

INDEPENDENT COMMISSION AGAINST CORRUPTION

**RECORD OF INTERVIEW BETWEEN INVESTIGATOR SIMON BERRY,
INVESTIGATOR LISA STOCKELY AND MARK ADLER AT LEVEL 7, 255
5 ELIZABETH STREET SYDNEY ON 16TH MAY, 2017.**

TIME: 06:02 PM

**PRESENT: SIMON BERRY
LISA STOCKLEY
10 MARK ADLER**

BERRY: So this is an electronically recorded interview. The date is the 16th of
May, 2017 the time is now two minutes past six 'PM'. For the record my
name is Simon Berry I'm an Investigator with the Independent
Commission Against Corruption, and this interview is being conducted at
15 the ICAC offices in Sydney. Also present (UNINTELLIGABLE) seated
to my right is an Investigator Lisa Stockley, and directly in front of me is
Mr Mark Adler. For the purposes of voice transcription can - when I
point to you just state your full name.

STOCKLEY: Lisa Stockley.

20 ADLER: Mark Adler.

BERRY: Alright Mark do you agree that apart from myself, Lisa and you there's
no one else in this interview room?

ADLER: That's right yeah.

BERRY: Alright. Do you agree that I told you prior to this interview that this is a
25 voluntary interview and you do not have to participate?

ADLER: Yes.

BERRY: And do you agree that I told you that anything – that pursuant to
Independent Commission Against Corruption Act it's an offence to
deliberately to provide false or misleading information to an officer of
30 the Commission exercising their functions under the Act. So any
information you provide in this interview must be true and correct to the
best of your knowledge and belief do you understand that?

ADLER: Absolutely.

BERRY: And you don't have to answer thing – anything if you don't want to.
35 Okay so you – you're clear on that?

ADLER: Yeah.

BERRY: Okay. As I've explained to you prior to this interview Mark that the
Commission is conducting some investigations into the former
Canterbury Council and it's a fairly wide ranging investigation. Our
40 approach to you on this basis is that we would like to get some general
information off you. Some of the, you know, the general information
will be about what you may have seen or heard or –

ADLER: Yeah.

BERRY: - or observed. Some of the other matters we wish to speak to you about is specific in relation to engagement of Spiro Stavis to the Director of City Planning. The – the involvement of Michael Hawatt and Pierre Azzi as councillors in various matters [REDACTED]

5 [REDACTED] And - so they're generally the matters I'd like to speak to you about.

ADLER: Yeah.

10 BERRY: So I think from my understanding you were a councillor at that particular council?

ADLER: I was, yes.

BERRY: Can you tell me what range – or what date range were you a councillor there for?

15 ADLER: I was elected in 1995, and I held office until the 12th of May last year.

BERRY: Okay –

ADLER: When the Government –

BERRY: - and then (UNINTELLIGABLE) amalgamated the council.

ADLER: That's right yes.

20 BERRY: Okay. You're a Labor affiliated?

ADLER: Labor councillor yes. Absolutely –

BERRY: Okay.

ADLER: - and proudly so.

BERRY: And I think earlier you mentioned that whilst you were a councillor you held a position in NSW Health is that correct?

25 ADLER: That's correct.

BERRY: Okay and –

ADLER: Well – well actually I worked for Telstra –

BERRY: Telstra yeah.

30 ADLER: - (UNINTELLIGABLE) 2001.

BERRY: Ehm.

ADLER: And then I worked for NSW Health after that.

BERRY: Okay, and just for the record your position in NSW Health?

ADLER: Ah the position is called Technical Architect.

35 BERRY: Ehm.

ADLER: And I work in E-Healths NSW.

BERRY: I see, and I – I think from memory you said it was more a strategic and planning type position?

ADLER: That's right it is.

BERRY: Okay.

5 ADLER: Yeah.

BERRY: And you still currently work there is that correct?

ADLER: Yes.

BERRY: Wonderful okay. What led you to become a councillor at Canterbury?

10 ADLER: Well I was committed to Labor principles and I wanted to become a publicly elected representative of Labor parties so I could fight for the interest of the community and so I – I – I sought office through the party's pre-selection processes and – and was selected as a candidate and subsequently won in 1995.

BERRY: And was that at Canterbury?

15 ADLER: Yes.

BERRY: And why Canterbury did you live in the area?

ADLER: Yes I did.

BERRY: And do you still reside there?

ADLER: Yes.

20 BERRY: Okay for the record could we get your home address please?

ADLER: Yes. [REDACTED] –

BERRY: Yep.

ADLER: - Canterbury Road, Canterbury.

BERRY: Ehm.

25 ADLER: There's two Canterbury's in there.

BERRY: Yep, that's okay. Okay. Were there any agreements between councillors as to who would sit as Mayor and Deputy Mayor?

ADLER: Okay. The Mayor was popularly elected.

BERRY: Ehm.

30 ADLER: And so the – the Labor Mayors went through a process of pre-selection and then they were elected popularly at the council elections. But the positions of Deputy Mayor were elected – that was elected directly from the councillors.

BERRY: So there was some agreement between councillors who would sit in that role is – is that pre-agreement or is that just voted on at the time?

35 ADLER: Okay, it was voted on at the time however the Labor councillors were bound to adhere to caucus decisions in relation to the election of the Deputy Mayor and other things.

- BERRY: I see, alright. In so far as the numbers at council who – who was in control at council and –
- ADLER: Well (UNINTELLIGABLE) –
- BERRY: - from 1995 onwards?
- 5 ADLER: Okay.
- BERRY: In broad terms.
- ADLER: Okay, Labor.
- BERRY: Labor. Right.
- ADLER: But yeah, go on yeah.
- 10 BERRY: Yeah you were about to say something?
- ADLER: Oh look, Labor was elected with a majority in 1995, there were five Labor councillors out of ten so the Mayor had the casting vote and subsequent elections later improved it's position. There were times when it had six seats and I think seven I'd have to check it.
- 15 BERRY: Okay. I'll take your memory to 2014 and '15 period.
- ADLER: Yeah.
- BERRY: What was the – the division of councillors at that stage? Who held the balance of power?
- ADLER: Well there was a council election in 2012.
- 20 BERRY: Ehm.
- ADLER: And that produced a Labor majority on council, but of course on a number of matters there – there weren't sort of party votes it didn't always go along party lines.
- BERRY: Right okay. And can you explain why that was? Why didn't it go along party lines?
- 25 ADLER: Well, the Labor Party has a rule that there's to be no caucus decisions on spot re-zonings or particular development applications and later on the – the State Government introduced a requirement through the (UNINTELLIGABLE) of Local Government which said that people couldn't engage in binding caucus decisions anymore, but you – you probably worked all that out yourself.
- 30 BERRY: Fair enough. Now insofar as your involvement with councillors –
- ADLER: Yeah.
- BERRY: - from 1995 onwards –
- 35 ADLER: Yeah.
- BERRY: Did you happen to have interactions with councillor Hawatt, Michael Hawatt?
- ADLER: On a number – a – a whole range of occasions.

- BERRY: Okay, in your terms can you summarise your involvement with him. Was it on purely council related matters or did you have a friendship of any sort with him?
- 5 ADLER: Okay my dealings with him were as a councillor and I – I treated all the councillors with respect. I liked some of them, I didn't like others of them, but my dealings with him were – were on council matters.
- BERRY: Did you have a personal relationship with Michael?
- ADLER: What do you mean with that?
- BERRY: Did you used to socialise with Michael?
- 10 ADLER: Not outside of council, political (INAUDIBLE) –
- BERRY: Alright –
- ADLER: - stuff.
- BERRY: - from my understandings that at the end of some of council meetings you might go back to the chambers and have coffee or drinks and talk –
- 15 ADLER: That's right, yeah.
- BERRY: But outside of that did you used to go to barbeques or dinners with him at his house or other people's houses with him?
- ADLER: I – I did – I did got to his house on a few occasions.
- BERRY: I see.
- 20 ADLER: But it was only to discuss council affairs.
- BERRY: I see. How would you term your relationship with him?
- ADLER: Just a second. Sometimes good, sometimes bad.
- BERRY: And what were the bad things?
- ADLER: Oh look we had a whole range of disagreements over the years.
- 25 BERRY: Ehm.
- ADLER: He was of a different political view to me.
- BERRY: And what party did he belong to?
- ADLER: He belonged to the Liberal Party.
- BERRY: Okay. W - in – in so far as Pierre Azzi can you – same sort of questions. Can you give me a – a run down of how you got on with Pierre, what party did he belong to, did you have a social relationship with him?
- 30 ADLER: Okay, how did I get on with him? Sometimes good, sometimes –
- BERRY: Sometimes (INAUDIBLE) –
- ADLER: - bad, this happens in politics. And did I have a social relationship with him? No. Did I talk to him from time to time when he was on the council? Yes I did.
- 35

- BERRY: Ehm. Insofar as the party lines would you vote with Michael Hawatt and Azzi on some things or was it strictly Labor versus Liberal type attitude in the council?
- 5 ADLER: Okay, look it became particularly on the last council, a whole lot more complicated. And – but look on all occasions I voted in accordance with what Labor policy was or my understanding of it. But of course there was no policy on development applications, or re-zonings and so forth.
- BERRY: So my understanding of what you're telling me is that it was up to you to make the decision on development applications or re-zoning.
- 10 ADLER: That's exactly right. And every one of them that went through I made my decisions up on the basis of what I considered to be the planning (INAUDIBLE) otherwise (INAUDIBLE) –
- BERRY: Okay. Insofar as the general manager Jim Montague how did you find him and how did you get on with him?
- 15 ADLER: Okay, at the beginning I got on with him okay, but on the last council the relationship soured.
- BERRY: And why?
- ADLER: I – I thought that he was too dictatorial.
- BERRY: I see. Do you a fellow by the name of Bechara Khouri?
- 20 ADLER: Oh hang on. Yes I do.
- BERRY: Okay can you explain how you know Bechara and what your involvement with him is?
- ADLER: Oh okay. I knew him in the late 1990's early 2000's.
- BERRY: I see.
- 25 ADLER: And that was through Labor Party business and I didn't have anything to do with him for a whole number of years. I might have met him a couple of times, and I – I haven't had anything to do with him at all since the – mid – oh sorry late 1990's early 2000's.
- BERRY: Right. And what was your understanding of what Bechara did?
- 30 ADLER: I never knew.
- BERRY: I see, alright.
- ADLER: I – I knew he was a business man.
- BERRY: Ehm. Did you ever meet Bechara at Hawatt's house?
- ADLER: No.
- 35 BERRY: Okay. On those occasions you may have attended Mr Hawatt's house to talk about council business were other councillors or staff there?
- ADLER: Hang on (UNINTELLIGABLE) – other councillors were.
- BERRY: And who were they?
- ADLER: Pierre –

- BERRY: Yes.
- ADLER: Sometimes Karl Saleh.
- BERRY: Ehm.
- 5 ADLER: And look Ken Nam and Con Vasil might have been there, but I don't remember.
- BERRY: And you've talked about Ken Nam and Con Vasil –
- ADLER: Yeah.
- BERRY: - or Vasiliades, he - they were both councillors to my understanding is that correct?
- 10 ADLER: Yes that's right yeah.
- BERRY: Was Fadwa Kebbe ever there? To your knowledge.
- ADLER: She might have been there once –
- BERRY: I see.
- ADLER: - but I don't really remember.
- 15 BERRY: And she was a councillor as well?
- ADLER: Yes, yeah –
- BERRY: Okay.
- ADLER: - yeah.
- 20 BERRY: So from 2014 onwards from my – well from 2012 from when you say the election became a little bit complicated. What do you mean by that? What was the complication at council? I just want to explore what you mean?
- ADLER: Okay. At that time I decided to take a much more forward attitude towards progressing Labor policies.
- 25 BERRY: Ehm.
- ADLER: And you'll see through the minutes that I put forward a whole range of motions on issues relating to industrial relations, planning, affordable housing, supporting unions, all – all that sort of stuff.
- BERRY: Okay.
- 30 ADLER: And I got the impression that Jim Montague didn't like it at all, but that – that's – that's what happened.
- BERRY: Ehm.
- ADLER: And from about 2013 onward I became concerned about some of the planning decisions that council is making.
- 35 BERRY: And what were your concerns Mark?
- ADLER: Oh look you'll see in minutes –
- BERRY: Right.

- ADLER: - of a meeting in October 2013 and October 2014 (UNINTELLIGABLE) whole number of re-zonings which were – were put forward. I believe that there hadn't been a sufficient number of resident consultation. I believe that many of the proposals were over development and I – I opposed them and voted them against them on the floor of the council.
- 5 BERRY: Was there – did you notice any resistance from other councillors on your position that you took?
- ADLER: Well, but they didn't vote with me.
- BERRY: So naturally that's the resistance, but you – did you exp – experience any other type of resistance from any other councils or the general manager or the Mayor?
- 10 ADLER: What do you mean by resistance?
- BERRY: Well did they used to approach you and say things to you and try and convince you to vote with them?
- 15 ADLER: Oh look I – I – I don't remember it was a while ago and look councillors would discuss planning issues I – I sort of tried to stay aloof from at least some of them at the time.
- BERRY: So are you telling me you don't have any clear recollection of say Hawatt or Azzi or – or other councillors approaching you to vote with them on a certain development or a certain re-zoning or something like that?
- 20 ADLER: Um there was one occasion –
- BERRY: Ehm.
- ADLER: - look I like to sort of –
- BERRY: To the best of your knowledge I'm not and I – I understand it's a couple of years ago now, but I want to explore what if anything they've said to you and how that made you feel or – or – or convinced you one way or another that's what I'm trying to get at.
- 25 ADLER: Okay, look you'd have to go through particular development applications to strike my memory I'll be very happy to –
- 30 BERRY: Alright.
- ADLER: - (INAUDIBLE) –
- BERRY: But you were about to mention there was one occasion –
- ADLER: There was –
- BERRY: - do you have a recollection of that?
- 35 ADLER: Yeah there was once occasion I think it was in - it might have been October or November 2014.
- BERRY: Ehm.
- ADLER: I was speaking with Hawatt there was a - the motion about the – the report about council amalgamations –
- 40 BERRY: Right.

- ADLER: - which was up before the council and I - I talked to many people including him and he – during the course of the conversation he said there was a development in Homer Street, in Earlwood would I support him. And I said I'd have to think about that. I thought about it and called him back and said oh yeah why not.
- 5
- BERRY: Right, that was 15 to 23 Homer Street is that –
- ADLER: Oh –
- BERRY: - strike a bell with you?
- ADLER: It strikes a bell I'd have to check the address –
- 10 BERRY: I see.
- ADLER: - in the council minutes.
- BERRY: And do you have a recollection why you thought it was a – a good one to support?
- ADLER: I think the reason was that it was of a similar height to the adjoining one.
- 15 BERRY: Ehm. Did you happen to have any recollection as to the public exhibition of documents or the reports by the independent assessors did you come across any of that information?
- ADLER: Okay, you're talking about in general or in (INAUDIBLE) –
- BERRY: No in Homer Street?
- 20 ADLER: Okay my recollection, and I could be wrong here, it was a re-zoning and there – there wasn't a - an IHAP report on it because I had dealt with development applications. In relation to the offices report concerning the re-zonings I can't remember whether they recommended for or against it.
- BERRY: Okay.
- 25 ADLER: I – I would have to check.
- BERRY: Alright.
- ADLER: - it's in the minutes it's –
- BERRY: That's okay.
- ADLER: Yeah.
- 30 BERRY: Insofar as the – one of the matters I'd like to speak to you about the engagement of Spiro Stavis.
- ADLER: Yeah.
- BERRY: Were you ever approached by any person to assist on the panel to conduct the interviews?
- 35 ADLER: No.
- BERRY: Were you aware of councillors were involved on that panel?
- ADLER: Not at the time (UNINTELLIGABLE) only after it went off the rails.

