road, Drummoyne and deliberately failed to declare or properly manage any conflict of interest arising from his relationship with Mr Bruzzano.
 - c. since 2015, Mr Tsirekas:
 - i. sought and/or accepted benefits as an inducement or reward for partially and dishonestly exercising his official functions to favour the interests of the I-Prosperity Group and Mr Chidiac, in relation to planning matters affecting 1-9 Marquet Street and 4 Mary Street Rhodes.
 - ii. deliberately failed to declare or properly manage any conflict of interest arising from his relationships with representatives of the I-Prosperity Group and Mr Chidiac.
 - d. since 2015, the I-Prosperity Group and Mr Chidiac provided benefits, including overseas flights and accommodation, to Mr Tsirekas, as a reward or inducement to favour their interests in relation to Council

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decisions regarding planning matters affecting 1-9 Marquet Street and 4 Mary Street Rhodes.

- e. since 2015, Mr Tsirekas has partially and dishonestly exercised his official functions and failed to disclose the nature of his relationship with Francesco Colacicco, in relation to the sale of Canada Bay Council Property at 231 Victoria Road Drummoyne and development applications/planning proposals associated with Mr Colacicco, in return for a financial benefit.
 - f. between May 2015 and January 2018, Mr Sawyer partially and dishonestly exercised his official functions and failed to disclose the nature of his relationship with Mr Colacicco, in relation to the sale of Canada Bay Council property at 231 Victoria Road, Drummoyne and the associated development application.
5. As an elected official and employee respectively, Mr Tsirekas and Mr Sawyer were required to comply with the Canada Bay Council's *Code of Conduct (Code)* made for the purposes of section 440 of the *Local Government Act 1993 (NSW)*. Very broadly, the Code obligated them to:
- a. identify and then avoid, or appropriately manage, conflicts of interest; and
 - b. avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from them or the Council.
6. The Code defines conflicts of interest to exist where a reasonable and informed person would perceive that an elected councillor or employee could be influenced by a private interest when carrying out a public duty. Conflicts of interest are defined as pecuniary or non-pecuniary. Non-pecuniary interests can arise out of friendships. The closeness of that relationship being defined by the nature of that friendship, the frequency of contact and the duration of the

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friendship. The closer the relationship, the more onerous the obligations to manage the conflict.

7. The Code makes it clear that it is the personal responsibility of councillors and employees to comply with the standards in the Code. It is also their personal responsibility to regularly review their personal circumstances with that in mind.
8. A failure to comply with the standards of conduct prescribed by the Code by a councillor constitutes misconduct for the purposes of the *Local Government Act*, and for an employee it may give rise to disciplinary action.
9. A matter this public inquiry will be examining in some detail is the relationships between Mr Tsirekas and Mr Sawyer and persons involved directly and indirectly on matters, including planning matters, before Canada Bay Council since 2012.
10. In addition to the evidence of the relationships between Mr Tsirekas and Mr Sawyer and those persons, I expect this public inquiry will receive evidence of various interconnections between those persons too. For example, as will be explained shortly, Mr Chidiac was engaged to provide services to both Billbergia and the I Prosperity Group. Mr Chidiac travelled overseas on a number of occasions with Mr Tsirekas and Mr Colacicco. Mr Chidiac's accountant was Mr Bruzzano, who was also the accountant for Prolet Constructions and its directors, Joseph and Pierre Jacob. Mr Colacicco introduced the opportunity to purchase the properties at 227 and 231 Victoria Road to another friend of Mr Tsirekas'. According to records obtained from Racing NSW, Mr Sawyer has been involved in a syndicate with Mr Colacicco since 2012 that has owned shares in racehorses. The nature and the extent of those relationships and the effect they had on the exercise of Mr Tsirekas' and Mr Sawyer's official functions is at the heart of the Commission's investigation.
11. The Commission's investigation and this public inquiry is being carried out in furtherance of its function to investigate, expose and prevent corruption involving or affecting public authorities and public officials. In that regard corrupt

conduct under the *Independent Commission Against Corruption Act 1988* (NSW) (**ICAC Act**) includes:

- a. any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority; and
 - b. any conduct of a public official or former public official that constitutes or involves a breach of public trust.
12. Given the nature of the evidence expected to be received by this public inquiry, they are matters that are likely to be centrally relevant to the Commission's deliberations in this investigation. I anticipate that the evidence from the Commission's investigation and public inquiry will support the making of recommendations under the ICAC Act to prevent or reduce the likelihood of corruption occurring in both local government and environmental planning in NSW.
13. I now wish to briefly introduce some of the specific details of matters being investigated and persons relevant to that investigation.

