

INDEPENDENT COMMISSION AGAINST CORRUPTION

RECORD OF INTERVIEW BETWEEN INVESTIGATOR SIMON BERRY AND JAMES MONTAGUE AT SYDNEY ON 9 MARCH 2017

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TIME: 10:55
PRESENT: SIMON BERRY
LISA STOCKLEY
JIM MONTAGUE

10

BERRY: So this is an electronically recorded interview. My name is Simon Berry, spelt B-E-R-R-Y. I'm an Investigator with the Independent Commission Against Corruption, currently located at the ICAC offices in Sydney. Today is the 9th of March 2017. The time is 10:55am. Present with myself is Investigator Lisa Stockley and Mr Jim Montague. For the purposes of transcription could you please state your full name when I point to you.

15

STOCKLEY: Lisa Stockley.

MONTAGUE: James Montague.

20 **BERRY:** Okay. And apart from the persons that have identified themselves, do you agree there's no one else in this interview room?

MONTAGUE: Yes.

BERRY: Alright. Do you mind if I call you Jim or James?

MONTAGUE: No Jim's fine.

25 **BERRY:** Jim's fine. Do you agree that prior to the commencement of this electronically recorded interview I told you you do not have to participate in this interview, it's a voluntary process?

MONTAGUE: Yes.

30 **BERRY:** Do you also agree that I told you that you're not obliged to say anything as anything you say will be recorded and may later be used in evidence and that, for your clear understanding, is evidence in a future Commission's inquiry or any criminal inquiries that come out of this?

MONTAGUE: Yes.

- 5 BERRY: Okay. Do you agree that I also told you that pursuant to the Independent Commission Against Corruption Act it's an offence to deliberately provide false or misleading information to an officer of the Commission exercising their functions under the Act and any information you provide in this interview must be true and correct to the best of your knowledge and belief? Do you understand all that?
- MONTAGUE: Yes.
- BERRY: For the record it's James Cleland Montague, is that correct?
- MONTAGUE: That's right.
- 10 BERRY: And you participated in an interview with the Commission, myself and Lisa on the 3rd of November 2016, is that correct?
- MONTAGUE: Thereabouts, yeah I can't remember the exact date.
- BERRY: Okay. And in that interview did you provide all the answers to the best of your knowledge and belief at that time?
- 15 MONTAGUE: Yes.
- BERRY: Okay. Do you agree that prior to the interview I told you, this interview today, I had a conversation with you on the 2nd of March 2017 where, it was a telephone conversation, where I spoke to you about a number of issues that was going to be discussed, including the appointment of Spiro Stavis, the Harrison's site [REDACTED]? Do you remember that conversation?
- 20 MONTAGUE: Yes.
- BERRY: Do you agree that prior to the commencement of this interview this morning I explained what we were going to speak to you about today and that was Stavis, Harrison [REDACTED]?
- 25 MONTAGUE: Yes.
- BERRY: Alright. Just so you're clear, we did this last time in the last interview but I'll repeat myself to you. The allegation is that you partially exercised your public official functions as General Manager of the former Canterbury City Council by appointing Spiro Stavis as City Planning Director and that occurred between December '14 and January 2015. Okay so you're aware of what we're talking about –
- 30

MONTAGUE: Yes.

BERRY: - in respect to that? Lisa's going to speak to you about the Harrison site [REDACTED]. Do you recall in that conversation when I mentioned, and I'm talking about the conversation on the 2nd of the third, 2017 in the telephone call you mentioned when I indicated to you we'd like to speak to you about the Harrison site, you said words to the effect of "all I did was introduce the developer and planning staff together" is that correct? Do you have a recollection of that conversation?

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10 MONTAGUE: What I said was that I did have meetings with, I do have meetings or I did have meetings with applicants and with the planning staff present.

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

BERRY:

[REDACTED] What I'd like to explore with you is the first matter concerning Spiro Stavis.

MONTAGUE:

Yeah. Simon I don't know there's much more I can tell you about –

20

BERRY:

No that's okay.

MONTAGUE:

I mean we've been over this ad nauseum.

BERRY:

Yeah, no, no I – let me explain the, the situation to you in all fairness to you. You've told us a version of events. We went away and did some further work and what you've said and what other people have said and we've come back with some further information. And I would like to provide you with that information for you to comment on.

25

MONTAGUE:

Okay.

BERRY:

That's essentially what we're here to do today. There's a little bit of a process prior to getting to that point though. As you recall we interviewed you a little while ago. My records indicate the 3rd of November last year. Would that seem correct with you?

30

- MONTAGUE: Yeah, seems pretty –
- BERRY: Wasn't this year.
- MONTAGUE: Yeah no, it wasn't this year.
- 5 BERRY: Okay. And in that conversation that we had it was electronically recorded, is that correct?
- MONTAGUE: Yes.
- 10 BERRY: Okay I have a transcript in front of me. What I would like to do is ask you some questions. Is there anything that jumps out at you at this point in time that you think you may have said that was incorrect, said in error, some sort of misunderstanding? Do you have any recall –
- MONTAGUE: Well I don't have the transcript so –
- BERRY: I understand.
- MONTAGUE: - I, I guess that's possible.
- BERRY: Okay.
- 15 MONTAGUE: I can't think of anything in particular.
- BERRY: When the applications – sorry when the job was advertised in 2014 for the Director of City Planning, was that a job advertised as a merit based position?
- MONTAGUE: All positions are.
- 20 BERRY: Was that one specifically?
- MONTAGUE: I don't know that it, the advertisement or anything else said it was a merit based appointment. It's taken for granted. You appoint people on their merit obviously.
- BERRY: Was that for a full-time position?
- 25 MONTAGUE: Yes.
- BERRY: Okay. And I believe the current policy or rules surrounding about advertisement for positions that they have to be advertised a number of times, is that correct?

MONTAGUE: Well if you're talking about the Local Government Act I think there is a requirement to advertise positions in a paper circulating in the local area. I think that's about the extent of it.

BERRY: Okay and that's what occurred on this occasion?

5 MONTAGUE: Yes.

BERRY: And it happened twice, is that to your recollection?

MONTAGUE: Err, possibly, I can't recall that.

BERRY: Okay. In 2014 could you tell me what your phone number was?

MONTAGUE: What the mobile number?

10 BERRY: Yes.

MONTAGUE: [REDACTED].

BERRY: Do you still maintain that telephone number?

MONTAGUE: Yes.

BERRY: In 2014 what was the handset that you were using?

15 MONTAGUE: Oh it was an iPhone.

BERRY: A iPhone, and is it still the same handset?

MONTAGUE: Mm, possibly not. I think I've got an upgraded one now.

BERRY: I see. Was that one issued to you by Council or was –

MONTAGUE: Yes.

20 BERRY: - that your own?

MONTAGUE: No, it was issued by Council.

BERRY: Okay, did you retain that after you left Council, to your recollection?

MONTAGUE: Yes, I retained a mobile phone but, that's right.

25 BERRY: Right okay. During 2014, in particular November, apart from yourself did anyone have access to your mobile telephone?

MONTAGUE: No.

- BERRY: Did, did you allow any family members to make telephone calls on your mobile telephone?
- MONTAGUE: Not that I recall.
- BERRY: Okay. Is it not the normal practice that you would let other people use
5 your telephone?
- MONTAGUE: Oh, not really, they've all got their own phones.
- BERRY: Okay.
- MONTAGUE: They may have had if I was driving the car and you know, my wife
10 wanted to make a call I might've said use my phone, that, that happened I guess from time to time.
- BERRY: What I'd like to do is just recall a little bit of your evidence from the 3rd of
November. We were talking about your interactions with potential
candidates prior to the formal panel being conducted on the 17th of
November 2014. And I just wanted to clarify with you the information
15 that you provided to us. We were talking about you speaking to Karen Jones prior to the –
- MONTAGUE: Yes.
- BERRY: - panel being convened and I asked the question, “So apart from Karen
20 Jones there were no other meetings or communications with any other candidates prior to the panel to the best of your recollection” and you reply “Not, not that I recall”.
- MONTAGUE: Well I did meet with Sprio Stavis, you knew that.
- BERRY: I beg your pardon?
- MONTAGUE: I did meet with Spiro Stavis, you knew that.
- 25 BERRY: Was that prior to –
- MONTAGUE: At Giorgio's, I can't recall the date. It was at Giorgio's in, on Kingsgrove Road.
- BERRY: Okay. Were there any other meetings with Spiro Stavis prior to the Giorgio's cafe meeting?
- 30 MONTAGUE: No not that I recall.