- BERRY: Talk to me about that what did you think of that process? Or what did you think about that generally?
- ADLER: Okay, I thought it was a – a very ordinary process and the reason why –
5 look I didn't know anything about what was happening behind the scenes here. What appeared to me to be the case was that Montague had offered him a job and he resigned from his previous position and – and then Montague reneged on the appointment and I thought that was the wrong thing to do.
- BERRY: I see.
- 10 ADLER: But I also thought that there should - should have been more consultation with the councillors.
- BERRY: What if anything did you learn from either of your fellow councillors or discussion with Jim Montague or others about the process?
- ADLER: Just a second. Now sorry what was the question? Sorry about that.
- 15 BERRY: What if anything did you learn or come across (UNINTELLIGABLE) such as information about that process in your discussions with the varied councillors, staff members, Jim Montague or others? So did you hear anything as to one why you know certain councillors were on that panel. Two, processes that led to the decision of hiring Spiro Stavis, things of
20 that nature.
- ADLER: Okay. No and the reason why was that I only became aware of it after it went off the rails.
- BERRY: Okay and how did you become aware of it?
- ADLER: Hawatt told me.
- 25 BERRY: And what did he say to you?
- ADLER: He told me that – that there'd been a selection process, that he and Azzi had been on the panel and it went off the rails.
- BERRY: What did you think about both of the councillors being on the panel? Was it an - an unusual thing for you to have of – have come across or
30 was that a – nothing to be concerned about I just want to get your take on it.
- ADLER: Yeah look I don't know because I was never involved in any selection process on the council so I don't know what was normal and what wasn't normal.
- 35 BERRY: So you were never involved on any selection process –
- ADLER: No.
- BERRY: - for any –
- ADLER: Never.
- BERRY: - staff members ever?
- 40 ADLER: Not – not that I recall.

BERRY: Were you aware of any other councillors prior to this ever being involved?

ADLER: No, no.

5 BERRY: So in terms of that understanding would you find that the involvement of Hawatt and Azzi on this panel being unusual?

ADLER: Well it might have been.

BERRY: Ehm.

ADLER: But as I said I wasn't ever on an interview panel to select anybody –

BERRY: Okay.

10 ADLER: - any of the senior directors at council so I had nothing to compare it with.

BERRY: Sure so take – take me to the point when Hawatt speaks to you about this. When – when did that occur?

15 ADLER: I can't remember for sure, but it would have been in November or December 2014.

BERRY: Where were you when they had the conversation?

ADLER: At the council.

BERRY: In whose office?

ADLER: In the –

20 BERRY: Or whereabouts?

ADLER: They have a – they have a function room –

BERRY: Ehm.

ADLER: - and councillors congregate there (UNINTELLIGABLE) congregated before there, it's all in the past tense now, they congregated there before council meetings and after council meetings and that was a place where they interacted.

25 BERRY: So when Hawatt spoke to you about this was this around at the time of a council meeting?

ADLER: I think so yeah.

30 BERRY: Okay. Alright so what did he say to you can you recall the words?

ADLER: I don't recall the words exactly.

BERRY: Or the (UNINTELLIGABLE) the – the summation of the conversation?

ADLER: The drift of it –

BERRY: Yeah.

35 ADLER: - was that there'd been a selection process, he and Azzi were on the selection panel.

BERRY: Ehm.

ADLER: And had gone off the rails and Montague reneged on the appointment.

BERRY: Aha.

ADLER: After he'd offered Spiro the job and then Spiro resigned.

5 BERRY: Did they ever speak to you about who else they may have preferred – preferred for that job. And I mean they as in Hawatt and Azzi.

ADLER: I – I can't remember.

BERRY: Okay do you have any information as to what Montague, or who Montague wanted to pick?

ADLER: No.

10 BERRY: Okay.

ADLER: Oh I – I don't know.

BERRY: Has Montague ever spoken to you about the selection process or the engagement of Spiro Stavis?

15 ADLER: Not that I recall. I – I can't remember whether it was written in a – in a council report. If it was I would have seen that report, but I – I certainly never sat down with him and talked the details over.

BERRY: So you may have read something you don't remember but you don't believe that you've actually sat down and spoke –

ADLER: No –

20 BERRY: - with Montague about the matter?

ADLER: – no – no.

BERRY: Okay. Do you have any information as to whether Hawatt or Azzi interfered in the recruitment process?

ADLER: No I don't have any information I don't know.

25 BERRY: Do you know if Stavis had any involvement with Hawatt or Azzi prior to the recruitment process.

ADLER: I know nothing of that.

BERRY: Did you have interaction with Spiro Stavis as a councillor after his engagement, when he finally became engaged at council?

30 ADLER: Only as – in his role as Director of Planning.

BERRY: And how did you find Spiro Stavis's aptitude I suppose, or his ability to do the role as Director of City Planning?

ADLER: I thought he was good, I had no problem with him.

35 BERRY: Did you used to approach him directly or did you used to go through a – a third person?

ADLER: Okay, let me think. Councillors are able to talk to (INAUDIBLE) –

- BERRY: There is no criticism at all Mark, I'm just – just trying to illicit what happened. Was it normal for councillors to go and speak to him directly or did you have to go through somebody else?
- 5 ADLER: Okay well what I tried to do over time was I – I tried to make sure my enquiries were directed to the general manager, but from – from when Spiro was engaged I – I sometimes called him –
- BERRY: Yep.
- ADLER: I might have sent him the odd email all about planning matters, and about nothing else really.
- 10 BERRY: Okay, alright. Correct me if I'm wrong but you would have been aware there was a - around about Christmas time there was a call for a meeting, an extraordinary meeting at council concerning Jim Montague –
- ADLER: Yes.
- BERRY: - involvement.
- 15 ADLER: Yes.
- BERRY: In your words, and your recollection (UNINTELLIGABLE) can you walk me through what happened in that period.
- ADLER: Mm, okay, first of all my memory is patchy because I was sick at least for part of the time. I subsequently ended up in hospital a few months later with stomach ulcers, but I – I felt really crook over the Christmas period but having said that what I recollect is this, that the – the first thing that happened was the engagement process for Spiro Stavis went off the rails.
- 20 BERRY: Yes right.
- 25 ADLER: And then Hawatt and Azzi submitted a motion to terminate on notice, to terminate the employment of the general manager you can see that it's in – in the minutes. There was – there was a council meeting at the end of January, the Mayor Brian Robson ruled the motion out of order and he and Jim Montague and some of the other councillors left, but there was
- 30 six remaining so the six remaining ones conducted the meeting. And then there was another meeting and that didn't really go anywhere, and there was another meeting at the beginning of February, I'd have to check the minutes for the date –
- BERRY: That's okay.
- 35 ADLER: - where the motion together with a number of other things were put again and everything was ruled out of order.
- BERRY: Ehm. Were you aware of an offer being made to Jim Montague to resign his position and pay him out?
- ADLER: What do you mean by that?
- 40 BERRY: Are you aware if persons - councillors made an offer to Hawatt – ah to Jim Montague to resign from his position with a pay out?
- ADLER: Just a second. (UNINTELLIGABLE) my understanding (UNINTELLIGABLE) first of all I saw nothing illegal.

BERRY: Okay.

ADLER: But what – what happened, my understanding and I could be wrong here, but my understanding is that a council enabled rightly or wrongly to dismiss a general manager without notice and (UNINTELLIGABLE) there's a clause in the general managers contract which entitles a general manager to so many –

5 BERRY: Yes.

ADLER: - twenty, thirty whatever it is weeks of pay. And I was certainly aware of that, but I was not aware of any attempt behind the scenes to pay him out.

10 BERRY: Okay.

ADLER: With any money, or anything, but what were you referring to?

BERRY: Because that would generally be a councils decision not individuals decisions.

ADLER: Absolutely yeah.

15 BERRY: Okay.

ADLER: Yeah – yeah.

BERRY: Alright.

ADLER: Absolutely yeah.

BERRY: Were you aware the reason why Spiro Stavis was not engaged in a fur – I – I mean I know that they offered him the job, but then that offer was rescinded can you tell me why that happened?

20 ADLER: I don't know.

BERRY: Alright. What I'd like to do is show you an SMS sent to you Mark –

ADLER: Yeah.

25 BERRY: - for the record your number [REDACTED]

ADLER: Yeah – yeah – yeah – yeah.

BERRY: I'll get you to read that, that's a text message to you from Michael Hawatt.

ADLER: Oh okay – okay when was this?

30 BERRY: Do you remember that?

ADLER: Um –

STOCKLEY: That's the date it's the 19th of December, 2014.

ADLER: I don't remember it, but if he sent it he sent it.

BERRY: Okay, so in that text message and I – and I'm not saying that –

35 ADLER: My memory is patchy (INAUDIBLE) –

BERRY: Yes I know okay. So you said this is from – signed off as Michael Hawatt, this is a response I received from the Mayor of Strathfield re

Spiro was doing my own checks during the interview process. This response contradicts what I was told by the GM.

ADLER: Yeah.

5 BERRY: And it goes on below saying that he was with us, that's Spiro, for twelve months until about six months ago I think it was (UNINTELLIGABLE) and seen as a can do sort of guy, the property owners I meet speak well of him.

ADLER: Yeah.

BERRY: I – I just wanted to explore as to –

10 ADLER: What – what –

BERRY: - why you may have received this text message from Michael.

ADLER: Yeah.

BERRY: If you could give me some background on that?

ADLER: Yeah what – what date was that?

15 BERRY: It's dated the '19/12 2014.

ADLER: Could you get me a top – copy of that?

BERRY: Unfortunately not at this stage.

ADLER: Okay.

BERRY: Now the – the – the matter stay with us –

20 ADLER: Yeah sure yep –

BERRY: Okay.

ADLER: - yeah – yeah. So what was (INAUDIBLE) –

25 BERRY: So I think I – I really just want to explore with you very quickly as to why Hawatt is telling you information about Spiro in December and try and get your understanding of what your involvement was with Hawatt about this – this matter.

ADLER: Okay he – as I told you, he told me the story at a council –

BERRY: Yeah.

30 ADLER: - after a coun – I think – I can't remember whether it was before or after a council meeting -

BERRY: That's fine.

ADLER: - but it was at a council.

BERRY: Sure.

35 ADLER: And I guess that was a thing that followed from the conversation, may – maybe he wanted me to know that.

BERRY: Did you ask him for further information?

ADLER: I can't remember.

- BERRY: Would that suggest that you might have asked him for further information?
- ADLER: So okay so now repeat the question sorry about that.
- 5 BERRY: What I want to do is explore to you why you received that text message. I wanted to sort of assess the situation 'cause I wasn't there at the time as to whether or not you were enquiring with Hawatt as to what was going on and leading up to that information being passed to you, I'm not saying there's anything wrong with it I'm just trying to explore your involvement.
- 10 ADLER: Yeah. Look what I think happened was that he – he previously mentioned the issue to me as I told you –
- BERRY: Yes, yep.
- ADLER: - and that this – this text obviously followed on from the conversation he – it wasn't directed just to me it was – it says here hi all, so obviously
- 15 sent it to other people.
- BERRY: Right.
- ADLER: And I guess he wanted me to have the information.
- BERRY: Ehm. How would you categorise your involvement with this matter, and I – and I say that broadly, but the engagement of Stavis and the matters surrounding Spiro Stavis.
- 20 ADLER: Okay.
- BERRY: Was it one that you were involved heavily, or sort of interested or aloof about?
- ADLER: Oh look, to my – to my recollection I was - I was – I was aloof, fairly
- 25 aloof –
- BERRY: Fairly aloof.
- ADLER: What – so what I mean is that there were the – the events that you referred to concerning the selection panel and all that sort of stuff, and that sort of morphed off into this motion to terminate the appointment of
- 30 the general manager and –
- BERRY: So when you say – I mean I – I understand what the word aloof means, but when you say fairly aloof did you want to divorce yourself away from some of the proceedings is that how you mean, or don't get involved. I – I just want to get a little bit more depth on that.
- 35 ADLER: Well look I – I didn't really want to get involved in the details of a selection process.
- BERRY: Okay.
- ADLER: But (UNINTELLIGABLE) –
- BERRY: What was your – what – what – how would you categorise your
- 40 involvement in the matters pertaining to the removal of the general manager Jim Montague.

- ADLER: Okay I was active politically through that process and as you know I was (UNINTELLIGABLE) amongst a group of councillors that opposed Montague. And –
- BERRY: Was that – why – and why did you oppose Montague on this matter.
- 5 ADLER: Okay because as I said to you I thought that the way he had closed off the recruitment process by renegeing on the appointment was wrong.
- BERRY: Did you think that warranted his removal?
- ADLER: At the time I did.
- BERRY: And what about now though?
- 10 ADLER: I – I'd have to –
- BERRY: The way you answered the question at the time it sort of –
- ADLER: Yeah.
- BERRY: - leads to me to think that perhaps you might have had a (UNINTELLIGABLE) a second thought about that particular point of view you had I might be wrong.
- 15 ADLER: Yeah. Look I – we all learn from our experience –
- BERRY: Mm.
- ADLER: - and politics is – is something in which sometimes lots of events happen really quickly, you don't always make the call to judgement that you would make on considering things with (UNINTELLIGABLE) this passionate or (UNINTELLIGABLE) thought. And look frankly I – I – I was – I'd rather this whole thing not have happened. It was very unpleasant the whole thing.
- 20 BERRY: So I – I go back to my initial question you know, this – the role of engaging a staff member –
- 25 ADLER: Yeah.
- BERRY: - is up to the general manager.
- ADLER: That's right, yes.
- BERRY: He only needs to advise council –
- 30 ADLER: Yeah.
- BERRY: - on certain appointments at certain levels.
- ADLER: Yeah – yeah – yeah.
- BERRY: It really was his decision to hire or not hire Spiro Stavis, would you agree with me so far?
- 35 ADLER: I guess so.
- BERRY: Okay.
- ADLER: Yeah.

- BERRY: So when he – or before I get on to that do you know why the offer was rescinded?
- ADLER: Not that I remember.
- 5 BERRY: Okay. Then can you tell me if you approached it with some logic or did you approach your decision to have support the removal of John Monta – Jim Montague on what basis can you tell me why you did that?
- ADLER: Well at the time I thought that the – the way he had handled the Spiro Stavis matter was – was – was not the – the way he should of and I thought the councillors should've been consulted more and no one ever came to me and asked me what I thought –
- 10 BERRY: Okay.
- ADLER: - and –
- BERRY: So insofar as you don't think he handled it well what was the issue that played on your mind at that time that lead you to believe that he didn't handle it well what was the issue?
- 15 ADLER: Okay. It's what two and a half years ago now –
- BERRY: Ehm. I know, (UNINTELLIGABLE) you can take your time yeah.
- ADLER: What's – what – what goes through your mind is hard to remember two and a half years later and my memory of those times isn't perfect, but having said that I – I thought it was the wrong thing to do to offer someone a job and then have them resign from their previous position and then renege on the appointment.
- 20 BERRY: Okay fair enough.
- ADLER: I thought it was wrong, other people might think it was right. You might think that I made an error of judgement (INAUDIBLE) –
- 25 BERRY: No – no – no I'm just –
- ADLER: Yeah.
- BERRY: - I just – alright so I want to explore apart from the pure fact that someone offered him something and then it was not offered or it was reneged on, do you have any information as to why Jim Montague rescinded the offer? Did – did anyone tell you the reason why?
- 30 ADLER: Okay look at the time a number of memos was circulated under his name from what I recall he might have touched on it there I don't remember any of the details. Show me and I'll tell you what I thought of it.
- 35 BERRY: So I'd like to show you a memo dated 23rd of (UNINTELLIGABLE) December, 2014. It's to all the councillors, its signed by Jim Montague concerning the appointment of the Director of City Planning.
- ADLER: Yeah, okay. I remember this –
- BERRY: Right okay. When you finish that I'll show you another document which may help you as well.
- 40 ADLER: Yeah.