The principal areas for investigation

The I Prosperity Group and its planning proposal

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14. In the period late 2015 to 2017, the I Prosperity Group purchased properties located at 1 - 9 Marquet Street and 4 Mary Street Rhodes (the **Land**). The I Prosperity Group included the companies **SLIDE 3** I Prosperity Pty Limited (**I Prosperity**) and I Prosperity Waterside Rhodes Pty Limited (**IPW**). The directors of I Prosperity were Michael Gu and Harry Huang. Mr Huang and a

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Ms Belinda Li were the directors of IPW. Gu, Huang and Li are all Chinese nationals. Both companies are now in liquidation. The collapse of I Prosperity and its associated companies has been particularly spectacular. Mr Gu and Mr Huang fled Australia in July 2020 and have not returned amid claims that companies associated with them and I Prosperity misappropriated investors' money. Ms Li will give evidence before this public inquiry, but neither Mr Gu nor Mr Huang will give evidence.

15. The I Prosperity Group proposed to redevelop the Land to build a high-rise apartment block. In May 2016, it submitted a planning proposal to Canada Bay Council to build a tower 127m tall with approximately 399 apartments on the Land, with the exception of 1 Marquet Street. At the time, under the applicable *Local Environmental Plan*, the maximum permitted height of a building was 23m. A revised planning proposal was submitted to Canada Bay Council in January 2017, which included the property at 1 Marquet Street. The revised proposal was to allow for a future development application to construct an apartment block 117m tall with 350 apartments. Subsequent planning proposals in respect of the Land were submitted to Canada Bay Council in May 2017 and April 2018.
16. Mr Chidiac has been a friend of Mr Tsirekas since about 2010. He has assisted Mr Tsirekas in local and federal elections. Mr Chidiac is the principal of a business by the name of Online Security Services (**Online Security**). I expect this public inquiry will receive evidence that the services that Mr Chidiac provides through Online Security are in the nature of advisory services and dispute resolution, and that he has no skills in town planning, but is able to advise as to who is a good town planner, lawyer or architect. In that regard, I expect that this public inquiry will receive evidence that Mr Chidiac effectively sold his services to clients, including the I Prosperity Group, on the basis that he could introduce them to people and his clients could then draw upon his relationships with those persons.
17. The Commission has obtained evidence that Mr Chidiac was engaged to provide his advisory services to both I Prosperity Group and Billbergia during

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periods of time when both had planning applications and proposals before Canada Bay Council. **SLIDE 4** In relation to the I Prosperity Group, in the period December 2015 to October 2018, it paid Mr Chidiac in excess of \$1.4m. The evidence the Commission has obtained is that for the period December 2015 to May 2016, Mr Chidiac was charging the I Prosperity Group approximately \$20,000 per month for his services. From June 2016, Mr Chidiac started charging the I Prosperity Group \$35,000 per month for his services. In June 2016, in addition to his monthly fee, Mr Chidiac also received a payment of \$181,500 from the I Prosperity Group.

18. Another person known to Mr Tsirekas, a town planner Mr David Furlong, was also engaged by the I Prosperity Group in early 2016 to act for it in relation to its planning proposal. Mr Furlong had previously worked at the Canada Bay Council in the period 2000 to 2004 (and for Drummoyne Council immediately prior to that period). I expect the evidence will be that Mr Furlong was a friend of Mr Tsirekas at the time that he was engaged by the I Prosperity Group and that, among other things, had previously provided planning advice to Mr Tsirekas' partner, Heather Crichton. A matter that the Commission will explore in this public inquiry is whether Mr Furlong was engaged by I Prosperity on the recommendation of Mr Tsirekas.
19. I expect the evidence this public inquiry will receive is that Mr Tsirekas met with Mr Gu on 14 October 2015 in a café in Rhodes. Later that day Mr Tsirekas forwarded an email he had received from Mr Gu about his meeting with Mr Tsirekas to Mr Chidiac. Mr Tsirekas sent that email from his personal email and not his Canada Bay Council email address. A matter that the Commission will explore in this public inquiry is whether Mr Chidiac was engaged by the I Prosperity Group on the recommendation of Mr Tsirekas.
20. Thereafter, commencing in November 2015, Mr Tsirekas and Mr Chidiac started travelling to Shanghai in China **SLIDE 5**. They travelled to Shanghai again in January 2016, August 2016, November 2017, March 2018 and January 2019. On some trips they were accompanied by other friends of Mr Tsirekas,