- BERRY: In a further question I asked you, and I'll read it word for word, "okay, what led, what was the situation which led you to go away from Karen Jones or to Spiro Stavis, what was the crux of it all?". And you reply "well when I withdrew the offer to Stavis, a guy I'd never known, never met before and knew nothing of him". Is that in relation to prior to the 17th of November, that comment or is this just a generalised comment?
- 5
- MONTAGUE: No it's a general – I mean I never knew him. And the reason I backed off was because it all got too hard.
- BERRY: I see.
- 10 MONTAGUE: And the Council was concerned, or certain Councillors were concerned about it, the payment of a termination payment from contract. I didn't want to expose the ratepayers to that cost unnecessarily. In the end it was the only thing I could do.
- BERRY: Alright. A further question I asked, and I say this and I quote "I wanted to take you back to something, and I just want to cover with you quickly, do you recall meeting Stavis after the interview panel and prior to him appointed, so that's between the 17th of November and the 8th of December". And you say "I don't, oh do I recall, I, I just reckon the dates – I mean I did have a couple of faces to faces with him but I don't know when or when now and what stage it was". So in that comment, or in that evidence you've – well that testimony you've given to us, you say "a couple of faces to faces with him".
- 15
- 20
- MONTAGUE: Yeah well that could be incorrect. The only one I recall is the meeting –
- BERRY: Okay.
- 25 MONTAGUE: - at Giorgio's.
- BERRY: And then I go on to say "We have information you met him on the 26th of November at Giorgio's at Kingsford" –
- MONTAGUE: Kingsgrove.
- BERRY: Ah sorry, I apologise, "Giorgio's at Kingsford Road" I've said. And I say "Do you remember that?" and you reply "Yes". So that's the one meeting and you're not sure of the date, but that's the one meeting you had with him.
- 30
- MONTAGUE: That's the def, the one I definitely recall yes.

- 5 BERRY: Further on you say, I asked you the question “And can you recall what was discussed?” and you said “No, no, I wanted to just reassure myself that you know, I would’ve probably put some questions to him about, about his background and that, but I’d never met the guy. I mean I didn’t know him and I think it was, I was just trying to find out what sort of guy he was”.
- MONTAGUE: That’s about it.
- 10 BERRY: Okay. Further on in the interview I asked you “You’d never met him before?”. You said “No”. And my next part of the question was “Before the 17th of November?”. “No I’d never met him before the interviews, no”.
- MONTAGUE: That’s right.
- BERRY: Then you say, in fairness to you, you then say “Not to my recollection anyway”.
- 15 MONTAGUE: No well I –
- BERRY: Can you, can you clarify now the point as to whether you have any clear recollection meeting Stavis prior to the 17th of November 2014?
- MONTAGUE: No I have no recollection of that.
- BERRY: Is it possible you did?
- 20 MONTAGUE: Well obviously you know something I don’t, or somebody’s told you something. And look no I don’t recall meeting him before the, the me –
- BERRY: Okay.
- MONTAGUE: - meeting at Giorgio’s.
- BERRY: Alright.
- 25 MONTAGUE: Unless it was in a social setting or he’s shown up at a meeting or –
- BERRY: Okay.
- MONTAGUE: - I don’t know, I’ve got no idea.
- BERRY: Do you have any recollection of telephoning Spiro Stavis prior to the panel convening on the 17th of November?

- MONTAGUE: No I have no recollection of that either.
- BERRY: Alright. Is it possible that you may –
- MONTAGUE: Yeah it's possible.
- BERRY: Okay. Do you know who Bechara Khoury is?
- 5 MONTAGUE: Yes I do.
- BERRY: Did you ask Bechara Khoury to put the feelers out about Spiro Stavis?
- MONTAGUE: No I asked Spiro – I asked Bechara Khoury did he know anyone in local
10 because he gets around a lot. He's in the game so to speak. I asked him
did he know anybody that might be at a senior level that might be int –
looking for a job in local government.
- BERRY: So my question was specific about Spiro Stavis. You say it was a more
generalised request as to –
- MONTAGUE: Yeah, yeah that's right.
- BERRY: - who's who in the zoo and trying to find if somebody's suitable for the
15 position.
- MONTAGUE: That's right.
- BERRY: Okay. Did Bechara Khoury come back to you with an answer?
- MONTAGUE: He may've mentioned, he may've mentioned Spiro's name. I, I can't
recall that either I'm afraid now. I mean it's two years ago.
- 20 BERRY: That's okay. And, and it's – and I understand that but I think the process,
apart from trying to you know, give you the opportunity to respond to
some of these, just try and jog your memory a little bit as well. Did you
speak to any other person prior to the panel convening on the 17th of
November about Spiro Stavis?
- 25 MONTAGUE: When you say any other person –
- BERRY: Yes.
- MONTAGUE: - you mean anybody –
- BERRY: Yes.
- MONTAGUE: - councillors?

- BERRY: Councillors, George Vasil, Nick Katris.
- MONTAGUE: No.
- BERRY: Bechara – apart from Bechara Khoury.
- 5 MONTAGUE: Bechara Khoury was the only one I raised the issue with because his son is a planner and a very highly regarded one, and I thought there may be somebody, I think at the time he may've been working for Leichhardt Council, I can't recall and I thought there may, he may know of somebody who's interested in a role –
- BERRY: Okay.
- 10 MONTAGUE: - a senior role in local government and planning.
- BERRY: Alright. Do you know a Nick Katris?
- MONTAGUE: Yes.
- BERRY: Did he speak to you about Stavis?
- MONTAGUE: Not that I recall.
- 15 BERRY: Do you recall having conversations with him about the issues later on in the piece when, around about the Christmas period when it all blew up, I suppose –
- MONTAGUE: Yeah -
- BERRY: - for the lack of a better word?
- 20 MONTAGUE: - I certainly did. I could've run into him at Christmas drinks or something but I don't recall. There was certainly nothing predesigned. I don't know Nick all that well. He's just a councillor, a neighbouring council.
- BERRY: Okay. What's your understanding on a, on you know speaking to candidates prior to a formal process taking place such as a interview for a position?
- 25 MONTAGUE: Well I can take you back to what I said before. The Act says that I can appoint senior staff, I had to consult with the Council. I set that panel up myself, I didn't have to and now I regret I ever did, I can assure you of that. I did that because I felt given the importance of this role and the dynamic at Canterbury at that time and the Councillor's, and the Council's
- 30 interest in getting developments through and getting the, you know the

backlog down a bit because we had issues with that. That I, you know, I've lost my train of thought now I'm sorry.

BERRY: No that's okay.

MONTAGUE: What was I saying?

5 BERRY: Oh my question to you is what's your position, or what's the, your understanding of speaking to candidates prior to formal panels taking place?

10 MONTAGUE: I have no worry about it because the panel was, as I said it was my creature and I could've appointed, I could've offered the job to anyone I liked and simply report, or offered it but subject to confirmation by Council. All I had to do then is put a report up, recommend a certain person to be appointed, that's consultation in my opinion –

BERRY: Right.

15 MONTAGUE: - and the Council in all probability would've accepted that recommendation. I went the extra step by creating the panel so that the Mayor in particular and the Councillors who were interested could actually have a, ownership of this appointment because we'd failed before. The previous planner was a failure for a variety of reasons and there was a lot of criticism of him. The guy before that who'd been there a long time
20 really didn't achieve a lot in all those years so I thought this is a, a key appointment, it's something that Councillors are vitally interested in, the Mayor is interested in. I've got to make sure that they have ownership of this process.