- BERRY: So the document you have in front of you is dated the 23rd of December, just prior to that Mark there was a series of text messages sent. There are a number of councillors involved in this text message –
- ADLER: Yeah.
- 5 BERRY: - and it was from Brian, I can assume that's from the Mayor. I'll give you (UNINTELLIGABLE) it's dated 19th of December, 2014. There's a couple of double ups there 'cause of the way the - the text message (UNINTELLIGABLE) on the paper.
- ADLER: Okay.
- 10 BERRY: Alright so look in essence Brian has text a number of councils (INAUDIBLE) –
- ADLER: (INAUDIBLE)
- BERRY: - no we'll just leave it in the middle there so I don't lose them all, and you've received a memo concerning –
- 15 ADLER: Yeah.
- BERRY: - the appointment. And it outlines that the GM offered the position to the applicant, subsequent to that certain information came to light which caused him to do a further d – a reference check.
- ADLER: Yeah.
- 20 BERRY: Then as a result of that legal advice, he decided to withdraw the offer. Now the – it says clearly here councillors should note the authority to hire and fire of staff is solely the responsibility of the general manager. Should a councillor wish a detail confidential face to face briefing on the matter I'm sure that the GM would be happy to do that. Did you ever go
- 25 an seek a face to face with Jim Montague and to find out what happened?
- ADLER: No.
- BERRY: You didn't?
- ADLER: No.
- BERRY: Okay. Did – did – is there a reason why you didn't want to know what
- 30 happened?
- ADLER: Um –
- BERRY: Or did you just want to remain away from that decision making?
- ADLER: Look I don't remember what was going through my mind at the time, but I didn't – I didn't sit down –
- 35 BERRY: Okay.
- ADLER: - and talk to him.
- BERRY: Alright so you didn't make (UNINTELLIGABLE) alright fair enough. On the 29th of 12th it appears you received a text message from Michael Hawatt amongst other things – amongst other – with other councillors I
- 40 should say. And this dated 29th 12, 2014.
- ADLER: Yeah.

- BERRY: I'll show you that.
- ADLER: Yeah let's see. Okay these are one, two, three, four, five repeats.
- BERRY: Ehm to different councillors –
- ADLER: Yeah.
- 5 BERRY: - one of them's yourself.
- ADLER: That's right yeah – yeah.
- BERRY: Do you remember receiving that information from Michael?
- ADLER: What date is this?
- BERRY: 29th of the 12th.
- 10 ADLER: That was when I was sick where I wasn't paying any attention.
- BERRY: Okay.
- ADLER: I – I – I really don't, I – I might have got it –
- BERRY: What were you –
- ADLER: - I'm saying I didn't.
- 15 BERRY: You said earlier you had stomach ulcers was –
- ADLER: That's right yeah.
- BERRY: - was that the totality of your –
- ADLER: Well –
- BERRY: - medical issue at the time?
- 20 ADLER: What had happened was that back in 2011 I fell very ill, I had an operation on my stomach. In two thousand and – the end of t - towards the end of 2014 I felt myself less and less well and I spent a number of days in bed at home over the Christmas period my stomach was awful. I lost a bit of weight, quite a bit of weight and I wasn't in a good way at
- 25 all.
- BERRY: Okay.
- ADLER: And – and subsequently to that I – it all built up so that in September 2015 I ended up in hospital again for a week or two.
- BERRY: I see, alright. Alright so my question is you can – do you remember
- 30 receiving the text or not?
- ADLER: I might have vaguely.
- BERRY: Okay. Alright.
- ADLER: Yeah.
- BERRY: Did you pay any attention to it?
- 35 ADLER: No.
- BERRY: Alright. So it says here for the record *'hi, be careful with Jim Montague he is clutching on straws he'll do anything to stay in the job Brian*

5 *Robson's calling around to try to keep Jim to stay. Jim has accepted to consider an option to leave. Some ex-councillors are also trying to change his mind for their own vested interest. Brian is also trying to make sure there will be no quarm. It is (UNINTELLIGABLE) – important we do not waver under pressure'. So there's a number of things I want to ask to (UNINTELLIGABLE) that. Do you remember if Brian Robson called you and sought your support for Jim Montague around about this time?*

10 ADLER: I don't remember I – it – it would've - we didn't get – weren't getting along on very well at all.

BERRY: (UNINTELLIGABLE)

ADLER: But I – I don't remember I – but I don't – I don't think he did, but I – I stand to be corrected.

BERRY: Okay, alright it says Jim has accepted to consider an option to leave.

15 ADLER: Yeah.

BERRY: Do you know about that option?

ADLER: Tell me more.

BERRY: Do you remember earlier in the interview I asked whether you had any information about councillors directly approaching Jim and making him an offer to leave?

20 ADLER: You mentioned that yeah – yeah.

BERRY: Yes. And in this text it talks about Jim has accepted to consider an option to leave. Do you know what they're referring to? Does that –

ADLER: (INAUDIBLE)

25 BERRY: - rekindle your memory as to potentially having some knowledge about an offer being made to Jim Montague to leave?

ADLER: Look I'd have to take that on notice and really think about.

BERRY: Alright, that's okay (INAUDIBLE).

ADLER: - what happened.

30 BERRY: Well I invite you to, you know, email me or call me later if that strikes you.

ADLER: So just – I'll just write this down (INAUDIBLE).

BERRY: Whether or not you have any recollection about councillors making an offer, a councillor or councillors making offer to Jim Montague to leave his position.

35 ADLER: What sort of offer?

BERRY: A financial offer.

ADLER: Yeah. Okay you mean like we'll give you fifty thousand dollars –

BERRY: Yeah.

- ADLER: - cash out – outside of – of a formal council process?
- BERRY: No – no it’ll be a formal process, but it’ll be, you know, you’re owed XYZ we can make this arrangement. If that comes to you later I invite you to get back to me on that, okay?
- 5 ADLER: Yeah.
- BERRY: Alright.
- ADLER: Yeah.
- BERRY: The last part of this – this text message is says it is – *‘it’s important we do not waver under pressure’* and it’s signed off by Michael.
- 10 ADLER: Yeah.
- BERRY: Who was leading the charge to get rid of Jim Montague?
- ADLER: He was, well actually I – I think there was (UNINTELLIGABLE) a number of councillors who – with the view that his appointment should be terminated.
- 15 ADLER: Ehm.
- BERRY: I think your first answer was that he was heading it up.
- ADLER: Well he took a very active role in it right.
- BERRY: Who else was active in that role? Or was it just mainly Michael.
- ADLER: What do you mean by active?
- 20 BERRY: Well who was – who was pushing the envelope? Who was going around to councillors saying this is terrible you got to get rid of him and things of that nature. Was it solely Michael or was there other councillors involved?
- ADLER: What I can remember is that – it – more than likely there were a lot of conversations which took place. But I don’t know whether you could say someone was a leader of it or not, but he certainly played a prominent role in it there’s no doubt about it.
- 25 BERRY: Was he more the active one in it? Would that be fair to say?
- ADLER: He was – he was v – he was very active there’s no doubt about that.
- 30 BERRY: Ehm. Now do you know George Vasil?
- ADLER: Yes.
- BERRY: I believe that he is the owner of Ray White Realestate.
- ADLER: That’s right yeah.
- BERRY: Did you ever go to his business and discuss council matters with him or other councillors there?
- 35 ADLER: Yes I did.
- BERRY: And did you discuss the issue concerning Jim Montague with George Vasil or (UNINTELLIGABLE) councillors at that location?

- ADLER: We certainly discussed what was going on on the council.
- BERRY: Did you discuss Jim Montague?
- ADLER: Well there was a motion which is on the public record for him to be dismissed, I don't remember the nature of the conversations, but there was certainly discussion about the – the move to get rid of Montague.
- 5
- BERRY: What was George Vasil's role in this?
- ADLER: He – well he was the father of one of the councillors.
- BERRY: What was his role involved in the – well I re – I re-word that. Did he offer advice to any councillors about the removal of Jim Montague from office?
- 10
- ADLER: What sort of advice?
- BERRY: Well the word advice means in it's logical sense give some information or some helping hand to another person. So what I'm asking is George Vasil speak to you or other councillors in your presence saying you should or shouldn't do this, this is my advice concerning Jim Montague. Did he ever do that?
- 15
- ADLER: I have to (UNINTELLIGABLE) I have to take that on notice.
- BERRY: Ehm.
- ADLER: There were a lot of conversations at the time, I don't remember all of them.
- 20
- BERRY: Did – did George Vasil give councillors advice on other matters such as developments in the area or re-zonings things of that nature?
- ADLER: Okay, I – I don't know he certainly – not to me. I never asked him for any advice on re-zonings.
- 25
- BERRY: How often did you go to George Vasils business?
- ADLER: Okay when the fight was on to – when – when the events were taking place in relation to the motion to terminate Montagues appointment I – I went there for – for – on a number of occasions.
- BERRY: Who invited you to go?
- 30
- ADLER: I can't remember, but I – someone must have invited me. Hawatt might have suggested on – on – on - on an occasion or two but I – I – I d – I don't remember the specific details.
- BERRY: When you say a number of occasions are you able to give it a number?
- ADLER: No, you know quite a few – a f – a few (INAUDIBLE) –
- 35
- BERRY: More than ten?
- ADLER: I don't know.
- BERRY: Okay.
- ADLER: I – I wasn't counting.

- BERRY: Right, are you able to indicate as to who else was present at this time when you were going to George Vasil's business with other councillors who were the other councillors that were going?
- 5 ADLER: Sometimes Michael and Pierre. Sometimes Fadwa. Sometimes Con, sometimes Ken.
- BERRY: Ehm. Were any other councillors present?
- ADLER: Not that I remember.
- BERRY: Can you explain what George Vasil's role is in the council?
- 10 ADLER: Well he's the father of Con Vasil, but other than that he has no role. No official role at all.
- BERRY: Are you able to explain to me why councillors would go to speak to a real estate agent about a motion to remove the general manager from council, what – what was his role?
- ADLER: As I said he had no role.
- 15 BERRY: Yeah I know. I'm trying to understand why councillors would go and speak to him about it?
- ADLER: Well he's had a long term interest in Canterbury Council since – ever since I can remember.
- BERRY: Did you speak to any other constituents in the area about the removal of Jim Montague?
- 20 ADLER: About the motion?
- BERRY: Yes.
- ADLER: Y – a number yeah.
- BERRY: Who – who?
- 25 ADLER: Oh friends, people in the Labor Party, relatives.
- BERRY: Okay. Was it just more of an interest sake from George's – perspective or did he give you some direction as to what to do?
- ADLER: He never gave me any direction as to what to do?
- BERRY: Did you hear him give any directions to other people or other councillors?
- 30 ADLER: No.
- STOCKLEY: Did he express a view (INAUDIBLE) what he thought should happen?
- ADLER: I - he more than likely did.
- STOCKLEY: Can you remember what the view was that he expressed?
- 35 ADLER: My recollection was that he was – he was supporting the move to get rid of Montague.
- BERRY: Do you know why?

- ADLER: I'd have to – I'd have to think about that, I – I – I don't know what his motives were.
- BERRY: From your observations did you form an opinion whether or not Michael Hawatt and George Vasil were close?
- 5 ADLER: Okay, I knew they were close for example at the 2012 council election they were seen frequently in – in – in each others company.
- BERRY: Ehm.
- ADLER: So I knew they were friends.
- BERRY: Aha. What about Pierre Azzi?
- 10 ADLER: What about him?
- BERRY: Did he have a relationship with George Vasil?
- ADLER: I think more than likely, but (UNINTELLIGABLE) you know what's a relationship (INAUDIBLE) –
- BERRY: Well one that you can go to his place of business and share a cup of
15 coffee and talk about I don't know various things –
- ADLER: (INAUDIBLE)
- BERRY: - (INAUDIBLE) ranging from football –
- ADLER: - I – I – I think he did, yeah – yeah I –
- BERRY: Okay.
- 20 ADLER: - I – I – I think that's true yeah (INAUDIBLE) –
- BERRY: What about Fadwa Kebbe did she do the same thing?
- ADLER: Ah, do what the same thing what do you mean about the same thing?
- BERRY: Yes, you know have a social relationship with George Vasil such as you
25 know share a cup of coffee and talk about business or similar interests things of that nature.
- ADLER: Look more than likely.
- BERRY: Okay. When you say more than likely is that – is that an assumption or is that something you've seen or heard?
- ADLER: Well as I said she – she was present at – at – at some of the meetings.
- 30 BERRY: Ehm.
- ADLER: Or (UNINTELLIGABLE) some of the gatherings, and I mean when you're – when there's a set of political events in process people – all sorts of people talk to all sorts of other people.
- BERRY: Okay. Do you remember receiving further information from Michael
35 Hawatt about the matter concerning his expectations and your commitment to support him?
- ADLER: Tell me more if you've got a –
- BERRY: I'll show you a document.

ADLER: Yeah.

BERRY: It's dated -

STOCKLEY: You can have that other (UNINTELLIGABLE) –

5 BERRY: It's dated the 2nd of the 1st, 2015 it's from Michael Hawatt to yourself and a number of other councillors?

ADLER: Date – what date is that?

BERRY: (UNINTELLIGABLE) 2nd of January, '15.

ADLER: It's a text message?

10 BERRY: Yep. For the record it says '*Hi guys it seems that JM*', being Jim Montague, '*thinks he had the number so beat us. He has called in the troops to intimidate some of us. It is important we continue to stick together no matter what. Call me if you have any concerns I need your one hundred percent support to motion at the extraordinary meeting, Michael Hawatt*'. I'll show you that document.

15 ADLER: Yeah – yeah – yeah – yeah. Yeah so – so he sent it, so then he expressed his opinion.

BERRY: Yep. Do you remember receiving that?

ADLER: Vaguely, but this was at the time when I wasn't well, I was just sort of pulling out of it.

20 BERRY: So the comment I need your one hundred percent commitment to support the motion, that's the motion to remove Jim Montague.

ADLER: Yeah.

BERRY: Insofar as getting your commitment did you receive any offers back from Hawatt for that commitment?

25 ADLER: Offers?

BERRY: Mm.

ADLER: What sort of offers?

BERRY: Well future political motions you may want to raise he might say well if you support me here, I'll support you there. Typical political –

30 ADLER: Okay.

BERRY: - matters.

ADLER: Yeah.

BERRY: Did – did anything like that occur?