including Mr Colacicco. On other trips it was just Mr Tsirekas and Mr Chidiac. Mr Tsirekas also travelled to Shanghai without Mr Chidiac in April 2016 and October 2018.

21. I expect that there will be evidence before this public inquiry that the I Prosperity Group and Mr Chidiac funded Mr Tsirekas' expenses on some of these trips to Shanghai. For example, I expect there to be evidence that the I Prosperity Group paid for Mr Tsirekas' accommodation at the Langham Hotel in Shanghai on the January 2016 trip and Mr Chidiac paid for Mr Tsirekas' flights to Shanghai. I expect that there will be evidence before the public inquiry that the I Prosperity Group paid for some of the entertainment and travel expenses incurred by Mr Chidiac and Mr Tsirekas on this trip.
22. In addition to Mr Tsirekas' travel to Shanghai with Mr Chidiac, Mr Tsirekas travelled overseas **SLIDE 6** with Mr Chidiac to Lebanon in October 2016, and the United States in October 2016, October 2017 and October 2018. I expect that this public inquiry will receive evidence that Mr Chidiac funded Mr Tsirekas' expenses for the Lebanon trip in October 2016.
23. Mr Tsirekas travelled overseas on a further 10 occasions in the period November 2016 to June 2019. To be clear, from November 2015 and June 2019, the evidence is expected to show Mr Tsirekas went overseas on 24 occasions and that on many of these occasions this was in the company of Mr Chidiac. From June 2016, Mr Tsirekas has been unemployed and since September 2017 his only source of regular income has been his mayoral stipend of approximately \$60,000 per annum.
24. A matter that the Commission will explore in this public inquiry is:
 - a. the extent to which Mr Tsirekas sought or received benefits from Mr Chidiac or the I Prosperity Group including in respect of his travel to the Shanghai; and

- b. if so, the extent to which that was given or received as an inducement or reward for partially and dishonestly exercising his official functions to favour the interests of the I-Prosperty Group and Mr Chidiac.
25. In that regard, at no stage during the period 2015 to 2019 did Mr Tsirekas disclose or declare any interest – either pecuniary or non-pecuniary – arising out of his relationships with Mr Chidiac, Mr Furlong, Ms Li, Mr Huang or Mr Gu notwithstanding that:
- a. On 31 May 2016 he facilitated Mr Furlong making amendments to a draft Canada Bay Council resolution that was prepared by Canada Bay Councillor Neil Kenzler on 30 May 2016. The Commission has received evidence that Mr Tsirekas forwarded the draft resolution to Mr Furlong after he, and other Canada Bay Councillors, received it on 30 May 2016. Mr Furlong drafted amendments which were to the benefit of the I Prosperity Group, and sent the draft resolution back to Mr Tsirekas on 31 May 2016. The resolution as amended by Mr Furlong was then considered at a Canada Bay Council meeting on 31 May 2016. The amended resolution was passed, with Mr Tsirekas voting in favour of the amended resolution. A consequence of the amendment was that the I Prosperity Group’s planning proposal, which although submitted approximately 7 days earlier proposing an uplift in height from 23m to 127m whose impact had not been assessed by council’s planning staff, would be considered at the same time as Billbergia’s amended planning proposal.
 - b. On 15 May 2018, Mr Tsirekas attended a Canada Bay Council meeting and voted in favour of a Canada Bay Council resolution approving the I Prosperity Group’s amended planning proposal for the Marquet Street/Walker St development and in favour of submitting it to the Department of Planning for Gateway determination.