BERRY: So –

25 MONTAGUE: That's the reason I created the panel.

BERRY: And, and did that create a situation where you felt as though you had to ensure yourself that the candidates, or the applicants, were the right candidates?

MONTAGUE: Of course.

30 BERRY: And did that lead you to speaking to candidates prior to the panel?

MONTAGUE: No I, I do that as a matter of course.

BERRY: You do that regularly?

- MONTAGUE: I have done it in the past, spoken to candidates just to find out what makes them tick.
- BERRY: I see.
- 5 MONTAGUE: And I'm talking about roles, both senior roles which are what we call the contracted staff and others, managers.
- BERRY: In the previous evidence it's clear that you spoke to Karen Jones –
- MONTAGUE: Yes.
- BERRY: - prior to the panel.
- MONTAGUE: I admitted that.
- 10 BERRY: Did you speak to any other candidates?
- MONTAGUE: No, I think – I'm just trying to remember how many were interviewed now. I can't recall. I think it might've been five on the shortlist or something like that.
- 15 BERRY: So out of those five how many do you believe – how many do you accurately recall speaking to prior to the panel?
- MONTAGUE: Two.
- BERRY: Two. Who was that?
- MONTAGUE: Karen and Spiro.
- 20 BERRY: And speaking to prior to the panel convening, you say Karen and Spiro. I think earlier you said you weren't sure whether you spoke to Spiro prior to or after. Are you referring to the Giorgio's cafe?
- MONTAGUE: Yes, that's the only –
- BERRY: That's the only –
- MONTAGUE: - time I met with Spiro that I recall.
- 25 BERRY: Okay so is it likely that you spoke to him prior to the panel being convened?
- MONTAGUE: Well depends on when that meeting with Giorgio's was.
- BERRY: Right.

- MONTAGUE: If, if you're referring to Giorgio's yes that question is yes, but I can't recall the exact dates now.
- BERRY: The only information we have about the Giorgio's meeting was on the 26th of November after the panel had been convened.
- 5 MONTAGUE: Well that's possible too.
- BERRY: Okay.
- MONTAGUE: I can't recall the dates.
- BERRY: Did you speak to Simon Manoski?
- MONTAGUE: No.
- 10 BERRY: Did you speak to any other candidates?
- MONTAGUE: No.
- BERRY: Can I ask you why you didn't go and speak to them?
- MONTAGUE: Well I guess in my mind I'd narrowed it down to, to two.
- BERRY: Even before the panel had convened?
- 15 MONTAGUE: Well Simon, oh, I can't answer that question, that's just too Machiavellian for me I'm sorry.
- BERRY: Okay look I, I'm just trying to understand if, if it's your general course or your previous history to speak to candidates and you've –
- MONTAGUE: I've already said yes to that.
- 20 BERRY: Yeah.
- MONTAGUE: I was General Manager there for 34 years. Fifty-one years in local government. I did the job the way I've always done it.
- BERRY: Okay.
- MONTAGUE: There was nothing, you know there was nothing sinister about any of this.
25 I was –
- BERRY: No, no I was just -
- MONTAGUE: - trying to get –

- BERRY: - what I'm trying to –
- MONTAGUE: Well it sounds like it I'm sorry.
- BERRY: I'm trying to explore with you why you spoke to two candidates and not the rest.
- 5 MONTAGUE: Because I saw no need to speak to the others.
- BERRY: Why?
- MONTAGUE: Oh Simon come on. Look what's that got to do with this investigation anyway?
- BERRY: Well the allegation Jim is that you –
- 10 MONTAGUE: Well I reject that allegation flatly.
- BERRY: I understand you've rejected the allegation but –
- MONTAGUE: And I'd like to, you know and you're not going to say, tell me but I'd like to know who's making the allegation because honestly, oh, a person in my position, a senior job like that, I had enemies, there's no question about that.
- 15 BERRY: Yeah.
- MONTAGUE: And if somebody can see an opportunity to put the boot in they'll do it. And I'm heartily sick and tired of it. I left the joint 12 months ago.
- BERRY: Alright.
- 20 MONTAGUE: I'm here to cooperate with you to try to get to the bottom of this, but I've got nothing to hide, I've told you that repeatedly.
- BERRY: No, no. Okay well it's come to the point Jim where you tell us that in the past you've spoken to candidates prior to panel interviews.
- MONTAGUE: Yeah.
- 25 BERRY: And in this case you've done it with two. I'm just trying to explore with you why you didn't go –
- MONTAGUE: I can't tell you, I don't know –
- BERRY: - the extra step.

- MONTAGUE: - what my thought processes were at that time, right. I can't tell you. I knew of Karen Jones and I know somebody mentioned my daughter, which I resent greatly. I knew Karen, I knew of Karen, I'd never met her before.
- 5 BERRY: Alright.
- MONTAGUE: Dear me.
- BERRY: I have some records to show you and this may assist your memory. These are all call, call charge records. Your phone number's [REDACTED].
- MONTAGUE: That's right.
- 10 BERRY: Is that correct?
- MONTAGUE: Yes.
- BERRY: I'd like you to look at phone call on the 12th of November between yourself and Spiro Stavis.
- MONTAGUE: 12th of November when?
- 15 BERRY: 2014. I can point it out to you here, these two here. Do you recall – do you agree that the –
- MONTAGUE: 12th of November 2014.
- BERRY: Some days prior to the panel being convened. Do you have any explanation why your telephone could be calling Spiro Stavis for that date?
- 20 MONTAGUE: Maybe it was to set up a meeting at Giorgio's, I don't know.
- BERRY: Okay.
- MONTAGUE: I've got no idea.
- BERRY: There appear to be prior to and after that a number of calls between yourself and Bechara Khoury. Would that relate to the matters concerning the, the Director of –
- 25 MONTAGUE: Could, could but Bechara and I go back a long way. I often spoke to Bechara Khoury, he's a friend. It's as simple as that.

- BERRY: The phone calls between yourself and Spiro are at a time between 7:23 and 7:30pm. Does that offer you any other –
- MONTAGUE: No.
- BERRY: - insight?
- 5 MONTAGUE: No.
- BERRY: Okay.
- MONTAGUE: I mean probably in the car. On my way home I'll ring. That's how I operate.
- 10 BERRY: And at 9 o'clock or 9:02pm on the 16th of the eleventh, there appears to be a text message sent from your phone to Spiro Stavis. I'll show you that document.
- MONTAGUE: It's possible, well you've got the records. I can't deny it can I.
- BERRY: Do you recall what that text message may be about?
- MONTAGUE: No, have you got a copy of the text message?
- 15 BERRY: I've only got a CCR record showing the contact is in the form of a SMS.
- MONTAGUE: Yeah well I, I don't know Simon. Honestly
- BERRY: That's alright. In setting up the panel and the process concerning the recruitment for that position, did you have any staff do some administration work like preparing documents to that effect?
- 20 MONTAGUE: I used a consultant.
- BERRY: And that was?
- MONTAGUE: Judith Carpenter & Associates.
- BERRY: Right. Did you use any of your internal staff such as Cristina Pettenon –
- MONTAGUE: Well she was my PA.
- 25 BERRY: - or Janelle McIntosh?
- MONTAGUE: Yes.
- BERRY: What did they do for you?

- MONTAGUE: Oh I can't remember, just routine admin stuff.
- BERRY: Oh I see.
- MONTAGUE: And did they – alright. I show you this email before I get onto that next question. It's from Judith Carpenter to yourself. I may have shown you this last time.
- 5
- MONTAGUE: Yeah.
- BERRY: I'll give you the opportunity to read that document. It attaches a suggested question's.
- MONTAGUE: That's from her is it?
- 10 BERRY: Yeah.
- MONTAGUE: *'I think I probably misled you (unintelligible) Apologies - I had thought I was so organised I (unintelligible) a while back. Herewith draft questions.'* Yep.
- BERRY: Okay. So on the second page there's a document headed *'Suggested Interview Questions'* –
- 15
- MONTAGUE: Yes.
- BERRY: - *'Director'*. Have you seen those before?
- MONTAGUE: Yes.
- BERRY: Okay, and –
- 20 MONTAGUE: I think I circulated those to the Councillors at the panel.
- BERRY: Oh I see – right. And was that prior to the panel convening or on the day?
- MONTAGUE: I think on the day or the day before. I don't know now. They didn't use the questions.
- BERRY: Oh okay. Can you recall in what form you gave it to them?
- 25 MONTAGUE: Just like that, just –
- BERRY: Was it, was it stapled or bound, as in a spiral or plastic bound?
- MONTAGUE: Well it could've been bound because it may've had his application and other material from the consultant, I don't know now.