ADLER: Um –

35 BERRY: Was there a quick pro quo is what I'm saying.

ADLER: Okay, to tell you truth I - I'd have to take it on notice, I don't remember. The way I act is usually that I - if I believe in something I do it, but horse trading is very frequent in politics.

- BERRY: I - yeah I know – I know, that’s okay I –
- ADLER: And it’s not corrupt.
- BERRY: It’s – no – no I’m not saying it is –
- ADLER: Yeah.
- 5 BERRY: - I’m just trying to ascertain whether or not there was some horse trading for you in this, to your memory.
- ADLER: Look, I’d have to take it on notice –
- BERRY: Okay, well –
- ADLER: - I – I – I m – I might have said something or – or texted something at the
10 time which I forgotten and I don’t want to tell you something that’s not true.
- BERRY: No – no and – and I understand that, and I appreciate that.
- ADLER: Yeah.
- BERRY: Alright, I’ll leave that one there for now.
- 15 ADLER: Yeah, but let me – I want to go back to this – thing you asked me before –
- BERRY: Ehm.
- ADLER: If I have (UNINTELLIGABLE) of any councillor making a financial offer to Montague for him to leave. What did you actually mean by that
20 did you mean an offer of cash?
- BERRY: It would cease his employment, a gratuity pay out for his service and also that includes his pay out of leave things of that nature. I’m not talking about a brown paper bag full of cash. I’m not talking about those sorts of things, I’m talking about paying out his, you know, his time in office.
- 25 ADLER: I would have thought that had he been terminated, council would have been obliged to give him what he was entitled to. And –
- BERRY: I’m wondering whether or not you’re aware of any backroom negotiations between Jim Montague or a councillor about what he could
30 achieve. Not based on the fact that if he – this is prior to him – you know we know that he was (UNINTELLIGABLE) dismissed, but –
- ADLER: Yeah.
- BERRY: - prior to the actual 27th of January extraordinary meeting were you aware of any discussions between Jim Montague and others about what they could do for him if he – if he leaves.
- 35 ADLER: I – look I – I’d have to go back through my memories and –
- BERRY: Alright. What I’ll do is show you an email then this may help you.
- ADLER: Yeah. But I acted absolutely properly on all occasions.
- BERRY: That’s fine I’m not – not saying this is you.
- ADLER: Yeah.

BERRY: Alright so this is from [Michael@\[REDACTED\].com.au](mailto:Michael@[REDACTED].com.au) –

ADLER: Yeah.

BERRY: - to Jim Montague at 13/1/2015.

ADLER: So what do you want me to say about this?

5 BERRY: Were you aware of that?

ADLER: I can't remember I –

BERRY: Is it a significant matter to you?

ADLER: Okay. Is it – was – is – is it – is what's –

BERRY: Is the –

10 ADLER: - (INAUDIBLE) supposed to be illegal?

BERRY: No what's proposed by Michael@[REDACTED] to Jim Montague is that significant?

ADLER: Um –

BERRY: In terms of one should a councillor be making those sorts of promises.
15 Two, is it in contravention of any of the local government act or any policies held by council.

ADLER: Okay.

BERRY: Things of that nature.

ADLER: Yeah, look I don't know I'd have to check, I'd have to go back and look
20 at the departmental guidelines and so forth I haven't got that material in front of me.

BERRY: I understand.

ADLER: I'm happy to give you an opinion if you – if you want to – if you want to
25 give me a copy of this I'm happy to give you an – an opinion on it if I've got a chance to think about it.

BERRY: Okay.

ADLER: I – I'd like to help, as much as I can.

BERRY: Sure.

ADLER: But – but I don't want to –

30 BERRY: Alright so (INAUDIBLE) –

ADLER: - I (UNINTELLIGABLE) get –

BERRY: In terms of that offer though were you aware of that prior to the
extraordinary meeting on the 27th of January?

ADLER: I know that there was some discussion about Montague staying on until
35 August, to get his thirty years up in local government.

BERRY: Yep.

ADLER: But that's so far as I remember.

- BERRY: Alright so you're not aware of anything else apart from just a general discussion to let him go to August and then finish up at that stage.
- BERRY: Look I'm not sure if you – if you (INAUDIBLE) –
- BERRY: To the best of your (INAUDIBLE) –
- 5 ADLER: Yeah if you – if you – if you've got to (UNINTELLIGABLE) please provide it to me and jig my memory, but I mean I (UNINTELLIGABLE) your – all sorts of conversations which took place you've shown me a number of text message – messages I – there would have been all sorts of text messages going all over the place.
- 10 BERRY: Okay.
- ADLER: Some of them I received and read, some of them I received and didn't read. And –
- BERRY: That's fair enough.
- ADLER: - so I – I'm just not sure I – I –
- 15 BERRY: That's okay.
- ADLER: - I really have to –
- BERRY: Alright.
- ADLER: - go back and –
- 20 BERRY: I think basically I'm – I – I really just wanted to explore your memory at this stage –
- ADLER: Yeah.
- BERRY: - as to whether you knew prior to the ordinary meeting some attempt to, as Michael has said, have – have Jim leave his position and you know make this offer to him.
- 25 ADLER: Look I – I know there was – there was talk about –
- BERRY: Okay.
- ADLER: - Montague staying until August.
- BERRY: Yep.
- ADLER: And that suggests that he was quite – quite involved in it.
- 30 BERRY: When you say he you mean Michael Hawatt?
- BERRY: Hawatt yeah.
- BERRY: Okay.
- ADLER: Yeah.
- BERRY: Okay.
- 35 ADLER: And -
- STOCKLEY: Can I just clarify one point in this – this, as you say, there would be obviously if the general managers contract was terminated and a legal entitlement to – a - appears to receive certain pay out of, you know, his

- 5 entitlements and what have you whatever's in his contract, but this seems to suggest something additional on top of that in point two a gratuity payment of twenty weeks, for thirty two years of service at Canterbury. So did you know anything about an additional payment on top of what he's – what – what he was entitled to being offered to Montague in r – in return for his resignation?
- ADLER: Okay, not that I remember, as far as I'm concerned the – he should have been paid out what he was entitled to and if he left when – whenever – whenever he left - and so – so if he left he should have been paid what he was entitled to.
- 10 STOCKLEY: So you don't recall this concept of a gratuity payment being discussed amongst the councillors during this period?
- ADLER: Not that I remember no.
- BERRY: Alright.
- 15 STOCKLEY: Thanks.
- BERRY: Do you have a memory of matters being reported to the Sydney Morning Herald about this – this – the engagement of Spiro Stavis and subsequently the El Buco matters?
- ADLER: Okay, say that again.
- 20 BERRY: Do you have a recollection of this matter that we're talking about the engagement of Stavis –
- ADLER: Yeah.
- BERRY: - and subsequent rescinding of that offer –
- ADLER: Yeah.
- 25 BERRY: - and matters pertaining to an account being utilised at El Buco restaurant.
- ADLER: Yeah so this is El Buco –
- BERRY: El Buco (UNINTELLIGABLE) –
- ADLER: And –
- 30 BERRY: - there's some information that went into the Sydney Morning Herald. Do you have a recollection of that event taking place?
- ADLER: I'd rather not answer that.
- BERRY: Okay.
- ADLER: Yep.
- 35 BERRY: Okay. Do you have a recollection of asking for documents – oh actually I'll was just (UNINTELLIGABLE) to show you an email that'll be the easiest way dated 21/1/2015. Between yourself and various others.
- ADLER: Oh this is when I requested the –
- BERRY: Yeah.

ADLER: - the documents that Kate McClymont –

BERRY: That's right.

ADLER: - (INAUDIBLE) under FOI or whatever.

BERRY: GIPA yeah.

5 ADLER: Yeah.

BERRY: Um –

ADLER: I certainly did ask for them.

BERRY: Yeah sure. What was your purpose of doing that?

ADLER: Well –

10 BERRY: I'm just exploring you know why – why you –

ADLER: I believed that it was in the public interest for this information to be – to be made available to the councillors and not only that I believed that it was in the public interest for the information to be publicly available on councils website. Now I may have been wrong in having that view, but I

15 believe in that – that information should have been made publicly available.

BERRY: So at this point in time by the 21st of January you had become somewhat less aloof and more involved?

ADLER: Yes that's right, yeah.

20 BERRY: Because of that belief, is that right?

ADLER: I don't know whether or not it was because of that belief, but I'll tell you at the time I did believe that it was in the public interest that all this information –

BERRY: So –

25 ADLER: - gets aired publicly.

BERRY: Due to your belief that it should have been (UNINTELLIGABLE) aired publicly you – you've then become more interested in this matter. Is that what led you to believe that?

ADLER: I – I can't remember what was going through my mind at the time. I – I mean th – th – this is a corruption investigation it's not about what

30 (UNINTELLIGABLE) what was going through my mind at the time.

BERRY: Okay.

STOCKLEY: I think we're just trying to understand what actually occurred at the time.

ADLER: Yeah – yeah – yeah – yeah.

35 STOCKLEY: We're not – you - please don't I guess try and anticipate – we're – we're trying to provide context to –

ADLER: Sure yeah – yeah – yeah.

STOCKLEY: - the matters we're investigating.

- ADLER: Yeah – yeah.
- STOCKLEY: So if we ask you a question we're not insinuating necessarily that you've done something wrong, we're just trying to understand who was involved, why decisions were made that kind of thing.
- 5 ADLER: Yeah.
- BERRY: What I'll show you now is the call for the extraordinary meeting and it has a number of signatures one under your name –
- ADLER: (INAUDIBLE)
- BERRY: - I'll just show you that document.
- 10 ADLER: Yep – yeah.
- BERRY: Is that your signature on that document?
- ADLER: It certainly is yeah.
- BERRY: Okay. I assume you've seen that before?
- ADLER: I have yeah.
- 15 BERRY: Alright I – I don't think I need to press you too much on that document.
- ADLER: (UNINTELLIGABLE) that – that – that's - that was what was moved.
- BERRY: That's what was moved.
- ADLER: Yeah.
- BERRY: So there was a move to one to fill the position of general manager. Do you know who was selected – well who had been touted as the replacement by that stage?
- 20 ADLER: A man Chris Watson.
- BERRY: Who told you that?
- ADLER: Hawatt.
- 25 BERRY: And do you know how he came across his name?
- ADLER: I don't know.
- BERRY: Was it his suggestion that Chris take that position?
- ADLER: (UNINTELLIGABLE) can I have that –
- SBERRY: Sure, sorry.
- 30 ADLER: (INAUDIBLE). All this is in the minutes of the council meeting isn't it?
- BERRY: Yes. Yeah.
- ADLER: Yeah, so what was your question?
- BERRY: Sorry I'll have to go back to the document.
- ADLER: About Chris Watson.
- 35 BERRY: Yeah, you said Hawatt suggested him do you know how Hawatt came across his name?

- ADLER: I'm not sure.
- BERRY: What did you think about that? Did he give you any information as to –
- ADLER: He showed me his resume, it looked -
- BERRY: And what did you think about that?
- 5 ADLER: It looked very good.
- BERRY: Alright. Did you give any indication to Hawatt if you'd support him for Chris Watson being the acting general manager, do you have a recollection of that?
- ADLER: I think I did.
- 10 BERRY: Okay. There's also a – a motion to have a forensic audit done –
- ADLER: Yeah.
- BERRY: At the El Buco restaurant.
- ADLER: Not at the El Buco restaurant (INAUDIBLE) –
- BERRY: Sorry concerning the expenditure -
- 15 ADLER: Just – just hang on – slow down hang on. So what was that question?
- BERRY: So there was a forensic audit to be done.
- ADLER: Yep.
- BERRY: Do you know if that took place?
- ADLER: No the motion was ruled out of order.
- 20 BERRY: Okay. The mini bar facilities to be removed from the office of the general manager and the Mayor. Why was that put forward?
- ADLER: Can I just (INAUDIBLE)?
- BERRY: Number five.
- ADLER: At the time I thought it was a good thing to put forward, but I didn't think that that particular thing was very important, but I – I – I wanted to see wastage minimised in council.
- 25 BERRY: Was there an issue with wastage at the minibar was there?
- ADLER: Well there was an issue with wastage with El Buco –
- BERRY: Yes.
- 30 ADLER: - and all the lunches that – that were – took place there.
- BERRY: Yeah.
- ADLER: And this is a step that I thought of that might actually help the council reduce expenditure on unnecessary items.
- BERRY: Such as the – the mini bar as such. Is that – is that what you're saying?
- 35 ADLER: Yeah.
- BERRY: Oh okay, I'll just grab that document back off you.

ADLER: Yeah.

BERRY: Insofar as councillor Hawatt's iPad –

ADLER: Could I just call my wife?

BERRY: Yes.

5 ADLER: I – we – I expected – I didn't expect this to be –

BERRY: No that's fine.

ADLER: (INAUDIBLE)

BERRY: Well whilst you do that I'll just suspend the interview. The time is now
seventeen minutes past.

10 [Interview suspended at 7:17PM]
[Interview resumed 7:23PM]

BERRY: Okay this is a recommencement of the electronically recorded interview
the time is now twenty three minutes past seven. Mark do you agree that
we didn't ask you any further questions about the interview, we now
15 restarting the interview do you agree with that?

ADLER: Yeah.

BERRY: Alright, going back to this document, the call for extraordinary meeting
at the City of Canterbury number ten suggests, well says that the Optus
20 bill for councillor Hawatt as reported in the daily telegraph on the 24th
January '15 be investigated to identify any due - costs due to personal use
councillor may be reliable and seek cancellation of any amount that was
not due to personal use by councillor Hawatt. Do you know what
happened in the end with that?

ADLER: Okay, first of all can you pass that over? Okay, these motions were ruled
25 out of order by the Mayor what has subsequently was that the general
manager presented a report to council it might have been May or June,
more than likely May, but you have to check it's – well it'll be in the
minutes, (UNINTELLIGABLE) so I can't remember that, but it will
30 certainly be in the minutes and the general manager put a report to
council. I don't remember the recommendation exactly but it was
basically that ninety percent or something of the mobile phone bill get
waived.

BERRY: (INAUDIBLE)

ADLER: (INAUDIBLE)

35 BERRY: Do you know how much that equated to?

ADLER: I read in the telegraph that it might have been seventeen thousand dollars.

BERRY: To your recollection the extraordinary meeting occurred on the 27th of
January 2015?

ADLER: I think so yeah, but check the date.

40 BERRY: I believe it was a bit of a raucous event?

ADLER: (Laughs)

BERRY: Was that correct?

ADLER: That's one way of putting it yeah.

BERRY: Yeah okay. From – ah just from my understanding that the Mayor at the
5 (UNINTELLIGABLE) – reported to ICAC, is that correct?

ADLER: He did yeah.

BERRY: And left?

ADLER: That's right yeah.

BERRY: And the councillors continued, well a number of councillors continued
10 onward –

ADLER: And we spoke about that before.

BERRY: Yes, okay. So Mark I have a – a print out of some of the minutes I'll
give you a quick look at that it just says that you moved a number of –
sorry motions – I'm just wanting to see if that's accurate or not.

15 ADLER: Look I'd have to go through and check every detail, but there certainly
was (UNINTELLIGABLE) –

BERRY: Oh okay so in general terms do you have a recollection of moving things
on that night?

ADLER: Yes.

20 BERRY: Okay.

ADLER: Yeah.

BERRY: (UNINTELLIGABLE) Do you know Kate McClymont?

