

**ITEM 13.3 NOTICE OF MOTION - COUNCILLOR FERGUSON – OPERATION TOLOSA**

Submitted by: Councillor Andrew Ferguson

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**MOTION**

That:

1. The Council notes that following its investigation titled Operation Tolosa which examined the conduct of Angelo Tsirekas, the City of Canada Bay Mayor, in relation to planning matters involving a number of developers and the conduct of those developers in their interactions with Angelo Tsirekas, the Independent Commission Against Corruption:
    - a) Found that Angelo Tsirekas engaged in serious corrupt conduct by:
      - between November 2015 and February 2019, seeking and/or accepting benefits from I-Prosperity and/or Mr Chidiac, including overseas flights and accommodation, to the value of at least \$18,800, as an inducement or reward for exercising his official functions to favour the interests of I-Prosperity in relation to planning matters affecting 1–9 Marquet Street and 4 Mary Street, Rhodes, that came before the Council during the periods he was mayor.
      - between November 2015 and February 2019, deliberately failing to disclose a conflict of interest arising from his relationships with representatives of I-Prosperity and Mr Chidiac, when he knew he was required to do so.
    - b) Is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of Angelo Tsirekas
      - for an offence of misconduct in public office and offences pursuant to s249B of the Crimes Act 1900 (NSW)
      - for offences of providing false or misleading evidence to the Commission contrary to s 87 of the ICAC Act.
    - c) Is of the opinion that consideration should be given to the suspension of Mr Tsirekas from civic office with a view to his dismissal in relation to the serious corrupt conduct findings set out in chapter 4 of the Operation Tolosa report.
  2. That Council:
    - a) expresses grave concern with the reputational damage to the City of Canada Bay Council arising from the proceedings, evidence and most significantly the findings of the investigation referred to in 1 above.
    - b) notes that following the Inquiry, Angelo Tsirekas returned from leave of absence and resumed his role as Mayor with full receipt of the Mayoral fee from Council.
    - c) calls on Angelo Tsirekas to put the interests of council, council staff, ratepayers and our community first and resign from office.
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