- BERRY: Okay.
- MONTAGUE: And it would've been just a packet of information for them. But the questions yes, I had those questions prepared, I vetted them. That's our usual procedure.
- 5 BERRY: Yeah alright. Do you know who bound the documents?
- MONTAGUE: No idea.
- BERRY: Alright.
- MONTAGUE: Probably if it's, if it was, if it was from a consultant I assume she did.
- BERRY: Alright. Are you aware if any of the questions were provided to
10 candidates prior to –
- MONTAGUE: No, definitely not.
- BERRY: Definitely not, and you're certain about that?
- MONTAGUE: Well as certain as I can be.
- BERRY: Okay. Did you provide any questions –
- 15 MONTAGUE: No.
- BERRY: Alright. Let me ask you a specific, did you provide these draft interview questions to Spiro Stavis?
- MONTAGUE: No.
- BERRY: Okay. Prior, and I'll clear it, prior to the panel being convened on the
20 17th?
- MONTAGUE: No.
- BERRY: Okay. Did anyone else apart from yourself, Judith Carpenter or your admin staff have access to these questions?
- MONTAGUE: Not that I know of.
- 25 BERRY: Can you recall if the Councillors had copies of the questions prior to the 17th of November?
- MONTAGUE: They had the questions when, when I released them to the Councillors. When that was I'm not entirely sure now.

- BERRY: Right, okay.
- MONTAGUE: Could've been the day of the interviews, could've been the day before to prepare them. It would've – I would've supplied them with a copy of his application and probably the, the advertisement, just to context it for them so they know the right questions to ask.
- 5 BERRY: Okay.
- MONTAGUE: Or they know how to ask some sensible questions.
- BERRY: Do you have any knowledge of Michael Hawatt or Pierre Azzi met Spiro Stavis prior to the 17th of November.
- 10 MONTAGUE: No.
- BERRY: Do you have any knowledge if George Vasil met Spiro Stavis prior to the 17th of November?
- MONTAGUE: No.
- BERRY: In your conversations with Bechara Khoury, did he inform you he had made some enquiries about Stavis?
- 15 MONTAGUE: He could've, I can't remember now.
- BERRY: Alright.
- MONTAGUE: He could've.
- BERRY: Did he inform you who, who he had spoken to –
- 20 MONTAGUE: No.
- BERRY: - about Stavis? Do you want to follow up on anything at this stage Lisa?
- STOCKLEY: On those issues just, just to clarify Jim so I understand, those, the questions were sent to you via this email which Simon's showed you before. I'll just put it to the record so that we know what we're talking about, Tuesday the 11th of November 2014 at 9:13:49 titled 'Draft Questions' from Judith Carpenter to Jim Montague and copied into Cristina Pettenon. So that was, those were the draft questions that –
- 25 MONTAGUE: Yes.
- STOCKLEY: - the consultant sent to you.

- MONTAGUE: I believe so.
- STOCKLEY: And then you, you've told us that they may have been provided to the Councillors either on the day of the panel interviews or possibly the day prior to prepare them.
- 5 MONTAGUE: More likely they were given to them on the day of the interviews.
- STOCKLEY: Okay. Were they, were the questions given to them in a hard copy format?
- MONTAGUE: Yes, it would've been a memo like that or a –
- STOCKLEY: Okay.
- 10 MONTAGUE: Yeah.
- STOCKLEY: So they wouldn't have been forwarded by email or anything to the Councillors?
- MONTAGUE: Oh I don't think so, we didn't –
- STOCKLEY: Okay.
- 15 MONTAGUE: - I would've had them on my desk –
- STOCKLEY: Okay.
- MONTAGUE: - hand them out.
- STOCKLEY: So you – so for that type of administration work, to get that paperwork together, is that something that you did personally?
- 20 MONTAGUE: No.
- STOCKLEY: Okay so do you know who you would've asked to do that?
- MONTAGUE: Well probably Cristina.
- STOCKLEY: Yep.
- 25 MONTAGUE: Mich – Janelle McIntosh was sort of my Exec Officer. She was helping me on a variety of projects at this time so Janelle may've been –
- STOCKLEY: Okay.
- MONTAGUE: - involved. I, I can't recall but I must say I trust both of them implicitly.

STOCKLEY: Sure.

MONTAGUE: I wouldn't like to think there was any implication that they did anything wrong.

5 STOCKLEY: We're not implying anything, we're just trying to find out what happened. So in relation to that the, the – if there was a package as you say put together perhaps with the candidate's application and the job advertisement and these questions, would it be their normal practice when they're putting together a package to bind it or would it be placed in a folder. Like how, how would that information normally be presented?

10 MONTAGUE: Well I seem – look I, I don't know but I seem to think this was done by the consultant and they probably were bound. They may've been stapled on the top left hand corner.

STOCKLEY: Okay.

15 MONTAGUE: Or they may've just been handed out one sheet of paper, the questions I'm referring to.

STOCKLEY: Okay.

MONTAGUE: No I –

STOCKLEY: So you don't have a clear recollection of –

MONTAGUE: No.

20 STOCKLEY: - what it looked like?

MONTAGUE: No.

25 STOCKLEY: Okay. I think that's really the only thing I wanted to – oh, did – I think Simon may have, may have asked you but I might not, I might've been taking notes and not listening to your answer properly, but you said earlier that you spoke to Bechara Khoury generally as to whether he knew anybody that –

MONTAGUE: Yes.

STOCKLEY: - was suitable –

MONTAGUE: Yes.

30 STOCKLEY: - to apply for the role.

- MONTAGUE: Yes.
- STOCKLEY: You could not recall whether you spoke to him at, at any stage specifically about Spiro Stavis?
- 5 MONTAGUE: Look he may have mentioned Spiro's name, but I – the name wasn't familiar to me at the time. And I might've said well look if he's interested there's a job on, on offer, ask him to put an application in.
- STOCKLEY: Okay.
- MONTAGUE: Nothing wrong with that.
- STOCKLEY: No, no.
- 10 MONTAGUE: And it was an open process, completely transparent –
- STOCKLEY: Yeah.
- MONTAGUE: - and, as I said, the panel was set up at my request, and I, and it was a totally voluntary thing on my part.
- 15 STOCKLEY: With, with Bechara Khoury do you ever recall him telling you that he had met either you know, a prearranged or coincidentally met Spiro Stavis prior to the interview process?
- MONTAGUE: No I don't recall that, but he may have. I, I don't know.
- STOCKLEY: Okay. So you don't have a recall, in generally any discussions –
- MONTAGUE: No.
- 20 STOCKLEY: - with Bechara Khoury where he said that he had met Spiro Stavis during this process?
- MONTAGUE: He may have mentioned Spiro's name –
- STOCKLEY: Yeah.
- MONTAGUE: - but as I said I asked him did he know of anyone.
- 25 STOCKLEY: Yeah.
- MONTAGUE: As I said his son was a senior planner at Leichhardt. Spiro – planners – Spiro was known. He had his own consultancy as I understand it and he'd been around. He'd been at Strathfield I think and, and Leichhardt or some

other council. I don't remember exactly which one. So he, you know he was known to people –

STOCKLEY: Yeah.

MONTAGUE: - in the, in the sector.