ADLER: I'd rather not answer that question. Why – why – why you asking about
her?

25 BERRY: I'll show you an emailed dated 27th of January. She forwarded you a inf
– a document, it appears. It talks about an anonymous person providing
information to her concerning an DUI for Jim Montague and I'll show
you that email.

ADLER: So what do you want to know about this?

30 BERRY: As to why she's providing that information?

ADLER: Oh you have to ask her.

BERRY: Alright did you have a relationship or some communications with her,
prior to her giving you that document?

ADLER: Well you – you asked me that before about the Sydney Morning Herald
35 and I said I'd – I'd rather not answer that question.

BERRY: Okay, is that – did you provide any information to the papers about this
matter?

ADLER: I'd rather not answer that question. We live in a country where we have
a free press –

- BERRY: Yeah (INAUDIBLE) –
- ADLER: - it's in the interest of the – the public to – to have a free press that exposes all sorts of things that are going on.
- BERRY: (INAUDIBLE)
- 5 ADLER: And if I did. I – I'm not – not ashamed of it at all on the contrary.
- BERRY: Okay.
- ADLER: Yep, go on.
- BERRY: Alright so I have an email here dated the 30th of the 1st, 2015.
- ADLER: Yep.
- 10 BERRY: (INAUDIBLE) for an extraordinary meeting in council. It's addressed from yourself to Brian Robson please find attached the call for the extraordinary meeting of council this should be held as soon as possible I've included the acting general manager Mr Chris Watson (UNINTELLIGABLE) this –
- 15 ADLER: Yeah.
- BERRY: - to keep him informed, councillor Mark Adler. Behind that is the call under the Local Government Act for an extraordinary meeting to resolve this matter. And the request for the third of February 2015.
- ADLER: (INAUDIBLE)
- 20 BERRY: And that's signed by yourself and councillor Vasiliades.
- ADLER: Yep.
- BERRY: Do you remember that email?
- ADLER: I think I do yeah.
- BERRY: Okay.
- 25 ADLER: Yeah so –
- BERRY: At this stage it appears that you're calling for this to happen.
- ADLER: Yep.
- BERRY: Had your interest increased further at this point in time?
- ADLER: Yeah I told you I was sick over the Christmas and New Year period and I pulled out of it and I was again politically active.
- 30 BERRY: Alright, so by the 30th of January who – you had become more politically active in this matter?
- ADLER: Yes.
- BERRY: I see. Alright, no that's okay. I noticed Con Vasiliades has signed this document –
- 35 ADLER: Yeah.
- BERRY: - were you with him at the time when he signed that document? Was this the call?

- ADLER: (UNINTELLIGABLE) M - more than likely it was, but I – I – to tell you the truth I can't remember –
- BERRY: Okay.
- ADLER: - it's a minor insignificant matter.
- 5 BERRY: Right okay. Do you know where you were when you – when he signed it?
- ADLER: I – I –
- BERRY: When (UNINTELLIGABLE) signed it.
- ADLER: I can't remember. I was much more interested in the substance –
- 10 BERRY: I see.
- ADLER: - than the peripheral details (UNINTELLIGABLE).
- BERRY: On the 2nd of February, 2015 it appears you received a text message and (INAUDIBLE) –
- ADLER: So let's have a look.
- 15 BERRY: I will I'm just trying to find the time '6/11/13, can I give you that document.
- ADLER: Okay so –
- BERRY: Do you have a recollection of receiving that?
- ADLER: Oh vaguely.
- 20 BERRY: Vaguely. Alright. So this is in the February period, the early February –
- ADLER: Well what date is it?
- BERRY: 2nd of February. And it was sent to you, it says confidential and FYI only I receive the following email from Montague today.
- ADLER: And what date is that –
- 25 BERRY: And then the attached email talks about how he – this is Jim writing the the emails he's investigating the course of action to assist to stem the tide of (UNINTELLIGABLE) commentary surrounding the appointment of new Director of City Planning.
- ADLER: Yeah.
- 30 BERRY: Do you know Michael would provide you with that email and mark it as confidential and FYI only?
- ADLER: I have no idea.
- BERRY: Were you free to go and speak to other councillors or persons about the information he may have provided you?
- 35 ADLER: Can I have a look? I – I was free to do anything I wish to do.
- BERRY: Okay.
- ADLER: No – no one – no one told me what to do.

- BERRY: Ehm. How would you assess your level of support towards Michael Hawatt regarding this matter, in general terms.
- ADLER: Okay my level of support for him, well there was a series of events associated with the motions to terminate the general managers
5 appointment. I supported those motions as you know, he supported those motions so he supported what I supported in relation to those matters that is in relation to the termination of the general manager.
- BERRY: Ehm. Did it go above and beyond that matter, were there other issues you've supported him on such as re-zonings? Apart from the Homer
10 Street matter we've talked about.
- ADLER: Yeah, no – no nothing – nothing at all.
- BERRY: Nothing at all?
- ADLER: Yeah okay, just tell me you – you're asking me if I supported re-zonings?
- BERRY: No above – okay so we've got the Spiro Stavis engagement issue which
15 clearly demonstrates your support with Hawatt on the matter –
- ADLER: Yeah – yep.
- BERRY: - for your, you know, political purpose that's fine. We've discussed earlier about the Homer Street matter in which you've offered some support there as well. Were there any other matters that you offered
20 support to Hawatt or Azzi concerning other issues such as re-zonings, development applications, deferments things that are along that line?
- ADLER: Deferments. Deferments of what?
- BERRY: Well without getting into specifics I want to start quite general if don't mind.
- ADLER: Yeha – yeah, okay.
25
- BERRY: Do you have a recollection of supporting Hawatt on other matters?
- ADLER: Yes.
- BERRY: Okay.
- ADLER: You can go to the council records, you can see the way I voted.
- BERRY: Alright. How would you categorise your support for Hawatt over a
30 period of time between 2014 and '15. W - if you have a recollection would you categorise it as a continued support or would you support him on the basis of the merit of the particular issue at hand, you know, what I'm trying to ascertain is where you were placed in the political sphere.
- ADLER: Okay, all of the decisions I took every matter I voted for, every
35 development application on which I had a vote, every rezoning in which I had a vote was determined by nothing but the planning merits of the individual decision. There were also things on the council that I was very passionate about for example the swimming pools. Montague wanted to
40 reduce the hours of the swimming pools, I waged a very – very strong public campaign about that there are a hundred and twenty people came to the council meeting where – where it was considered. All good

people. And I - over time I tried to get support from all of the councillors in – in relation to this. And ah – so –

BERRY: Okay.

5 ADLER: But aren't – aren't you more interested in development applications and rezonings (INAUDIBLE) –

BERRY: Yeah I'm - I'm – I will get into that.

ADLER: Yeah – yeah – yeah.

BERRY: I just want to start off broad.

ADLER: Yeah – yeah.

10 BERRY: I think I've made that quite clear.

ADLER: Yeah – yeah – yeah – yep.

15 BERRY: Alright so I'm gonna show you a letter and I'm not sure if you've seen it or not. It's dated the 4th of May, 2016. And it starts off by the words Hi Mark, and finishes thanks councillor Michael Hawatt. (UNINTELLIGABLE) opportunity to look at that.

ADLER: Can I have a look? So what do you want me to tell you about this? Have I seen it?

BERRY: Yes.

ADLER: Um –

20 BERRY: Have you seen that document before?

ADLER: I don't remember no.

BERRY: No.

ADLER: I – I don't remember seeing it.

BERRY: Okay, thank you.

25 ADLER: I – I know that he was – he had a view on – on what should happen in the case of council amalgamations I – and I deny seeing it but I just remember. I – I – I honestly don't.

30 BERRY: That's fine. For the record it says '*Hi Mark I need your support to ensure that I and the following councils continue to do our work in the new Canterbury Bankstown Council*'.

ADLER: Yep.

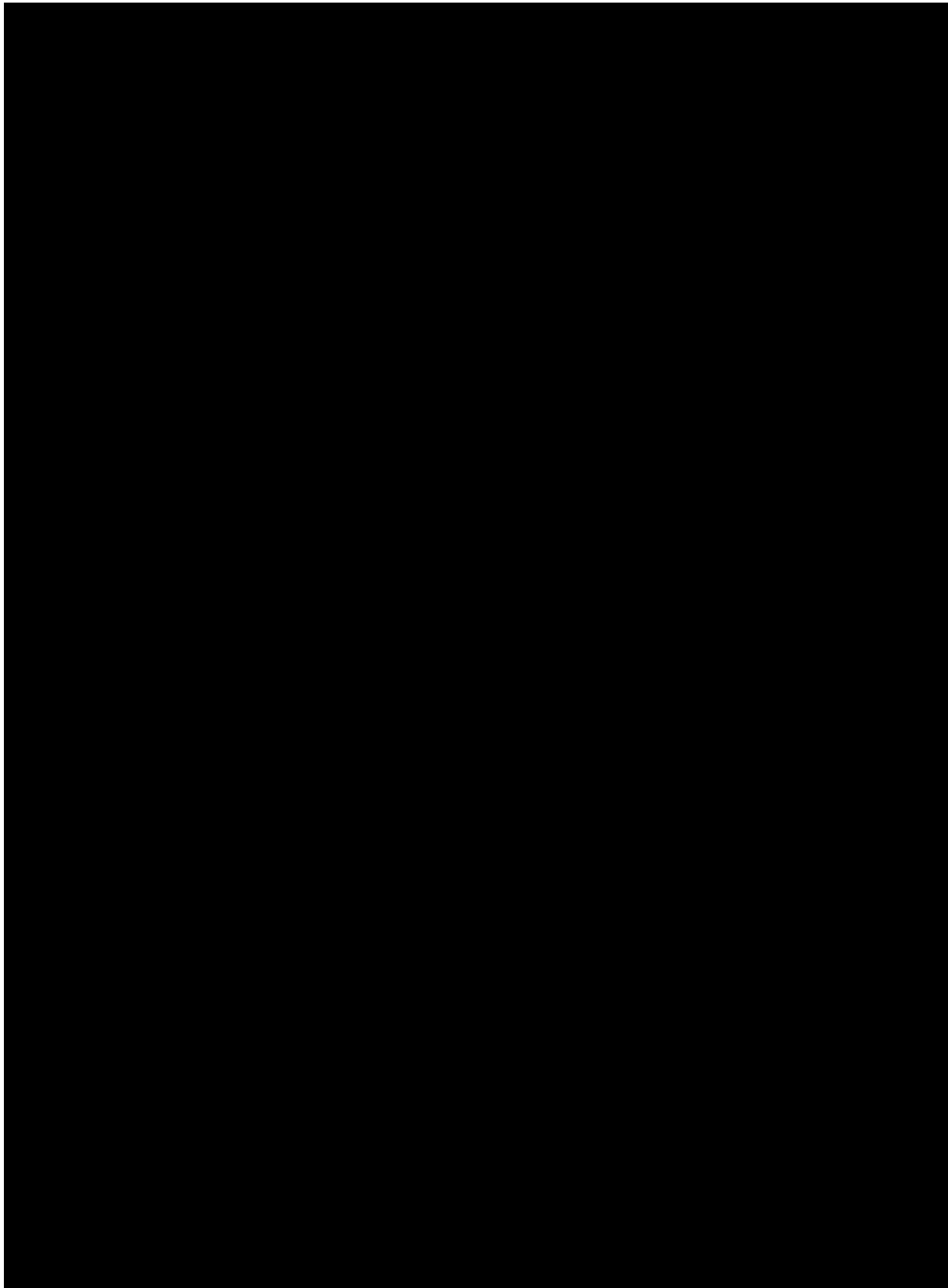
35 BERRY: '*I want to continue promoting the Liberal Party and the greater community with the new council. I have submitted my expression of interest to be part of the transition team. I'm also supporting some Labor councillors who I have a big (UNINTELLIGABLE) influence on to help me achieve my objects and ensure that we maintain the numbers in the new council. Michael Hawatt, Vaselidies, Ken Nam, Pierre Azzi, Mark Adler, Fadwa Kebbe and Karl Saleh. Please note that all of the above have supported council reform and council amalgamations. I also wish to seek your support to give the role of administrator to our current*

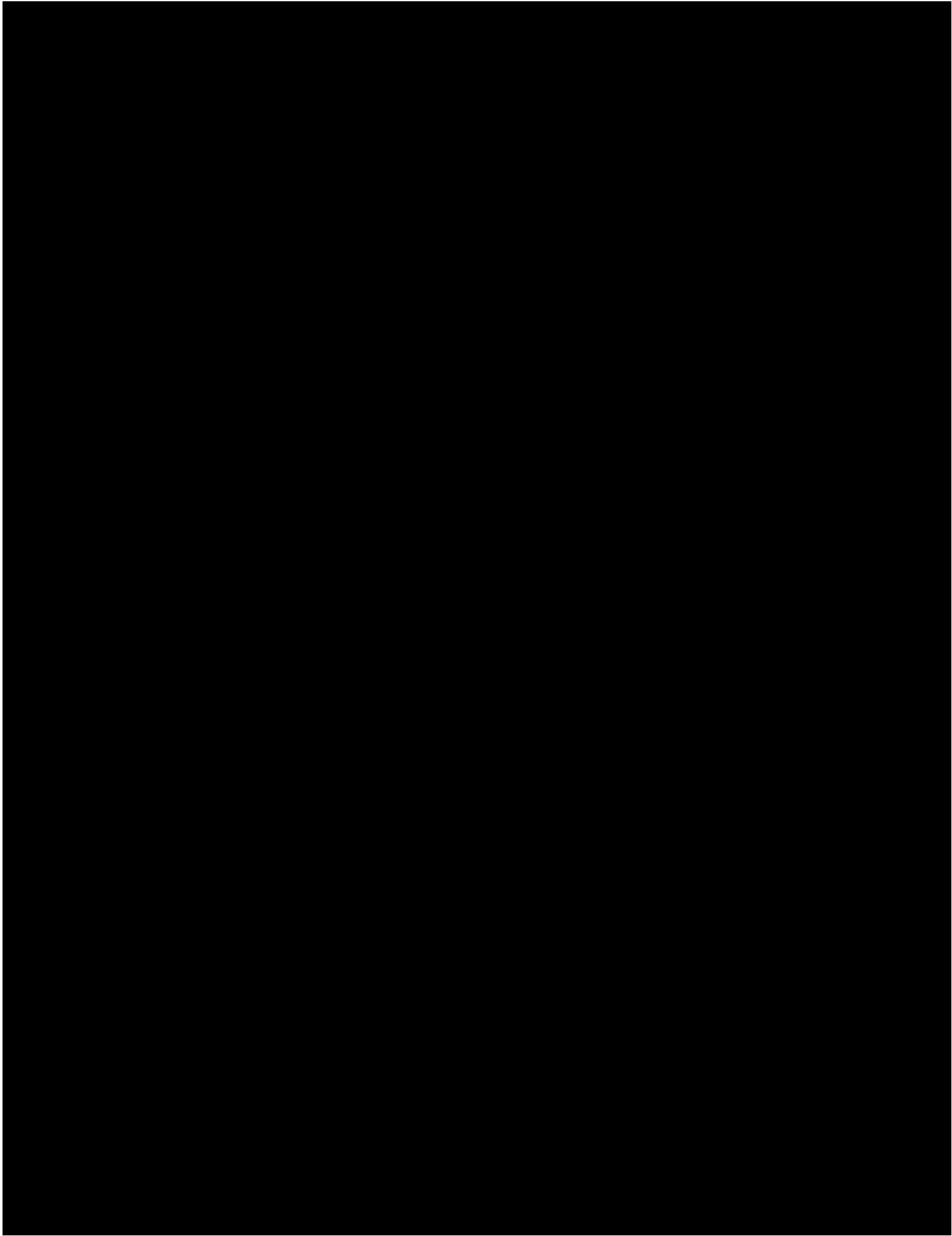
40 *general manager Jim Montague who wishes to retire after his work is*