- c. On 19 February 2019, Mr Tsirekas attended a Canada Bay Council meeting and voted in favour of a resolution to resubmit I Prosperity Group's planning proposal for Gateway determination.

Billergia and Prolet Constructions Pty Limited

26. Billergia Pty Limited (**Billergia**) is long established property development company. Its directors are brothers John Kinsella and William Kinsella. Prolet Constructions Pty Limited (**Prolet**) is also property development company. Its directors are brothers Joseph Jacob and Pierre Jacob.
27. During the period 2008 to 2019, both Billergia (through its associated companies) and Prolet (through its associated companies) acquired several properties located within the Rhodes Peninsula for the purposes of redevelopment. Billergia purchased properties in the area located to both the east and the west of the Rhodes Railway Station for that purpose. Prolet purchased properties located to the east of the Rhodes Railway Station for that purpose.
28. In terms of the area located to the west of the Rhodes Railway Station, or Rhodes West, between 2008 and 2017, Billergia purchased properties located on Marquet and Walker Streets **SLIDE 7**. It then proceeded to develop that land constructing two residential towers and commercial/retail space. In the period December 2012 to March 2016, matters relating to Billergia's planning proposal for that development in Rhodes West came before Canada Bay Council on numerous occasions. Mr Tsirekas voted in favour of resolutions relating to the proposals and made no declarations or disclosures in relation to his relationship with Billergia or the Kinsella brothers.
29. In terms of the area located to the east of the Rhodes Railway Station, or Rhodes East, between 2014 and 2019, Prolet and Billergia purchased properties on Blaxland Road, Concord Road, Denham Road and Llewellyn Street. Those properties remain undeveloped and no approvals have yet been

granted to either Billbergia or Prolet. However, matters relating to the proposed development of the Rhodes East area – including the area in which both Billbergia and Prolet own property - came before Canada Bay Council and Mr Tsirekas voted in respect of resolutions on those matters and did not declare or disclose any interest in relation to his relationships with Billbergia or Prolet Constructions.

30. In that regard, I expect that this public inquiry will receive evidence of the relationships between Mr Tsirekas on the one hand and Billbergia and Prolet on the other including that:
- a. commencing in about 2012, Mr Tsirekas attended dinners, lunches and other functions with Mr Kinsella, including at his invitation and where Mr Kinsella attended at Mr Tsirekas' invitation.
 - b. as noted above, Mr Tsirekas' friend Mr Chidiac was engaged to provide services to Billbergia. The evidence the Commission has obtained establishes that in the period September 2015 to July 2018 **SLIDE 8**, Billbergia (and an associated company) paid \$550,000 to Mr Chidiac for his services. I expect that this public inquiry will also receive evidence that Mr Chidiac negotiated an agreement with companies associated with Prolet and the Jacob brothers to provide his services, again for substantial reward, to those companies.
 - c. Mr Tsirekas and Joseph Jacob have been friends for approximately 10 years. During that time they have socialised in Australia and overseas.
 - d. Mr Joseph Jacob has – on behalf of others - also sought Mr Tsirekas' assistance in respect of development applications that those other persons have lodged with Canada Bay Council and Mr Tsirekas has provided that assistance.

31. The public inquiry will investigate whether Mr Tsirekas deliberately failed to declare or disclose his relationships with Billbergia, Prolet and Mr Chidiac and the reasons why he did that.

168 – 172 Victoria Road, Drummoyne and Frank Bruzzano

32. Frank Bruzzano is an accountant who operates his accounting business from offices located next door to Mr Tsirekas' residence in Drummoyne.
33. Mr Bruzzano is also the accountant for the Jacob Brothers and their companies, including Prolet.
34. In the period 2015 to 2019, Mr Bruzzano was also the accountant for Mr Chidiac.
35. Mr Bruzzano is the owner of property located at 168 – 172 Victoria Road, Drummoyne. On 24 May 2016, a development application that Mr Bruzzano lodged in respect of the land situated at 170 – 172 Victoria Road came before Canada Bay Council and Mr Tsirekas voted in favour of a resolution granting deferred commencement consent to the application, which was to build 7 studio and five 1 bedroom apartments over 4 levels. I also expect that this public inquiry will receive evidence that Mr Tsirekas attended a number of meetings with Mr Bruzzano in 2015 at which Mr Bruzzano's proposed development over the property was discussed. Mr Tsirekas did not disclose or declare any interest arising from his relationship with Mr Bruzzano.