5 STOCKLEY: Yeah, no that's fine. I just wanted to clarify those points.

BERRY: Alright, what I'd like to do is show you a photograph, see if you can identify it for us or if it seems familiar to you. For the record I'm showing Mr Montague a photograph of a bound document with the headed, with the document heading '*Suggested interview questions Director of City Planning*'. It appears to be a dark colour binding. Whether it's black –

10

MONTAGUE: Yeah.

BERRY: - or blue I'm not sure.

MONTAGUE: Black.

BERRY: Is that something that you can look at and tell me does that seem familiar to you?

15

MONTAGUE: Yes. Alright, I mean that's, that's probably how it was done.

BERRY: Alright.

MONTAGUE: That's the same.

BERRY: And do you think – okay so looking at that now, is that from your memory what was used for the panel questions?

20

MONTAGUE: To the best of my knowledge yes.

BERRY: And bound in that certain way?

MONTAGUE: I don't know, but there it is. I mean it has to be bound like that.

BERRY: Okay.

25 MONTAGUE: It probably was bound.

BERRY: Alright, thank you. I'm going to move on from that and go to the next one.

STOCKLEY: Do you want to just pause this for a minute. I'm just going to ask you something outside. Sorry, I'm not being sha, shady, but I just want to make sure that I'm not going to cross over with the rest of the things that –

MONTAGUE: That's okay.

5 STOCKLEY: - Simon wants to ask you.

BERRY: Alright. What time have you got?

STOCKLEY: The time's 11:33.

BERRY: Alright I'm going to cease the –

STOCKLEY: Just step outside –

10 BERRY: - interview.

STOCKLEY: - for a second.

INTERVIEW PAUSED

15 BERRY: Okay this is a recommencement of an electronically recorded interview. The date's still the 9th of March. It's 11:34am. I apologise, we just needed to step out and just clarify one point. In that short break do you agree that we didn't speak to you about this matter?

MONTAGUE: Yes.

20 BERRY: Okay. We have information to believe, and I'm now holding that photograph to, in front of you and so you can look at it, that these are the suggested interview questions for the Director of City Planning role –

MONTAGUE: Yes.

BERRY: - as we've discussed. And these were provided to Spiro Stavis prior to the panel convening on the 17th of the eleventh, 2014. Is there any information you can provide us as to that matter?

25 MONTAGUE: No.

BERRY: Does that come as a –

MONTAGUE: Yes it does, certainly does.

BERRY: Are you able to hypothesise as to how this may have come into his possession?

- MONTAGUE: Well look I'm shocked to hear that and it just, as far as I'm concerned, just creates, just increases the, the, the you know the whole mystery around this business with Spiro.
- BERRY: Alright.
- 5 MONTAGUE: I'm sorry I heard the guy's name.
- BERRY: Yeah, that's alright. And in fairness we need to ask –
- MONTAGUE: The only, the only person or people he could've got those questions from are Councillors.
- BERRY: Yep. That's fine.
- 10 STOCKLEY: That's one of the reasons why we were trying to go into the minutia of who bound what and when it might've been –
- MONTAGUE: Yeah of course, I understand.
- STOCKLEY: - given to people.
- BERRY: Now you, now you –
- 15 MONTAGUE: Now I understand –
- STOCKLEY: Yeah.
- MONTAGUE: - the context.
- BERRY: Alright.
- MONTAGUE: That really, really disappoints me.
- 20 BERRY: Alright. On – I'm, I'm – that Spiro Stavis matter that we've been discussing I'm not going to ask you any further questions. We're going to move away from that okay.
- MONTAGUE: See what that means to me is, and I'm just gobsmacked about that, that means it must've been some conversations between Spiro and other
- 25 people when – I'm talking about the Councillors, which is totally inappropriate. They certainly didn't tell me that, that they'd issued him with the questions. And as far as I'm concerned –
- BERRY: If, if we had information that –
- MONTAGUE: - contaminates the whole process.

- BERRY: - if we had information that Spiro Stavis had a lot of meetings with Councillors and people involved in the process, what would you think about that, prior to the interview taking place?
- MONTAGUE: Well, well what I've heard in recent times, nothing would surprise me.
- 5 BERRY: Right.
- MONTAGUE: And I'm extremely disappointed about what went on that I knew nothing about with certain people in the community I believe and it's just, it just blows me away mate, I can't –
- BERRY: Okay.
- 10 MONTAGUE: - find the words. I was conducting a proper professional interview process and he obviously had information from other people, which is extremely upsetting for me –
- BERRY: Okay.
- MONTAGUE: - given what happened subsequently.
- 15 BERRY: I wanted to move onto another matter and there's no allegation made against you in respect of this. We're coming to you to seek some information about what happened on a particular day. In or around about the 30th of March did you ask, or did you have recollection of asking Matt Stewart to attend a meeting at Bechara Khoury's house, in 2016 this is?
- 20 MONTAGUE: There was a meeting at Bechara's Khoury, Bechara Khoury's house. I can't remember exactly what date it was and at that meeting Matt Stewart, if it's the one on I'm referring to, Matt Stewart was there. I didn't invite him but Matt was there. His Mayor was there, Karl Asfour. Myself, Bechara. I can't remember who else.
- 25 BERRY: Do you recall what the meeting was about Jim?
- MONTAGUE: Oh just, just one of those get togethers, have a few drinks. Bechara has just done a nice extension on the back of his place, a nice sort of alfresco area. He's a very –
- BERRY: Was it out the back was it?
- 30 MONTAGUE: It was in the back, yeah it was lovely.

BERRY: Okay. So Jim the information that we have is that there was a discussion about you retiring. Do you – does that jog your memory?

5 MONTAGUE: Oh well it's possible. I'm – the – my, my future was obviously on everyone's lips because of my age and the length of time I'd been at the Council. I had not indicated that I – well I had indicated to certain people in the past that it was my intention not to seek renewal of my contract in April, which is next month, that's when it would've been up.

BERRY: Right.

10 MONTAGUE: And that I, and that some of the people were saying well you should stay on for another year or two. I would've, had I been given that opportunity I would've stayed on.

BERRY: Do you recall the discussion, words – well actually before I get on, was Michael Hawatt present at that meeting?

MONTAGUE: He could've been, I can't recall really Simon, I can't – he, he –

15 BERRY: Was, was Pierre Azzi there?

MONTAGUE: I don't think so.

BERRY: Okay. Do you have any recollection of a discussion that you would be brought back on after your retirement as a consultant?

20 MONTAGUE: Look there was a lot of I suppose, there was a lot of tongue-in-cheek things said. I remember I got written up on the Herald on one occasion because I said I'd like to come back as a, as I call a, a, a meritus GM. You know, I didn't – see I was looking at the amalgamation, we put our hand up and said we want to amalgamate Canterbury/Bankstown. We'd been mature about that and of course the government double crossed us, but
25 that's another story. And I made it clear that I, I didn't want the top job. I'm too old, I'd had enough.

BERRY: Right.

30 MONTAGUE: But I was happy to help out with the transition in any way I could and, as it turned out, if I had I think things might've worked out better for the Canterbury staff than it did. But be that as it may, I – look I loved the job, I loved what I did. I would've quite willingly gone for a little bit longer had I had the opportunity in any role they saw fit. The Council I mean, not individual Councillors, the Council.

- BERRY: What I, what – the purpose of these questions is really to put the whole framework around this incident, this event okay. So as far as you can recall you were at Bechara’s house. You’re not sure of the date.
- MONTAGUE: No.
- 5 BERRY: Matt Stewart was there.
- MONTAGUE: Yes.
- BERRY: Bechara Khoury was present -
- MONTAGUE: Of course.
- BERRY: - because it was his house. Michael Hawatt?
- 10 MONTAGUE: Possibly.
- BERRY: Possibly.
- MONTAGUE: Yeah. Pierre –
- BERRY: Pierre Azzi, possibly.
- MONTAGUE: - possibly as well, yeah.
- 15 STOCKLEY: And Khal As –
- BERRY: And Khal Asfour.
- MONTAGUE: Khal Asfour, yeah.
- BERRY: Is it Karl or –
- MONTAGUE: Khal, [spells] K-H-A-L.
- 20 BERRY: Okay, my mistake. The information, and I’m getting to the point shortly, but the information is that there was some jovial discussion about you retiring and being brought back on as a consultant.
- MONTAGUE: Yeah, possibly.
- BERRY: Possibly, okay. Do you remember the discussion where it was talked
25 about there was an opportunity to revamp the Council and get rid of the Directors?
- MONTAGUE: No.