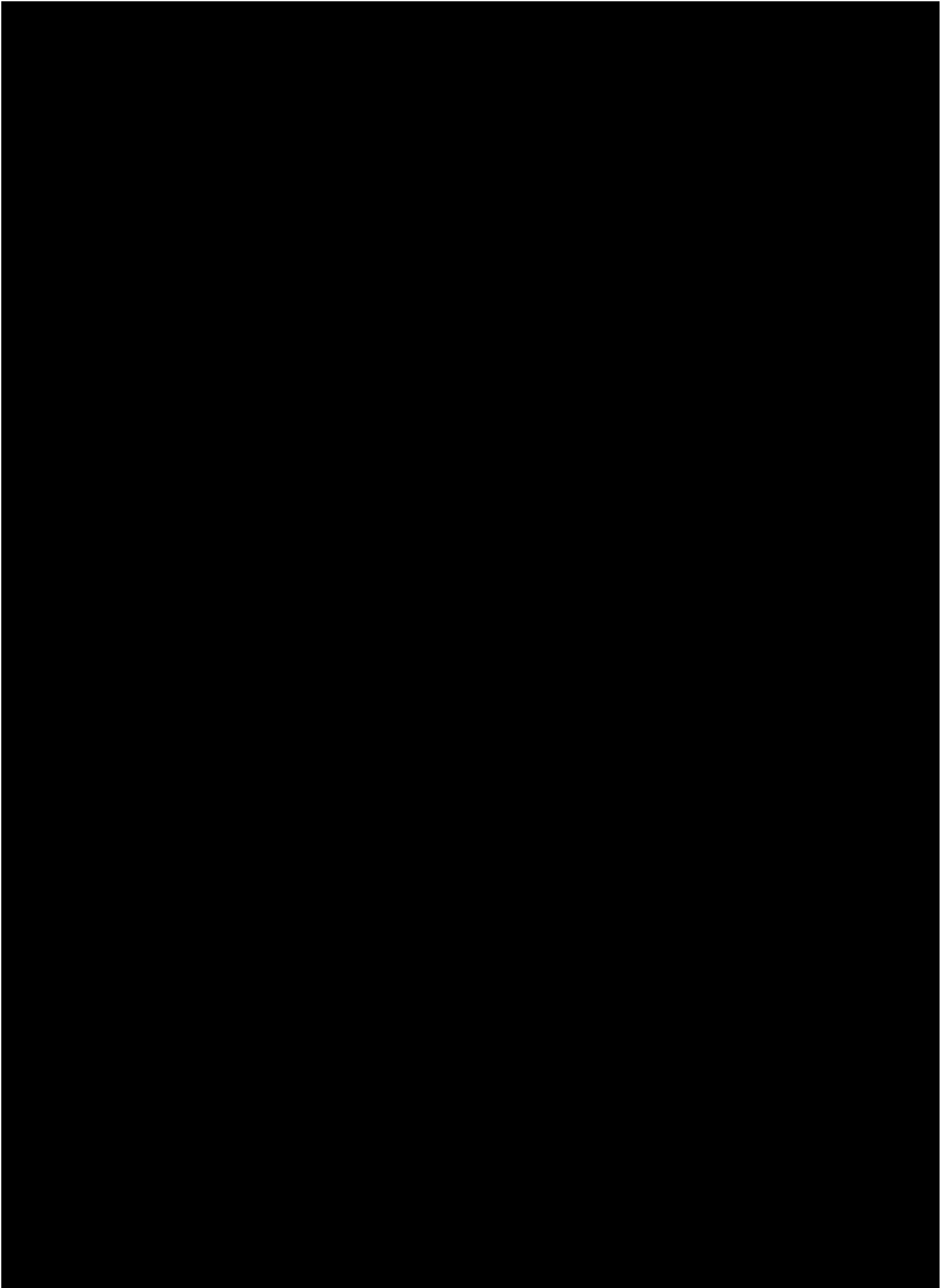
- completed to ensure the success of the transition in this historic time to amalgamate two councils is completed. He is willing retire and take up appointment administrator or continue as is wiyh the new role. Your support in ensuring this happens will never be forgotten and always appreciated'. So there's a couple of points I'd like to raise with you about that letter. Says I am also supporting some Labor councils who I have a big influence on and apart from your name being on that list, is Fadwa Kebbe, Karl Saleh and Pierre Azzi, do you know is Michael Hawatt had the influence on those people?
- 5
- 10 ADLER: Okay look he wasn't influencing me I was making my own decisions –
BERRY: (UNINTELLIGABLE)
ADLER: - and he was expressing his own views there and you should ask those other people.
- BERRY: I'm asking you whether or not you observed or have knowledge of his
15 influence on those persons I've named earlier.
- ADLER: What – what sort of influence?
- BERRY: Influence to make decisions on his behalf or for him, or towards his goals, or to support him in any fashion that he may wish to achieve?
- ADLER: So – so was I aware of any influence that he had –
- 20 BERRY: On others.
ADLER: - on those other councillors.
BERRY: Yes.
ADLER: Look, it depends on how you define influence. (UNINTELLIGABLE) –
- BERRY: Well to get them to vote on things that he asked them to do, or to get
25 them to put motions or forward, or to support his application in certain issues before council. That type of influence. So in layman's terms if I ask you to do something for me –
- ADLER: Yeah.
- BERRY: - and you do it and I then purport to have some influence over you for
30 whatever the reason may be I'm not suggesting it's corrupt I'm just saying did you observe anything like that? Do you have knowledge of anything like that?
- ADLER: I know that people frequently voted (UNINTELLIGABLE) certain people frequently voted with him and –
- 35 BERRY: And were they –
ADLER: - you can go and check all that.
BERRY: Were they Pierre Azzi?
ADLER: Well often.
BERRY: Was it –
- 40 ADLER: It depends – it depends on the matter right, not always.

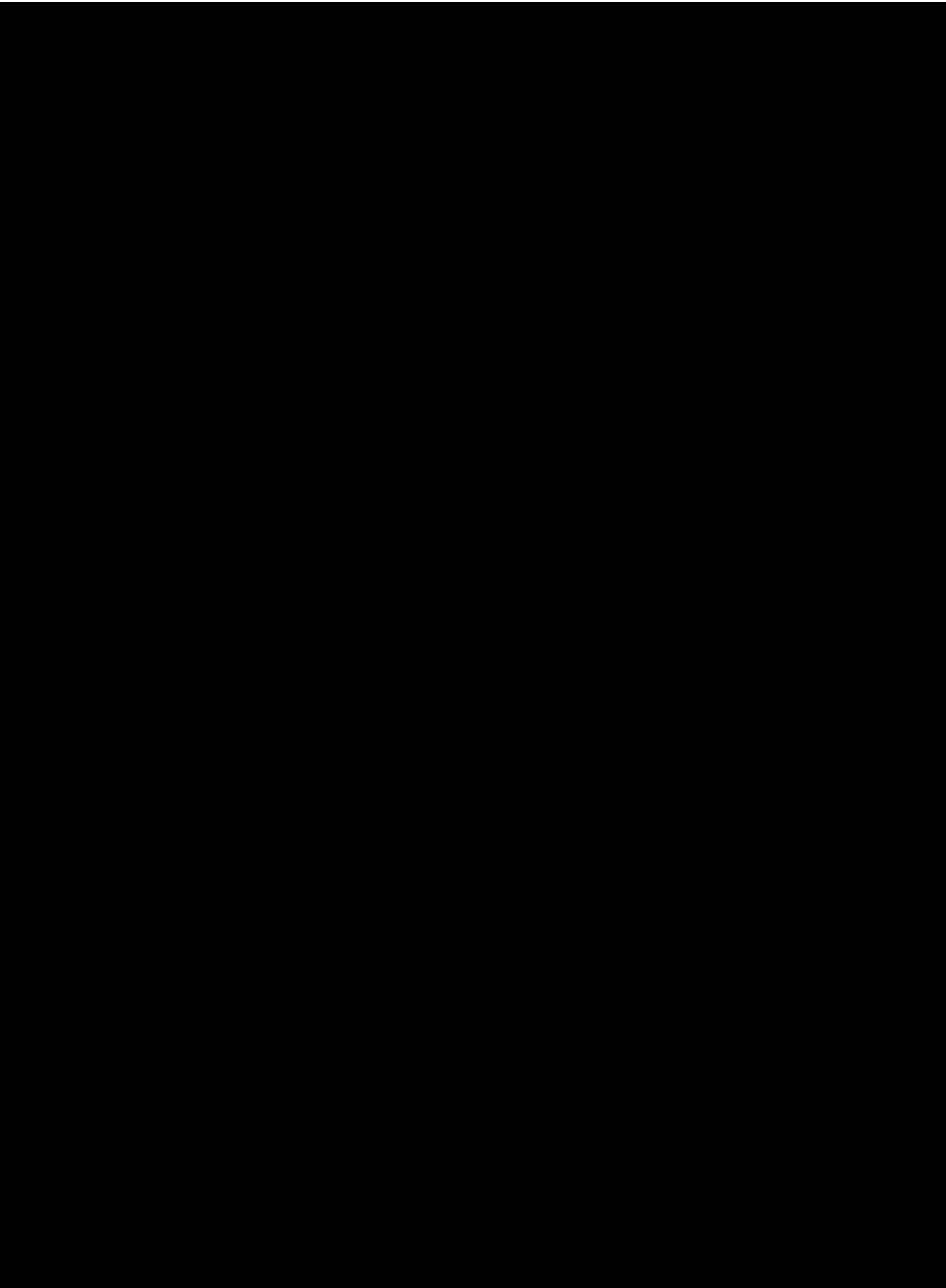
- BERRY: What about Fadwa Kebbe?
- ADLER: Depends on the matter not always often.
- BERRY: What about Karl Saleh?
- 5 ADLER: Well the – the question is did those people vote the same way as Hawatt. The an – is that the question you're asking?
- BERRY: Well not – not – not in terms like – in that term. What I'm trying to ascertain is to whether one he had an influence to achieve his goals over these people?
- ADLER: Okay well he certainly never influenced me.
- 10 BERRY: Okay.
- ADLER: I made all my decisions on the basis of actions, or the basis of political principles. The merits of the case.
- BERRY: Yep.
- 15 ADLER: In terms of other people have – have – him having an influence over other people surely you better ask them I mean –
- BERRY: Well I – I – I appreciate what you're saying, but I really kind of want to see whether or not your observed that influence in play.
- ADLER: Okay.
- BERRY: This is something I'm asking you. Whether you saw this happen?
- 20 ADLER: Look I saw lots of politics. L – you know political affairs, but in terms of influence it would depend very much on – on what you mean, I mean what sort of influence coaching them along, pushing them into things.
- BERRY: Alright let's – let's break it down.
- ADLER: Yeah.
- 25 BERRY: Did you see or have knowledge – do you have knowledge of Hawatt pushing, and we'll use your words –
- ADLER: Yeah.
- BERRY: - any of the councillors into something that they might not or have expressed that they disagree with, but they've agreed with Hawatt?
- 30 ADLER: Not that I can remember no.
- BERRY: In part two of this letter you're talking – it talks about the re-appointment of the general manager as administrator to continue after he's retired do you have knowledge about that?
- ADLER: About?
- 35 BERRY: That?
- ADLER: Well there was talk as – as council moved on towards May last year when it was sacked obviously the – the – the State Government put – put out various documents concerning expression of interest and what would happen and I guess he was expressing his opinion.

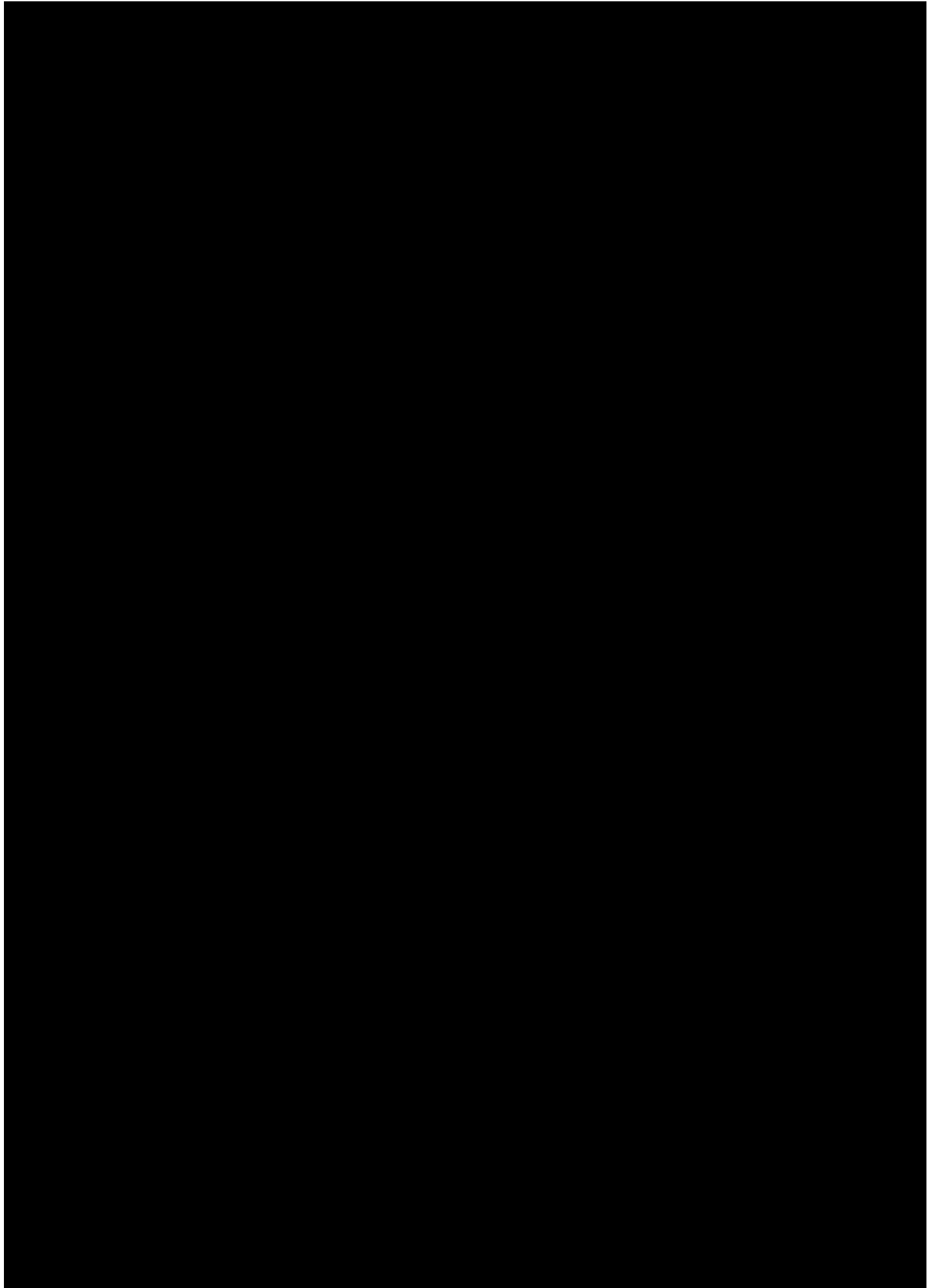
- BERRY: Were you aware of it at around about May 2016 that there was some talk about having Jim Montague come back as an Administrator?
- ADLER: I'm not sure whether it was Administrator or general manager but certainly (INAUDIBLE) –
- 5 BERRY: Or him returning to do some work there?
- ADLER: Yes.
- BERRY: And how did you feel about that?
- ADLER: Look I'm not sure. By that time Hawatt and Azzi had made their peace with Montague a long time before that.
- 10 BERRY: Did you – did you change your opinion of Montague at that stage?
- ADLER: When I look back on it I thought maybe things might have been done differently, back at the end of 2014 2015, but you make decisions in politics sometimes very quickly and at – at that time I didn't have a big problem with Montague st – staying on and having a role.
- 15 BERRY: What – what changed from you know what had happened for the last three months prior to that you, you know, making mot – or – or moving motions to have him removed to this point as to now you don't have a problem with him, what – what was the thing –
- ADLER: It wasn't – it wasn't three months, it was the – the second of those
20 meetings was at the beginning of February of 2015 and council was dismissed in May 2016. So it's one year and three months, and look my opinions changed with time I'm not sure why I change them.
- BERRY: Was there any conversation between you and Hawatt where Hawatt asked you to support his position or his vision for Montague to come
25 back as a – after he retired?
- ADLER: I think they talked about it, but I don't – look it's a while ago now.
- BERRY: Okay.
- ADLER: I'm – I'm sorry with my –
- BERRY: Nah it's okay.
- 30 ADLER: - you're – you're delving into the finer details right.
- BERRY: I – I'm testing your memory I understand. Yeah no – no that's alright.
- ADLER: And if you – if you want – look if you want to put things to me please put them in writing. (UNINTELLIGABLE) much happier to give a considered answer –
- 35 BERRY: Alright.
- ADLER: - but go on – go on.
- BERRY: No that's alright, look I – I don't – I don't intend on asking you any further questions about (UNINTELLIGABLE) Stavis matter –
- STOCKLEY: I -
- 40 BERRY: - but Lisa might.