231 Victoria Road, Drummoyne and Frank Colacicco

36. Mr Colacicco is a real estate agent previously operating out of Drummoyne. He is a long time friend of Mr Tsirekas, having known him for approximately 20 years. The public inquiry will hear evidence demonstrating the closeness of the friendship between Mr Colacicco and Mr Tsirekas. The evidence will include that:

- a. In 2018, Mr Colacicco lent Mr Tsirekas \$21,000. The loan was made up of 4 separate transactions. An electronic transfer of \$10,000, a subsequent electronic transfer of \$5,000 and then two cash transactions in the amount of \$3,000 each. Mr Tsirekas failed to disclose or declare any part of that loan in his disclosure of pecuniary interests in August 2018.
- b. As noted earlier, Mr Colacicco travelled to Shanghai with Mr Tsirekas in November 2015, November 2017, March 2018 and January 2019. Mr Colacicco and Mr Tsirekas also travelled together to Dubai in February 2016. Mr Colacicco funded some of Mr Tsirekas' travel expenses in relation to this trip.
- c. On 24 December 2015 Mr Tsirekas executed a contract for sale to purchase a unit off the plan in a development located at 252 - 256 Liverpool Road, Ashfield (**Ashfield Unit**). The price was \$994,700. The deposit of \$99,470 was paid in two parts. The first part amounting to \$49,735 was paid in two payments in **SLIDE 9** December 2015 and February 2016 from funds that came from a bank account of a company called Machonic Pty Limited (**Machonic**). Machonic was registered on 14 November 2014. Mr Colacicco was its sole director. Its sole shareholder was another company, Four 11 Pty Limited, which in turn was owned by Mr Colacicco, and Mr Colacicco was the sole director of that company. Machonic opened a bank account with the Commonwealth Bank on 14 January 2015. Thereafter, a number of cash deposits were made into the bank account ranging in amounts from \$1,250 to \$10,000. Once the first part of the deposit for the Ashfield Unit had been paid, the bank account was closed and Machonic was wound up on 30 May 2016. The second part of the deposit was subsequently paid by Mr Tsirekas in September 2016.

37. Matters that this public inquiry will explore include the purpose for which Machonic was formed and from where the amounts of cash that were deposited into its bank account originated.
38. In September 2018, Mr Tsirekas rescinded the contract to purchase the Ashfield Unit. The deposit including that part that was paid the funds emanating from the Machonic bank account (less approximately \$23,000 in expenses) was returned to Mr Tsirekas in December 2018.
39. In 2015, Canada Bay Council owned property located at 231 Victoria Road, Drummoyne. The property was being used as a carpark. An adjoining property was located at 227 Victoria Road. **SLIDE 10**. The suitability for consolidation and development of the properties was obvious.
40. The opportunity to purchase 227 Victoria Road from its then owners arose in 2015. An employee of Mr Colacicco's then real estate business, Cobden and Hayson Drummoyne, was approached to handle the sale on behalf of the owners of 227 Victoria Road. The property was sold in June 2016 for \$2.3m to three companies; Drummoyne 888 Pty Limited, Sydney City 227 Pty Limited and Victoria RM Pty Limited. Mr John Bartolotta was the sole director of each of the companies on registration.
41. I expect the public inquiry will receive evidence that Mr Bartolotta appeared on the public records as the director, the interests those companies represented were those associated with Mr Bartolotta, and two other friends, including Mr Colacicco. I expect the public inquiry to hear that there was a partnership between Mr Bartolotta, Mr Colacicco and another friend, where each had a 1/3 interest in the partnership, and the purpose of that partnership was to purchase the properties at 227 and 231 Victoria Road and develop the properties.
42. In relation to 231 Victoria Road, in May 2015, Mr Bartolotta met with the Canada Bay Council's Manager Buildings & Property, Kent Walton, to discuss the potential purchase of 231 Victoria Road and the redevelopment of that and 227

Victoria Road. At that time, Mr Walton reported to the Director, Technical Services & Operations, Mr John Osland, who in turn reported to Mr Sawyer. As just noted, whilst it was Mr Bartolotta negotiating with the Canada Bay Council for the purchase of 231 Victoria Road, he was also doing that on behalf of Mr Tsirekas' friends, including Mr Colacicco.

