

DASHAPUB00770  
27/04/2018

DASHA  
pp 00770-00815

PUBLIC  
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 27 APRIL, 2018

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Commissioner, I call Con Vasiliades.

THE COMMISSIONER: Do you take an oath or an affirmation?

MR VASILIADES: An oath.

<CONSTANTINE THEODORE VASILIADES, sworn [2.05pm]

THE COMMISSIONER: Please have a seat.

MR DOYON: Commissioner, a direction is sought, pursuant to section 38 of the Act.

THE COMMISSIONER: And you've had a discussion about that?

10

MR DOYON: Yes, Commissioner.

THE COMMISSIONER: Now, you've had a discussion with Mr Doyon about the direction under section 38. I just want to emphasise that it doesn't cover if you give false and misleading evidence to this public inquiry and if were prosecuted under the Independent Commission Against Corruption Act for that. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witnesses evidence at this public inquiry, are to be regarding as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

20

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY THIS WITNESS DURING THE COURSE OF THE WITNESSES EVIDENCE AT THIS PUBLIC INQUIRY, ARE TO BE REGARDING AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

30

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Sir, is your full name Constantine Theodore Vasiliades?---Yes. That's correct.

40

And are you known as Con Vasiliades?---Yes.

You were elected to Canterbury City Council in September, 2012, is that right?---Yes.

And you ceased being a councillor on that council at the time of its amalgamation with Bankstown City Council in May of 2016, is that right?  
---Yes.

Sir, before you joined Canterbury City Council as councillor, what was the paid work which you did?---I work admin for a real estate company.

And was that your father's real estate company?---Yes.

10 And was that Ray White Real Estate at Earlwood?---Yeah. That's correct.

And your father is George Vasiliades, known as George Vasil?---Yes.

You did admin and accounting work, is that right?---Yes, yeah.

And what proportion of your week or the day of the week before you joined council was occupied doing that sort of work?---Three or four times a, a week.

20 And for how long a day on those days?---Probably five to six hours.

Now, did you also, at the time, that is to say, before you joined Canterbury City Council as a councillor, train and coach people at a gym called the Olympic Gym at 221-235 Homer Street?---No, that was in 2014, I started that.

Right. So, this is before you joined council, is what I was intending to ask you?---Was I coaching before I joined council?

30 Yes.---I may have been. Around about that time I may have been. I may have just started.

Right. And for how long did you do training and coaching work?---In the early time, in the early days, it would have just been a few clients a week. So, it wasn't full, sorry, it wasn't a full-time - - -

Right. When did that change?---In the middle of 2014. We opened up a gym.

40 Right. Can you tell us the story, please, of your involvement in the gym?  
---I'm one of the head coaches alongside my brother.

And when was it established?---April, 2014 but prior to that we were doing personal training, just one on one.

For clients who paid you?---Yes.

And was that gym at 221-235 Homer Street?---No. At that time, it was behind the real estate, which is where I had trained for maybe 10 years, since I was 15.

And when did it move location?---In April, 2014.

And did it then move to 221-235 Homer Street?---Yes.

10 THE COMMISSIONER: And did you and your brother own the gym when it moved to Homer Street?---Yes.

MR BUCHANAN: And am I right in saying that it was a particular type of gym, that it specialised?---Yes. Olympic weightlifting.

And did it specialise in Olympic weightlifting?---Yes.

And that's Olympic standard weightlifting?---Yes.

20 And were you earning an income from doing the training and coaching work at the gym when it from April, 2014 it move to Homer Street, to that address in Homer Street?---Yes, I was, the client were paying.

And did you at the same time continue to work for your father doing administration and accounting work at his real estate agency?---Yes, I did.

When you became a councillor – I'll come back to that in a moment. Once you had become a councillor did you continue to work for your father doing administration and accounting work in his agency?---Yes.

30 And did you continue to do training and coaching work at the gym?---Yes, I did.

And it was, was it called Olympic Gym?---Yes.

Now, your father has always had a particular interest in planning work in terms of land use planning. Is that fair to say?---Yes.

And he continually did research in that area. Is that fair to say?---Yes.

40 And he enjoyed working in that area or enjoyed researching that area? ---Yes, he was passionate, yeah.

And that is notwithstanding the fact that he didn't actually have planning qualifications as such.---No.

Is that right?---No, not as a degree or anything.

And you yourself have lived in Canterbury all your life.---Yes.

Can I ask you about a couple of individuals. Before the amalgamation of the two councils occurred in May 2016, did you know a man called Charlie Demian?---No.

Before that time, the amalgamation in May 2016, did you know a man called Assad Faker?---No.

10 Before amalgamation in May 2016 did you know a man called Jimmy Maroun?---No.

Before that time in May 2016 you didn't have an understanding that Jimmy Maroun owned a gym or had a gym?---No.

Did you understand that there was any competitor nearby to your gym? ---No. Olympic weightlifting is very specific and the gyms that are registered, there's none, none in the area.

20 Did people come to the Olympic Gym for general fitness training?---Yes.

You weren't aware of Jimmy Maroun having a gym that people went to also in Earlwood?---No. Sorry, if I may, Olympic weightlifting is very - - -

Specialised?---Specialised, yes.

Yes, but you have said that people came to the Olympic Gym for general fitness training?---Yes, but in saying that the Olympic lifting is part of fitness training too so - - -

30 Sure.--- - - - that's what I meant by - - -

I suppose what I'm trying to ask is, did you and your brother earn an income from people coming to the Olympic Gym to do general fitness training? ---As in Olympic - - -

THE COMMISSIONER: If I wanted to get fit - - -?---Yes.