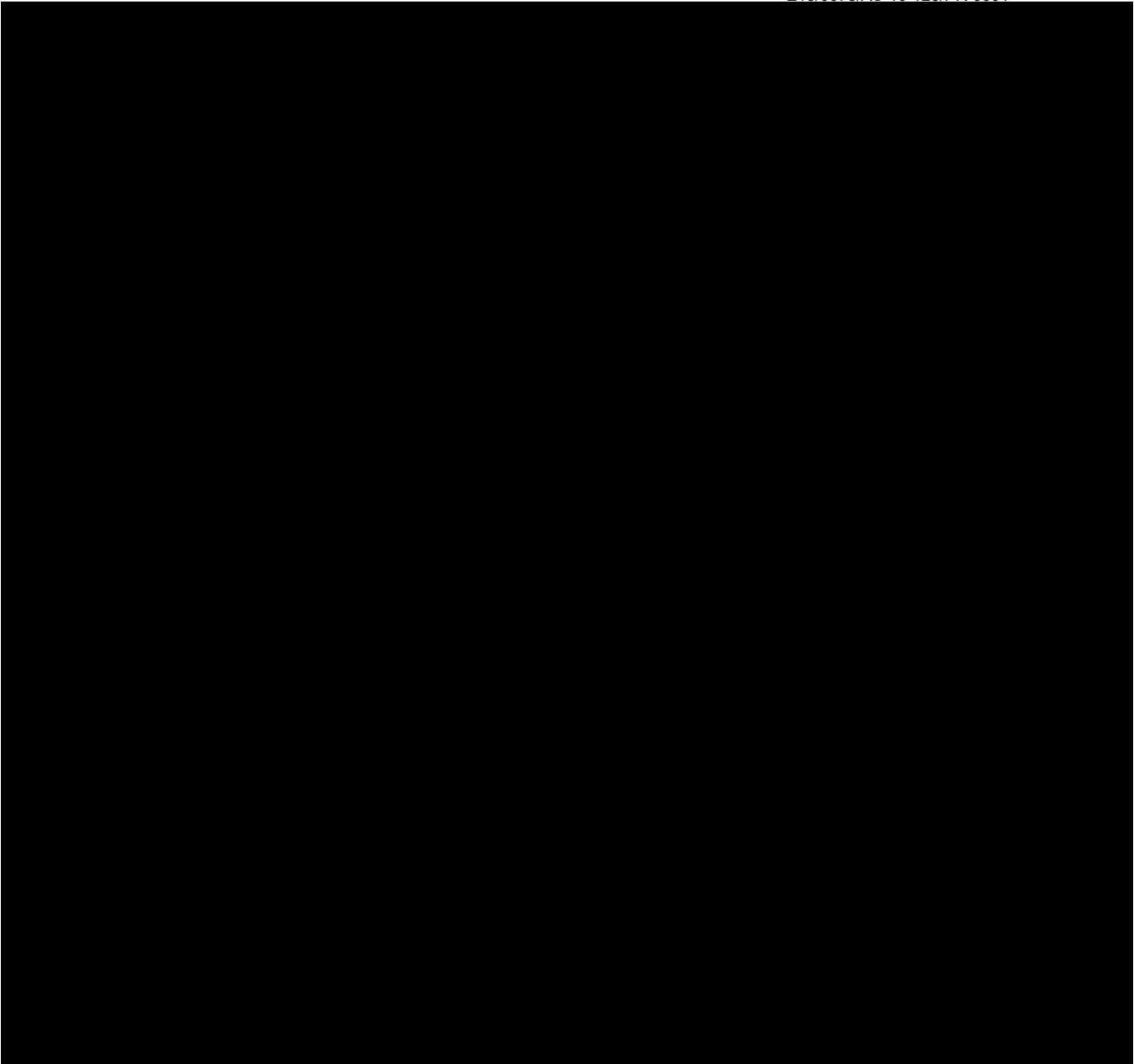












BERRY: H – after I had contacted you have – have either Kebbe or other members of the council contacted you about the ICAC investigation. After I spoke to you?

30 ADLER: No.

BERRY: No.

ADLER: I have not spoke to anybody.

BERRY: Oh okay.

ADLER: No – no – nobody.

35 BERRY: (INAUDIBLE)

ADLER: Unassociated with council, not at all.

BERRY: Has Michael Hawatt spoken to you about the ICAC investigation at all?

ADLER: Ah once. George Vasil's father died and I went to pay my condolences. And he was there. And I didn't introduce the topic of conversation, but he vehemently denied any wrong doing.

BERRY: I see.

5 ADLER: And this was maybe a month or two ago.

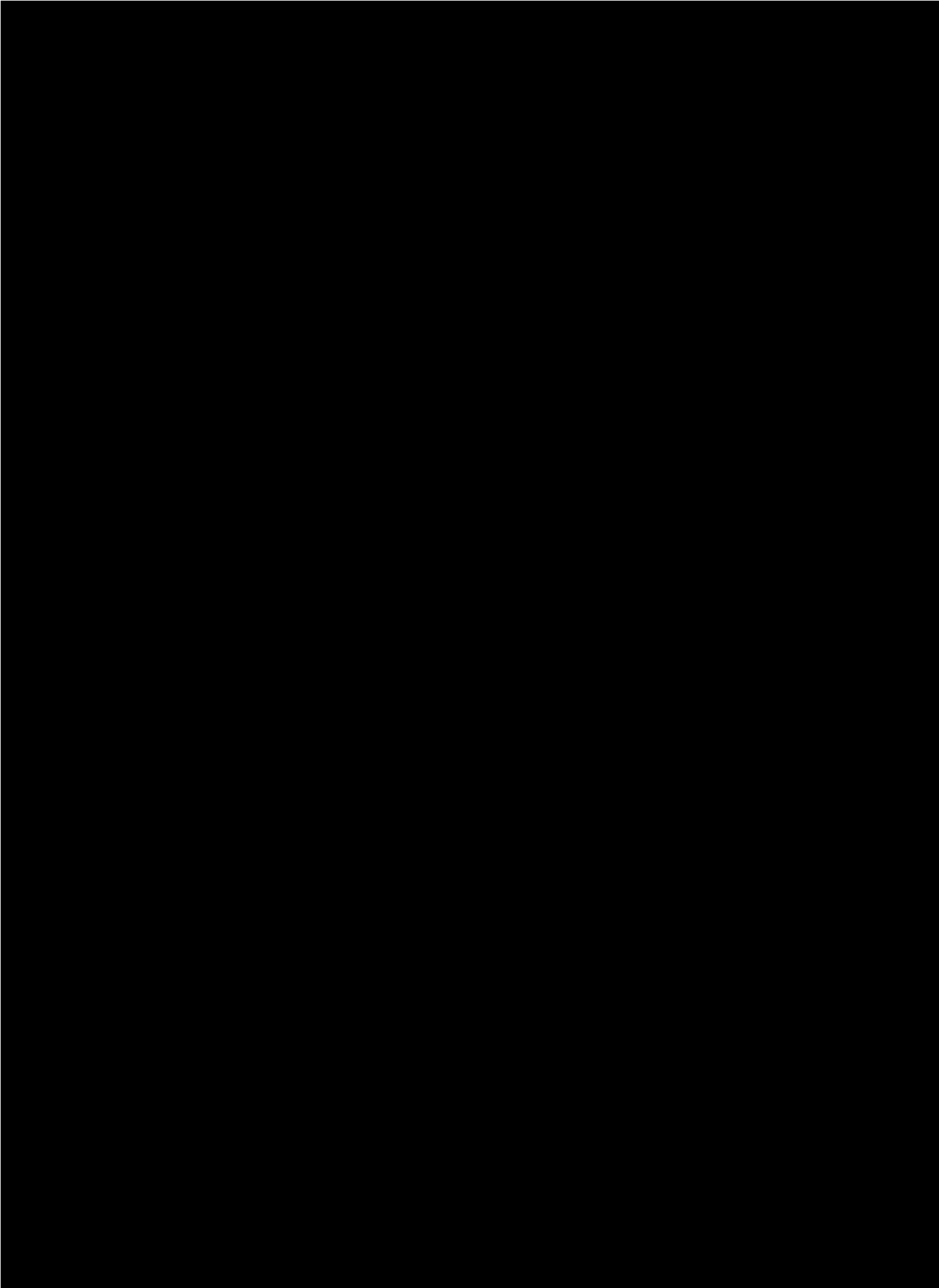
BERRY: I see. And that was at the – George's dad's funeral, is that right?

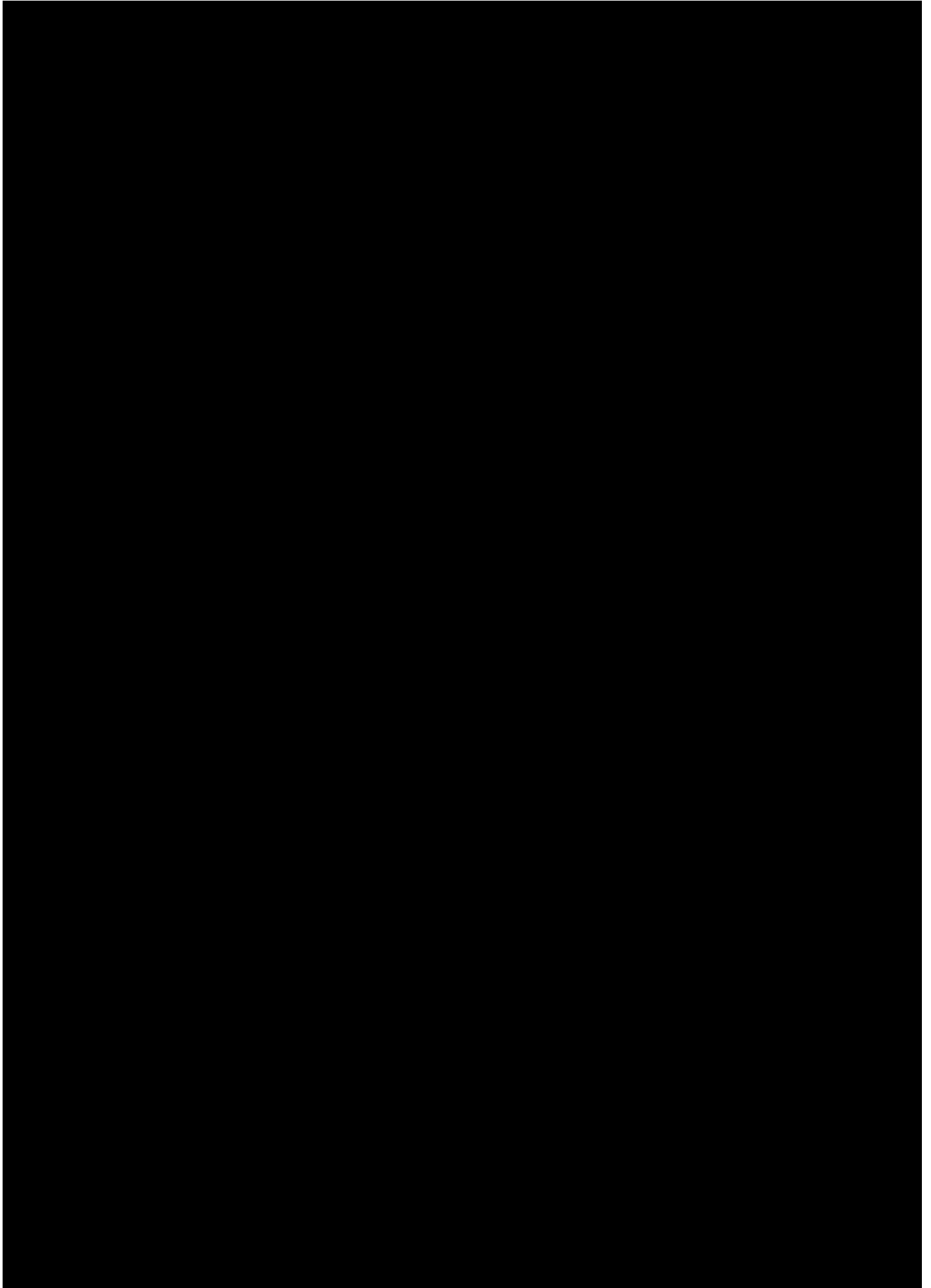
ADLER: No at the condolences.