43. The possible sale of 231 Victoria Road was discussed in Canada Bay Council in early 2016. On 1 March 2016, Canada Bay Council met in closed session to discuss the possible sale of 231 Victoria Road. Canada Bay Council resolved to authorise Mr Sawyer to continue discussions with the owners of 227 Victoria Road in relation to the proposed development of the properties. Mr Walton was the Canada Bay Council employee who was tasked to continue the negotiations on behalf of the Canada Bay Council.
44. On 22 March 2016, Mr Bartolotta wrote to the Council offering to purchase 231 Victoria Road for \$1.8m, plus \$1,000 per square metre above a proposed GFA of 1,917 square metres. On 8 April 2016, Mr Walton received a written valuation from an independent valuer that valued 231 Victoria Road between \$2.4m to \$2.6m. Based on the valuation received, Mr Walton sent a counter offer to Mr Bartolotta on 17 May 2016. The counter offer was for \$2.25m, plus \$1,000 per square metre above the allowable GFA of 1,773 square metres, with a settlement period of 6 months.
45. On 20 May 2016, Mr Walton took a period of sick leave that was only anticipated to be for a "few days". On 24 May 2016, while Mr Walton was on sick leave, Mr Bartolotta sent a further offer in writing to the Canada Bay Council. The letter was addressed to Mr Osland this time. The offer from Mr Bartolotta was for \$2.1m, plus \$1,000 per square metre above the allowable GFA of 1,773 square metres and for a settlement period of 18 months.
46. On 26 May 2016, Mr Osland prepared a report which recommended that Canada Bay Council endorse the sale of the property on the terms set out in Mr Bartolotta's offer of 24 May 2016. At a Canada Bay Council meeting on 31 May 2016, it resolved to adopt that recommendation. Mr Tsirekas voted in

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favour of the resolution. He did not declare or disclose any interest involving his relationship with Mr Colacicco.

47. The matters that the public inquiry will explore in relation to the sale of 231 Victoria Road include:
 - a. why the sale of the property was progressed in the absence of Mr Walton;
 - b. who determined that Canada Bay Council should progress the sale in Mr Walton's absence;
 - c. why it was recommended that Canada Bay Council endorse the sale on terms inferior to those that Mr Walton had offered on 17 May 2016; and
 - d. whether Mr Tsirekas knew of Mr Colacicco's involvement in the purchase of the property.
48. Canada Bay Council executed a contract for sale on 8 November 2016 which required that completion occur by 8 May 2018. In March 2018, the purchaser sought a further 6 months by which to complete the contract. On 15 May 2018, Canada Bay Council resolved to extend the time for completion for a period of up to 6 months. Mr Tsirekas voted in favour of the resolution and did not declare or disclose any interest relating to Mr Colacicco's involvement in the transaction.
49. The public inquiry will also explore whether Mr Colacicco's relationships with either or both of Mr Sawyer and Mr Tsirekas influenced or impacted on any of these matters. I have already briefly touched upon matters pertaining to the relationship between Mr Colacicco and Mr Tsirekas, but I expect the public inquiry will receive evidence that as at May 2016, Mr Sawyer was also friends with Mr Colacicco. The evidence expected to be received includes that Mr Tsirekas introduced Mr Sawyer to Mr Colacicco after he started with the Canada Bay Council, that in about 2012, at the invitation of Mr Colacicco, Mr

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Sawyer became involved in a syndicate or group that owned racehorses and that Mr Sawyer socialised with Mr Colacicco and his wife outside his work with the Council.

50. Finally, the Commission's investigation is ongoing. This public inquiry is an important part of that process. Whilst it is pertinent to observe that this Commission is not a court, persons who appear before it, including during any compulsory examinations, are required to give their evidence honestly. It is an offence not to do so. It also means issues pertaining to the credit of witnesses appearing before this Commission will invariably need to be canvassed as part of the Commission's investigation. It is therefore vital that those that appear before this public inquiry heed that obligation.

JAMIE DARAMS

COUNSEL ASSISTING THE COMMISSION