- BERRY: Was, do you have a recollection of Hawatt saying everyone, all the Directors have to go except for Stavis?
- MONTAGUE: No.
- BERRY: Do you remember anyone saying that at that meeting?
- 5 MONTAGUE: No I don't recall that.
- BERRY: Okay.
- MONTAGUE: I'm not saying it wasn't said but it's probably said tongue-in-cheek. I mean they talk a lot of crap, particularly when they've had a few drinks.
- BERRY: Yeah.
- 10 MONTAGUE: I mean I don't take any notice of any of it really in the end.
- BERRY: If something like that had been said in March last year would that have been something that stuck with you?
- MONTAGUE: Of course.
- BERRY: So based on what you're saying, I don't want to assume, but you're not
15 sure.
- MONTAGUE: No. But that's, that's in the shadow of proposed amalgamations –
- BERRY: Yes.
- MONTAGUE: - but obviously some of the Councillors must've been thinking who do we put in the top jobs.
- 20 BERRY: Because from my understanding the 31st of March was when the government put out some information or some advertisement about the amalgamation.
- MONTAGUE: Oh they were putting out stuff all the time, the Office of Local
25 Government, but the, the rubber hit the road on the 12th of May when the proclamation was announced.
- BERRY: I'll move on from there.
- MONTAGUE: There were rumours circulating everywhere about what the government was doing.
- BERRY: Oh, I'm sure it was yes, yeah. Did you want to delve into that at all Lisa?

STOCKLEY:

No that's fine.

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MONTAGUE: See they were, Michael and Fadwa were fairly tight. They were in that group –

20 BERRY: Yep.

MONTAGUE: Legal (unintelligible) as I'd call it. The 'coalition of the willing' at the Council, after the collapse of the caucus in 20 – well after the election in 2012 the Council, excuse the expression, went to shit in a hand basket.

BERRY: Yep.

25 MONTAGUE: There was no political lead – I told you this before, there was no political leadership. The Mayor was on the outer, he, he was on his own. He was a complete lame duck and the others formed a group. The (unintelligible), there was seven of them in it. She was one of them, so was Michael and Michael was the, the powerbroker.

BERRY: Okay.

MONTAGUE: It was a pretty difficult time.

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BERRY: In relation to secondary employment, I believe Council has a policy where they've got to make a declaration if they do secondary –

20 MONTAGUE: Staff do yes.

BERRY: Yes. Did Spiro Stavis ever make that declaration to you?

25 MONTAGUE: He could've, I, I don't recall, but he could've. It's a fairly perfunctory thing, it's a form you know. I've never seen one rejected. In his case oh look I don't know, I can't remember. I don't recall that but if there is a form it'll be on the files somewhere.

BERRY: Okay, alright. That's fine. Alright well I'll hand it over to Lisa then.

STOCKLEY: Yeah Jim, I just wanted to ask you some questions regarding the development at, referred to as Harrisons, previously Harrisons Hardware and Timber.

MONTAGUE: Yeah.

STOCKLEY: And the, the developer Charbel Demian. So obviously when Simon met, flagged this with you on the phone you mentioned to him that you, your role in relation to that development was to have meetings with the applicant and, and Council staff.

5

MONTAGUE: Mmm.

STOCKLEY: Beyond that do you have any relationship with Charbel Demian?

MONTAGUE: Charlie as I call him –

STOCKLEY: Yep.

10 MONTAGUE: - he's a person I've known for many years, not dissimilar to Bechara Khoury.

STOCKLEY: Okay.

MONTAGUE: We, we're friends –

STOCKLEY: Okay.

15 MONTAGUE: - in a way, more, more a friend now since I've left the Council. But no look Charlie would come in. He was frustrated with the Council's processes.

STOCKLEY: Yep.

20 MONTAGUE: I would convene meetings with applicants, not just with Charlie but anyone who had an issue with the Council, and I would invite the Director of City Planning or his staff along as appropriate to try and resolve the issues.

STOCKLEY: Yeah.

25 MONTAGUE: That was the full extent of my involvement in the, in the, in the Harrisons Timber one. I understand that it was, it was approved from memory and there was an issue with the RMS and I understand that the Demian Group went to, went to the expense of preparing their own traffic study to try and get the RMS onboard. I think it was approved for 21 metres or 18 metres. The Council was proposing to increase that to 25. But I'm not a planner and I wasn't involved in the preparation of the report or anything to do
30 with the application itself. It was a planning proposal. I, I believe it was

gatewayed, it had the approval of the Department of Planning, the only thing was the RMS.

STOCKLEY: Okay.

MONTAGUE: That's the best I can recall.

5 STOCKLEY: Okay. So a few issues there so I'll just, I just want to go back to and deal with them, break them down a bit. But so you mentioned that Charbel, Charlie is a friend of yours similar to Bechara Khoury. You have –

MONTAGUE: Just people that I -

STOCKLEY: - been for a while.

10 MONTAGUE: - yeah.

STOCKLEY: Did you establish that friendship with him through the course of your dealings with him at Council?

MONTAGUE: Yes.

STOCKLEY: Okay so you met him as a result of –

15 MONTAGUE: Yes.

STOCKLEY: - him being an applicant –

MONTAGUE: Yes.

STOCKLEY: - before Council.

MONTAGUE: Yes –

20 STOCKLEY: Yeah.

MONTAGUE: - he, he expressed a lot of concern about the delays in app –

STOCKLEY: Yeah.

MONTAGUE: - he's having the same trouble with Bankstown Council right now as I understand it.

25 STOCKLEY: Yeah.

MONTAGUE: And you know I took the view as I've said before, part of my job was to try and encourage economic development, encourage growth. The

Councillors made it very clear they wanted more growth, they wanted that economic activity. That's one of the reasons why the former City Planning Director fell out with them –

STOCKLEY: Yeah.

5 MONTAGUE: - Mar, Marcelo Occhiuzzi. He just wasn't delivering as they saw it. He, he resigned of his own volition and that's when the Spiro Stavis thing reared its ugly head.

STOCKLEY: Yep.

10 MONTAGUE: And it was about that time when they were demanding that we process these things quicker and we, you know we get more proactive with planning when you compared Canterbury with, or Campsie in particular, with surrounding suburbs.

STOCKLEY: Yeah.

MONTAGUE: And I agree with that entirely.

15 STOCKLEY: When, when you describe your relationship with Charlie Demian as a friendship is it, at the, at the time – not now but at the time that he had proposals before Council, were you – did you socialise with him outside of Council?

MONTAGUE: No.

20 STOCKLEY: No?

MONTAGUE: Oh there might've been, there might've been a lunch.

STOCKLEY: Yep. So when you describe him as, as a friend, at the time that he had applications before Council, would you describe your relationship at that stage as a friendship, or is this something -

25 MONTAGUE: No, it was -

STOCKLEY: - that's more recent?

MONTAGUE: - more as a business relationship than –

30 STOCKLEY: Okay. And you said that in relation to issues that he brought to you as the General Manager you would try and convene a meeting with the Director of Planning?