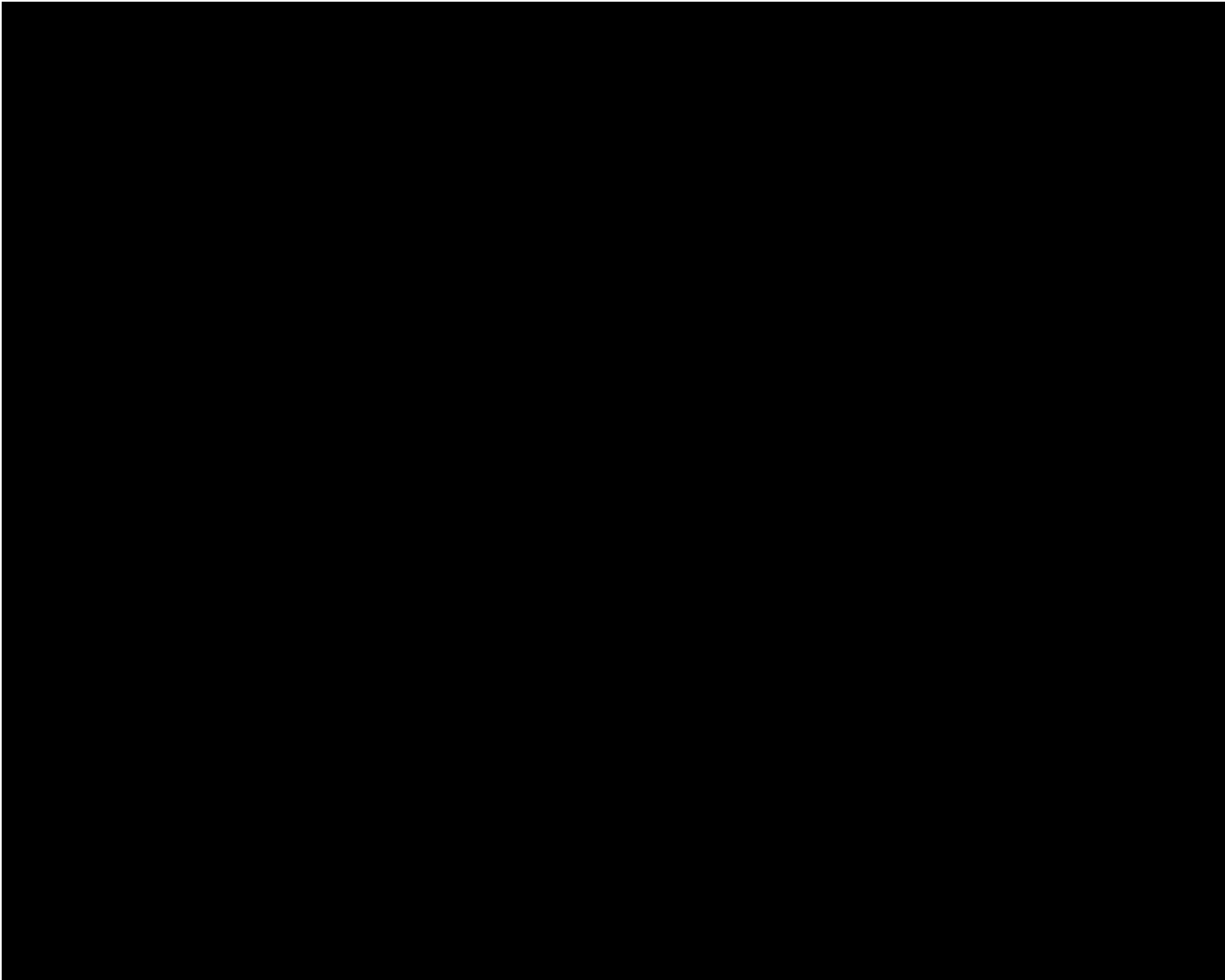
BERRY: I see. My apologies at the condolences, alright.

ADLER: And there – there's nothing wrong in going to pay condolences.

10 BERRY: No – no – no don't take it – that as any criticism at all, I'm just – just trying to ascertain the timeline of events. Alright, do you want to ask anything on that?







BERRY: Okay so in respects to Homer Street at Earlwood –

25 ADLER: Yeah.

BERRY: - you would recall that there was a significant resident backlash over that?

ADLER: Yeah – yeah.

BERRY: Did that weigh on your mind at the time?

30 ADLER: Okay I didn't think too much about it.

BERRY: Okay.

ADLER: And that's – you know, I didn't think too much about it.

BERRY: So that particular part of your interests wasn't a significant factor at that time?

35 ADLER: I didn't think it was a very significant proposal. I was more concerned of what was happening on – in Charles Street along Canterbury Road.

BERRY: Ehm, okay great. I'm done.

- STOCKLEY: Okay I've just got one other specific development to ask you about. Are you familiar with a site on Canterbury Road at – it's (UNINTELLIGABLE) I haven't written down the – it – it used to be the Spoilers car wash site –
- 5 ADLER: Yep.
- STOCKLEY: - so I think it's – it goes up to – oh God I've just got a mental blank I didn't even write down the address, but do you – do you know the one that I mean it's near Spoilers –
- ADLER: Yes.
- 10 STOCKLEY: - it used to be Spoilers and it's next to the old Harrisons site –
- ADLER: Yeah – yeah – yeah –
- STOCKLEY: - on Canterbury Road.
- ADLER: - yeah – yeah – yeah – yeah – yeah – yeah –
- STOCKLEY: Yep, I think it's 538 to 546 –
- 15 BERRY: '46.
- STOCKLEY: Yep.
- ADLER: Yeah – yeah – yeah – yeah – yeah.
- STOCKLEY: Did you at any stage were you approached by councillor Hawatt or councillor Azzi in respect to seeking information about how you might vote on the Section 96 application for that development?
- 20 ADLER: Not that I remember.
- STOCKLEY: No, so this Section 96 development it was to add two additional levels –
- ADLER: That's right.
- STOCKLEY: - (INAUDIBLE) yeah did you – do you have any recollection about your views –
- 25 ADLER: Yes.
- STOCKLEY: - on that application, yep.
- ADLER: Yeah
- STOCKLEY: Could you tell me?
- 30 ADLER: Okay. The development next to it –
- STOCKLEY: Harrisons.
- ADLER: - it was owned by Charlie Demian –
- STOCKLEY: - yep.
- ADLER: Who I'm sure you know (UNINTELLIGABLE) you've heard of him in – in your investigations. So it's right next to the land which was owned by him, it was recently sold.
- 35 STOCKLEY: Yeah.

- ADLER: He was given eight storeys. And then this development gets considered and there are two possible reasonable positions. One is to say okay stay at six storeys the other one is to go up to eight. I believed that it would have been unconscionable for council to give Charlie Demian eight storeys and in the property next door only six. And so I – I thought it would have been absolutely dreadful and – and unjust, and that’s the reason why I supported the development application and I said as much as – as that it concerning my reasons when the item was finished. I was in the chair at the time and the chair can’t speak (UNINTELLIGABLE) meeting when the matter was over I – I said I believed that it would have been unconscionable for council to refuse this one.
- 5
- ADLER: Okay d – did Michael Hawatt or Pierre Azzi speak to you before that meeting to ascertain how you were going to vote?
- ADLER: Okay, not that I remember. I – I’ve got no recollection of that.
- 15 STOCKLEY: Okay and so they – similarly they didn’t speak to you in and – and – they inform you of how they intended to vote?
- ADLER: No.
- STOCKLEY: No?
- ADLER: No (UNINTELLIGABLE) not that I can remember right.
- 20 STOCKLEY: Okay. In that matter IHAP had made a different –
- ADLER: Yeah.
- STOCKLEY: - recommendation and – and recommended that –
- ADLER: That’s right yeah.
- STOCKLEY: - (INAUDIBLE) should be refused –
- 25 ADLER: Yeah that’s right yep – yep – yep.
- STOCKLEY: (INAUDIBLE) yep. Did Michael Hawatt or Pierre Azzi speak to you about supporting the – the council staffs recommendation over the IHAP recommendation?
- ADLER: Okay I – I can’t – not as far as I can remember.
- 30 STOCKLEY: Okay.
- ADLER: (UNINTELLIGABLE)
- STOCKLEY: You mentioned that the site the Harrisons site so 548 to 568 although I believe that also the site 570 to 580 adjacent to that is also owned by Mr Demian.
- 35 ADLER: Oh is it? Okay.
- STOCKLEY: Yeah so, but in respects to the Harrisons site only you mentioned that that got to eight storeys –
- ADLER: That’s right yeah.
- STOCKLEY: Do you know how the height of eight storeys was achieved on that development?
- 40

- ADLER: Ah I'm not sure what you mean there?
- STOCKLEY: Well at the time that the development was approved, the actual zoning for the area didn't permit eight storeys.
- ADLER: Ah that's right yeah.
- 5 STOCKLEY: So do you know how it was possible for the council to vote for eight – eight storeys –
- ADLER: Okay.
- STOCKLEY: - on the development?
- ADLER: Okay, my understanding, correct me if I'm wrong here, my
10 understanding is that the council officers recommended approval.
- STOCKLEY: Yep.
- ADLER: And the – the IHAP recommended refusal.
- STOCKLEY: Mm. They recommended that it actually – that the application be deferred for further (INAUDIBLE) –
- 15 ADLER: Oh okay –
- STOCKLEY: (INAUDIBLE)
- ADLER: - sure yeah – yeah – yeah – yep – yep – yeah – yeah.
(UNINTELLIGABLE) I have to check the minutes.
- STOCKLEY: Or maybe I'm getting confused with the one next door, but anyway – in
20 any even there was a d - disparity between the council officers –
- ADLER: Yeah –
- STOCKLEY: - recommendations and IHAP recommendations, yep.
- ADLER: - that' right yeah – yeah – yeah – yeah - yeah and as to why the council
25 officers (UNINTELLIGABLE) Spiro Stavis or whoever did it for – as to why – they – he put that that particular recommendation forward I don't know. I certainly never talked to him about it and so you'll have to ask him –
- STOCKLEY: Okay.
- ADLER: Does that answer the question?
- 30 STOCKLEY: But in terms of your – well in terms of your consideration of the issue given that you have some regard for the IHAP recommendations, some regard for the council staffs –
- ADLER: Yeah.
- STOCKLEY: - recommendation and this particular development exceeded the planning
35 instruments at the time –
- ADLER: That it certainly did, yes yeah – yeah.
- STOCKLEY: - can you recall what factors you weighed up in supporting the development?
- ADLER: I just told you. And the situation was that the old Harrisons site –

- STOCKLEY: No – no I’m talking about the Harrisons site did you (INAUDIBLE) –
- ADLER: Oh the Harrisons site okay –
- STOCKLEY: Yes –
- ADLER: Okay.
- 5 STOCKLEY: - how – how it got to eight storeys.
- ADLER: Yeah okay –
- STOCKLEY: Sorry we’re talking across purposes.
- ADLER: - okay – okay sorry.
- STOCKLEY: Let’s start again.
- 10 ADLER: Ah.
- STOCKLEY: In relation to the Harrison site –
- ADLER: Yeah.
- STOCKLEY: - the height exceeded the planning – the zoning for the area at the time that it was approved.
- 15 ADLER: Yeah.
- STOCKLEY: Do you know how it came to be that the council voted in favour of a development that exceeded the planning controls.
- ADLER: I don’t know I wasn’t at the council meeting.
- STOCKLEY: Oh weren’t you, okay.
- 20 ADLER: No.
- STOCKLEY: Are you aware of any relationship between Charbel Demian and any council staff or councillors?
- ADLER: Look I heard a rumour that he – he was friendly with Montague. And I heard a rumour that he was friendly with Azzi, but I – I don’t trade in rumours and I got no idea whether that’s true I can’t even remember who told me.
- 25 STOCKLEY: Okay so you’ve never seen or heard anything (INAUDIBLE) –
- ADLER: No I’ve never – I never met Charlie Demian I wouldn’t know what he looks like.
- 30 STOCKLEY: Okay. Have you ever – are you aware of any meetings that occur at Mr Azzi’s house between coun – where councillors or council staff attend?
- ADLER: Where council staff attend, no.
- STOCKLEY: Well such as Jim Montague or Spiro Stavis?
- ADLER: No. Oh okay I – I was certainly never there. During the course of the – the bl – the attempts to get rid of Monatgue during – during that time I was told that Pierre told me that Jim Montague did go over from time to time to his place, but I – I certainly – he wasn’t there when I was there, And I don’t know – and I did visit him at his – his house a few times.
- 35

STOCKLEY: Mr Azzi that is?

ADLER: Yes –

STOCKLEY: Yes – yep.

ADLER: - that's right yeah – yeah – yeah.

5 STOCKLEY: Um –

ADLER: Nothing wrong with that.

STOCKLEY: No, I'm not saying there is.

ADLER: Yeah – yeah.

10 STOCKLEY: Are you aware of any developers attending those meetings where council staff or councillors were present at Mr Azzi's house?

ADLER: No, no idea.

STOCKLEY: Have you ever been there when Bechara Khouri has been present –

ADLER: No.

STOCKLEY: - at meetings at Mr Azzi's house?

15 ADLER: No and I do – you asked me earlier on about Bechara –

STOCKLEY: Mm -

ADLER: Yeah.

STOCKLEY: Yep, okay.

ADLER: Yeah, I was never there.

20 STOCKLEY: Okay –

ADLER: I have no idea.

STOCKLEY: - so on the occasions that you attended Mr Azzi's house was it just you and Mr Azzi or were there other people there?

ADLER: Ah it was me and him –

25 STOCKLEY: Yep.

ADLER: - and – and now and again me and him and Hawatt.

STOCKLEY: Okay.

ADLER: But we were councillors, talking council business. Councillors do talk.

STOCKLEY: That's okay you don't need to justify –

30 ADLER: (INAUDIBLE)

STOCKLEY: - I'm just asking the question.

ADLER: Yeah that's fine yeah – yeah.

STOCKLEY: Okay.

ADLER: Yeah.

- STOCKLEY: Alright no I don't have anything further.
- BERRY: Alright, Mark I don't propose to ask you any further question I note that the time is now thirteen minutes past eight and you've gone on quite a significant period of time and I do appreciate your effort. Prior to finishing up Mark I'd like to ask you this question. Considering you – you, you know, you have some knowledge of what ICAC is all about, and the matters that we're discussing with you do you have any information as to corrupt behaviour at Canterbury council involving Hawaat and Azzi or developers in general?
- 5
- ADLER: Okay, no I don't.
- BERRY: Okay.
- ADLER: I never – I never saw any evidence of corrupt activities, had I seen it I would have got onto ICAC –
- BERRY: Yep.
- 15 ADLER: There were a whole range of developments and not only (UNINTELLIGABLE) the only are the ones that you mention. There was one at the corner of – [REDACTED]
- 20 STOCKLEY: Oh yeah – yep.
- ADLER: There was one at –
- BERRY: Sorry.
- ADLER: [REDACTED]
- [REDACTED]
- BERRY: Mm, mm.
- 30 ADLER: - but it's a long journey between a bad planning decision and corruption [REDACTED]
- [REDACTED]
- [REDACTED]
- 35 BERRY: [REDACTED] Look I don't propose to ask you anything else. Have the answers you've provided today been here – given here of your own free will?
- ADLER: Yes they have been.
- BERRY: And have the answers you've provided here today been to the best of your knowledge and belief?
- 40 ADLER: Yeah to the best of my knowledge and belief –
- BERRY: Yep.

- ADLER: - but look there's a lot of things I don't fully remember –
- BERRY: Okay.
- ADLER: and I s – I stand –
- BERRY: And I – and –
- 5 ADLER: - to be correct.
- BERRY: That's fine. And I note that you took a few questions on – on notice.
- ADLER: Yeah.
- BERRY: And I ask you that – I – I've given you my card –
- ADLER: Yeah.
- 10 BERRY: - and if you want to come back to me in an email –
- ADLER: Yeah.
- BERRY: - by all means do that. I got – I don't propose to do anything else apart from turn off the tape now it's time fifteen minutes past eight.
- ADLER: Yeah.
- 15 **END OF INTERVIEW**