- MONTAGUE: I would try to facilitate –
- STOCKLEY: Yeah.
- MONTAGUE: - an outcome by arranging meetings, conferences with planning staff to
5 look at the proposal and, and to giving advice as to how to, how to submit
them and where, where it fell down, where it was short –
- STOCKLEY: Yeah.
- MONTAGUE: - of the co, of the controls.
- STOCKLEY: Yeah. Okay, did these meetings always take place on Council premises?
- MONTAGUE: Yes.
- 10 STOCKLEY: Can you ever recall a time where Mr Demian met with yourself and/or
Counc, Councillors, Council staff outside of Council premises?
- MONTAGUE: No.
- STOCKLEY: Did you – have you ever attended Pierre Azzi's house?
- MONTAGUE: Yes.
- 15 STOCKLEY: Can you tell me the circumstances under which you go to, or have been to
Pierre's house in the past?
- MONTAGUE: Well again it was Pierre – well they were the power block.
- STOCKLEY: Yep.
- MONTAGUE: Pierre invit – he doesn't go out, he doesn't like to go out. He likes to stay
20 at home. His wife's a brilliant cook so he'd invite, he'd invite people
round usually on Fridays.
- STOCKLEY: Yep.
- MONTAGUE: I mean there was one meeting I recall where they were all there, all the
25 Bankstown boys, Maurice Iemma, Jamie Clements the former General
Secretary of the party, Labor Party. And those meetings really were just
in more recent times we're talking about amalgamations, what we were
going to do, how it would impact the Council, you know, what's the
politics of it. It was just on and off garbage really.
- STOCKLEY: Okay.

- MONTAGUE: They didn't know anymore than anyone else.
- STOCKLEY: Yeah.
- MONTAGUE: And we were given to believe the Council wouldn't be sacked.
- STOCKLEY: Yeah.
- 5 MONTAGUE: Look what happened.
- STOCKLEY: Yep, yep.
- MONTAGUE: So it was just guys getting together, having a few drinks, nothing more, nothing less.
- STOCKLEY: Okay so they were more social than –
- 10 MONTAGUE: Yeah of course -
- STOCKLEY: - business meetings.
- MONTAGUE: - of course.
- STOCKLEY: Okay. Would Michael Hawatt generally be there?
- MONTAGUE: He often, he often turned up yes.
- 15 STOCKLEY: Yep.
- MONTAGUE: As I said he was, he was the king maker.
- STOCKLEY: So you mentioned that Michael Hawatt and Pierre Azzi were the powerbrokers in the Council, so is it the case that you felt that you needed to attend these meetings in order to –
- 20 MONTAGUE: I –
- STOCKLEY: - maintain a relationship with them.
- MONTAGUE: - I saw no harm in it. I mean anyone who thinks a role like mine is not political is a fool. I didn't survive all those years by alien, alienating Councillors –
- 25 STOCKLEY: Yeah.
- MONTAGUE: - but I knew where the limits lay as well.
- STOCKLEY: Yeah.

MONTAGUE: And I didn't take any notice of those things. I you know, advice would be given to me which I'd ignore.

STOCKLEY: Okay.

5 MONTAGUE: I mean I've got a statutory responsibility and I report to the Council, not individual Councillors. So you know, if they felt better because they could bang my ear for an hour or so fine, didn't make any difference to me.

STOCKLEY: Okay.

MONTAGUE: I still do exactly what I wanted to do –

10 STOCKLEY: Yeah.

MONTAGUE: - when the reports went up.

STOCKLEY: Yeah.

15 MONTAGUE: 'Cause the only thing they did talk about was, really in those years was planning proposals and developments and what, how the area's going to grow and you know, they wanted that growth.

STOCKLEY: When you say they talked about planning proposals and developments is that in a more strategic sense –

MONTAGUE: Yeah.

STOCKLEY: - or was it in relation to specific planning?

20 MONTAGUE: No, strategic yep.

STOCKLEY: Okay. Did they ever speak to you at those meetings about any specific planning proposals?

25 MONTAGUE: No, not that, not that I recall. General discussion about the Canterbury Road ones, but Canterbury had never seen anything like this. The growth was enormous, it was just unbelievable over a period of two or three years.

STOCKLEY: Yeah.

MONTAGUE: Once that new consolidated LEP went in –

STOCKLEY: Yep.

- MONTAGUE: - the developers went berserk and we, we couldn't, the planning staff couldn't cope with the number of proposals that were coming in.
- STOCKLEY: Yep. Was Charbel Demian ever in any of these meetings at Pierre Azzi's house?
- 5 MONTAGUE: Err, not that I can recall. Could've been, I can't, I can't recall.
- STOCKLEY: We have information that he has in fact been to meetings at Pierre Azzi's house and that on some occasions you were present –
- MONTAGUE: Yes.
- STOCKLEY: - at those meetings.
- 10 MONTAGUE: Or possibly yeah I –
- STOCKLEY: Yep. Do you ever recall him discussing his planning proposals with you at those meetings?
- MONTAGUE: Don't know. I couldn't – I mean you'd have to understand the context of those meetings.
- 15 STOCKLEY: Well tell me.
- MONTAGUE: I just know there's no information, there's no files –
- STOCKLEY: Yep.
- MONTAGUE: - you know it's not a formal meeting in that sense and people were just talking rubbish.
- 20 STOCKLEY: Okay. Even if you regard it as rubbish, did he actually speak to you about his –
- MONTAGUE: I'm sure he did.
- STOCKLEY: - planning proposals?
- MONTAGUE: I'm sure he did, I'm sure he brought it up obtusely maybe or even just in
25 general terms.
- STOCKLEY: Okay. In your dealings with, given that Mr Demian has come to you on previous occasions with you know frustrations about the, his planning issues at Council, did you ever speak to Council staff about his concerns

without actually you know convening the meetings that you discussed.
Did you ever go to Council staff and –

MONTAGUE: No –

STOCKLEY: - speak about –

5 MONTAGUE: - the, the, the only standing instructions that I, that I had with the planning staff was that they move the DAs, the proposals along.

STOCKLEY: Yeah.

10 MONTAGUE: They don't allow them to languish on somebody's desk. If somebody goes on holidays the thing sits there for a month. They'd say do something and one of the things I asked Spiro to do was to organise a system whereby these applications were dealt with as swiftly as humanly possible given the resources we had. And that was the only expectation I had. I certainly didn't direct traffic and say to them put this one ahead of somebody else's, no.

15 STOCKLEY: Okay, that's going to be my next question, did you ever, did you ever tell them that they had to prioritise –

MONTAGUE: No.

STOCKLEY: - Mr Demian's –

MONTAGUE: No.

20 STOCKLEY: - proposals.

MONTAGUE: No.

25 STOCKLEY: If there were stages in the assessment where it appears that the assessment wasn't favourable to what Mr Demian was proposing, did you ever encourage them to try and find alternatives that may have been more satisfactory to him?

MONTAGUE: Not, not to him no, not specifically. I mean what I was interested in was good planning outcomes.

STOCKLEY: Okay.

30 MONTAGUE: And that, you know that, that involves – there's a lot of elements to that. What I didn't want to see happen was that proposals would just languish on somebody's desk interminably –

STOCKLEY: Yeah.

5 MONTAGUE: - or we were, or we were saying this is what we need from you. The applicant lodges that and then they say oh no we've changed our mind, we want this now and that was a common complaint. There was just no consistency in the advice that was being given to applicants, whether they're a mum and dad applicant or whether they're a major developer. That's sort of stuff was very frustrating and they would've been telling the Councillors the same thing.

STOCKLEY: Yeah.

10 MONTAGUE: I'm not, I've got no doubt about it.

STOCKLEY: Sorry, when you say 'they' do you mean the developers would –

MONTAGUE: Yeah.

STOCKLEY: - have been?

MONTAGUE: The, the aggrieved applicants.

15 STOCKLEY: Yep. Do you know in that regard whether Mr Demian had a you know, a lot of contact with any particular Councillors at Canterbury?

MONTAGUE: No not really. I, I, I didn't, I didn't observe any great – he didn't come to meetings or anything like that.

20 STOCKLEY: You mentioned before your friendship with Bechara Khoury, do you know whether Bechara Khoury has any sort of relationship with Charbel Demian?

MONTAGUE: Oh they know each other.

STOCKLEY: Yep. Do you know whether Bechara Khoury actually works for Charbel Demian?

25 MONTAGUE: I thought, I think he did at one stage. He may have been on a retainer. I don't know whether that exists now.

STOCKLEY: Okay. Did Bechara ever speak to you about any problems that Charbel Demian was having with his proposals before Council or his DAs before Council?

30 MONTAGUE: No not in specific terms. It's just a general feeling that the planning process at Canterbury was pretty clunky.

- STOCKLEY: Okay, so just general complaints. And as a result of your relationship with Bechara Khoury did you sort of go out of your way to try and address any of those concerns that he was raising?
- 5 MONTAGUE: No not really. Bech, Bechara, everyone knew there were, there were limits and he actually didn't ask. He didn't say to me, look and he never came in, he never turned up at meetings or anything like that. He, he would raise issues with me and with others and with the Councillors no doubt. That, that was as far as it went.
- 10 STOCKLEY: Okay. Did, did you have any ever, ever have any disagreements with Spiro Stavis about any of the assessments that he did in relation to Mr Demian's sites?
- MONTAGUE: No, no.
- STOCKLEY: Okay. Do you, did you – in relation to your contact with Mr Demian, was it only meetings at the office or did you have phone contact with him also?
- 15 MONTAGUE: Oh, obviously there would've been phone conversations with him but not that often.
- STOCKLEY: Okay. Would, who would initiate the contact?
- MONTAGUE: I don't know. More likely him.
- STOCKLEY: Okay. But if he called you, you may call him back.
- 20 MONTAGUE: Yeah that's all (unintelligible).
- STOCKLEY: Are you aware of whether any of the Councillors were involved with Mr Demian in terms of selling his development sites or development –
- MONTAGUE: No, no.
- STOCKLEY: - developments no. Alright.
- 25 MONTAGUE: Again I heard a rumour that Michael Hawatt might've been involved with George Vasil, but that's another rumour.
- STOCKLEY: Okay. Has Mr Demian ever paid for any hospitality for you?
- MONTAGUE: What do you mean?
- STOCKLEY: Well has he take, taken you out or paid for drinks and you know that sort of hospitality like just –
- 30

- MONTAGUE: Oh no we, we, we – as I said we had the, we’ve had the odd lunch. I don’t recall whether he paid or I did.
- STOCKLEY: Okay.
- MONTAGUE: I know, you know I could’ve –
- 5 STOCKLEY: Yeah.
- MONTAGUE: I mean this has got me into trouble with the, the Herald, spending too much on a Council credit card.
- STOCKLEY: I, I – so when you say an odd lunch would that be sort of just a working lunch or what?
- 10 MONTAGUE: Yes well you know a restaurant somewhere local.
- STOCKLEY: Okay. So it wouldn’t be something lavish –
- MONTAGUE: No.
- STOCKLEY: - you know like an inner city –
- MONTAGUE: No.
- 15 STOCKLEY: - five star restaurant or anything like that?
- MONTAGUE: No.
- STOCKLEY: Okay, do you, did – has he given you any sort of other you know, I guess hospitalities like paying for alcohol and/or gambling or anything like that?
- MONTAGUE: No. I’m not a gambler.
- 20 STOCKLEY: Okay, alright. No, nothing, that was it.
- BERRY: One follow up question. Now do you agree I’ve showed you some call charge records where –
- MONTAGUE: Yes.
- BERRY: - there is telephone conversa, contact between you and Spiro prior to the
25 17th of November.
- MONTAGUE: Yeah.

- BERRY: Do you remember the discussions you may have had in those conversations or what you're texted him?
- MONTAGUE: All those conversations occurred about the time of his appointment didn't they?
- 5 BERRY: Who, Spiro?
- MONTAGUE: Spiro's.
- BERRY: No. Well before, before the interview panel occurred.
- MONTAGUE: No I don't recall those conversations and I don't know why. I mean – no I can't remember.
- 10 BERRY: Just so you're clear it's on the 23rd to 25th of October the advertisements went out.
- MONTAGUE: Yeah.
- BERRY: The 17th of November is when you sat down with the Councillors on the panel and did the interviews.
- 15 MONTAGUE: That's right.
- BERRY: So the night before there's a text message sent from your phone to his phone and about four days prior to that, or five days prior to the interview panel there is a couple of contacts between yourself and Spiro. I'm just trying, trying to work out what you may have been talking about.
- 20 MONTAGUE: Well I might've confirmed the time of the interview or who knows, I've, I've got no idea.
- BERRY: Is that something you'd normally do or is that Judith's –
- MONTAGUE: Oh yeah it's not uncommon.
- BERRY: - Judith's role.
- 25 MONTAGUE: No it's not uncommon.
- BERRY: Okay, alright. Jim we've talked to you at some length and I do appreciate your time and effort today and there's some information that we've parted with you today. Can we get an undertaking from you that you will not disclose or discuss –

MONTAGUE: Of course.

BERRY: - any of the information here today with other persons?

MONTAGUE: Of course.

BERRY: Okay great. Do you want to finish off anything?

5 STOCKLEY: No that's, that's all I have.

MONTAGUE: Where are we going with all this Simon? I mean what's the, what's the timeframe? Is this gonna go on, like is it the gift that just gonna keep giving or?

BERRY: [Laughs].

10 STOCKLEY: [Laughs].

BERRY: Yeah it's a good question. I don't know that. It's a bit above my pay grade. What we do is investigate the matter and it might become relevant, it may not, but what you can see is we've come to you in the first instance. We've gone away and found some further information. As part of the fairness process we've got to come back to you and say look, this is what we've found. What do you want to say about that? Yes there will be an end to it all, when I don't know I'm sorry. Okay.

15

STOCKLEY: As, as you might appreciate there's some changes here in there's been some changes to our legislation and, and there's going to be appointment of new Commissioners and all sorts of things. So we are somewhat impacted by that. We're still undertaking our investigations as normal and this investigation is extremely complex because it doesn't relate to one allegation. It relates to numerous allegations about various DAs and various conduct by various people. So it's, it's not your straightforward kind of matter that we could probably give an estimate to, it's very time consuming.

20

25

MONTAGUE: Can I ask you a question. Did you – since you've mentioned Bechara Khoury and Bechara Khoury and I are still, speak to each other very occasionally these days, he's moved on. As they say rooster one day, feather duster the next. But did you interview him at his home?

30

BERRY: I'm not at liberty to discuss that.

MONTAGUE: I was –

BERRY: Is there something why you want to mention?

MONTAGUE: Well he said that that's what happened.

BERRY: Okay.

MONTAGUE: And I said I was ex – I was amazed.

5 STOCKLEY: Why would you be amazed about –

MONTAGUE: Well I could've asked you to come out to my place. Would've –

STOCKLEY: Well we would've come. [Laughs].

MONTAGUE: Oh fair enough. That's what -

STOCKLEY: You don't have to come here.

10 MONTAGUE: - I want to know.

STOCKLEY: No you don't have to come here.

BERRY: You don't, no.

MONTAGUE: That's all, that's all I needed to know.

STOCKLEY: Some people prefer us not to go to their house, some people prefer us to
15 come to their house. That's –

BERRY: It all depends.

MONTAGUE: No, no that's fine. I was just, I was cur, I was curious that's all.

BERRY: Yeah.

MONTAGUE: Nothing, nothing sinister in that comment either.

20 BERRY: No, no, no that's fine.

MONTAGUE: You know I suppose after you work –

BERRY: I'll, I'll retain that thanks.

MONTAGUE: - I suppose if you work in this job too long you become very, very cynical
do you?

BERRY: No have it pretty, pretty easy going most of the time. Alright so we're just going to finalise this interview with you. Is there anything further you wish to tell me about the matters we've discussed today?

MONTAGUE: No except I just hope it's over soon because it's –

5 BERRY: Yeah alright.

MONTAGUE: - it's quite stressful. I mean I don't know where it's gonna lead, you know. It's not something that I'm enjoying at all.

BERRY: No, okay.

MONTAGUE: And I just want it over and done with.

10 BERRY: Alright.

MONTAGUE: I've got – you know –

BERRY: Do you have any issues in the way that Lisa and I have conducted ourselves today?

MONTAGUE: No, no, no not at all.

15 BERRY: Alright, what time is it Lisa?

STOCKLEY: The time's nineteen past 12.

BERRY: So it's nineteen past 12 and I'm going to stop the interview.