40 - - - could I come to Olympic Gym?---Yes, but in the, we only coach Olympic weightlifting but in doing Olympic weightlifting you can become fit too. That's what I mean.

So to get fit at Olympic Gym I'd start doing some weightlifting but obviously - - -?---Yes, yes, that's, that's all we specialise in.

But obviously I would never represent Australia at the Olympics. ---No. If you train hard enough, yeah.

MR BUCHANAN: You knew Michael Hawatt before you stood for council at the September 2012 election. I think that's right to say?---Yes.

How did you know Michael Hawatt?---Through my father.

And what did you know of him at that stage?---That he was on council.

10 How did you know him through your father?---I would see him at the office from time to time and then I think just before I got on council he had started doing some training with my father at the back of the real estate that we had the gym there.

He started doing training at the gym at the back of your father's - - -?  
---Yeah.

- - - real estate agency?---Yes.

20 And when, and please tell me if I've got the sequence of events wrong, when Olympic Gym was established in April of 2014 what happened to the gym at the back of your father's real estate agency?---Oh, it just became for office use, some files, and there's still some weights there that we haven't cleared out. It's not really used much.

Did Mr Hawatt come to Olympic Gym to work out at all after it was established in April, 2014?---Yes. He might have two or three times.

Two or three times a week, a month, a year?---Oh, no, altogether, yeah, yeah.

30 Rightio. And was that during the time that you were a councillor?---Yes, it was.

What was the nature of the relationship between Mr Hawatt and your father that was the way you came to know Mr Hawatt?---Well, that they were friends.

And did they have any interest in common did it appear to you?---At that time not that I knew, not that I was aware.

40 Now, you obviously made a decision to stand for election as a councillor on Canterbury City Council. When did you make that decision compared to the date of September 2012, being the date of the election?---I wouldn't be able to give you a time. The election was going on and it was just such a long period so I can't recall - - -

All right.--- - - - how far before it was.

Do you recall making the decision to stand for election?---Yes.

What was it that made you make that decision?---Well, I looked at the council and it was existing of a lot of elderly, not elderly but older councillors and I'd seen a lot of parks and things in the area that I've grown up around and bike tracks and things that weren't really utilised as well as I thought they could be and I thought that there was no one really in the council as a councillor looking after sort of as those, that they were passionate about that sort of side, so I thought it would be a good opportunity to have someone young in there and try to help the young families in the area especially.

And how old are you today, sir?---33.

Did you talk about your interest with anyone at the time of the, or shortly before the election in September 2012?---Yes.

Who did you talk to about this?---I was relaying a lot with Michael because he is the one that had me on the Liberal ticket.

20 How did he get you on the Liberal ticket?---Oh, I'm not sure of the details behind it.

Was there a discussion between the two of you that you should go on the Liberal ticket?---He was the Liberal councillor and I just thought that that was the right decision.

THE COMMISSIONER: Were you a member of the Liberal Party at the time?---Yes, I may have been just before.

30 You joined just before you nominated?---Yes.

MR BUCHANAN: Did Mr Hawatt help you in your candidature for election as councillor?---As in what way?

Well, in any way. That's my question. If he helped you my next question is in what way?---Well, he was there with me, I think we shared a lot of the pamphlet material and we were, used the same people for the A-frames and that so, so there was that communication between us.

40 Did you have an interest in sport generally?---Yes.

And are you saying to us that you had an interest in particular in sporting facilities being made available and more efficiently utilised in the Canterbury area?---Yes, that would be correct. I trained many years overseas, competed in a lot of different countries so I saw a lot of the venues and things that they had in place that I thought would be good for the Canterbury area.

They were better than the facilities available in the Canterbury area at the time?---Some, yes.

In your opinion?---Yes. Some, yes.

And were there – I'll withdraw that. Are you saying that one of your goals as a candidate was to improve the facilities for sporting, for sport generally in the Canterbury area and to improve the use of the facilities that were there?---Yes. That's correct.

10

Did you have any other goals as a candidate for council?---No. Not, not at the time. I didn't really know what council involved at the time of running.

You say that, "At the time." Did your goals change at all whilst you were on council?---No, no. And if you see the motions that I had put, ongoing through the council meetings, it was always something to do with sport or a bike facility or something of that nature.

20

So that remained your primary interest throughout your time as councillor. Is that fair to say?---Yes.

Now, I take it you understood, did you, that at the time you were standing for election that council had a role to play in deciding how land would be used in the Canterbury area?---To some extent, yes, but just generally - - -

I'll qualify it - - -?---Just in general like, I, I didn't really have an understanding of what like, what role the councillor was involved in. I learned that as, as I went on.

30

Now, did Mr Hawatt indicate to you that he or the Liberal Party would provide support for your goals that you've described to us?---That he would but not the Liberal Party.

Right. Now, at that election in September, 2012, am I right in saying that elected as Liberal Party councillors or councillors standing on a Liberal Party ticket were yourself, Councillor Hawatt and Councillor Ken Nam? ---That's correct.

40

It was just you three?---Yes.

And would it be right to say you had no experience as a councillor at the time you were elected?---Yes. That's correct.

When you were elected did council arrange for you to be provided with any induction training?---There may have been a workshop. I can't recall.

Did you receive any training in things like a code of conduct that council had?---Yes. We were all handed a code of conduct.

Do you remember being trained in the content of that document?---Again, I think there may have been a workshop and that might have been the main topic but - - -

And do you remember any training or that the code of conduct has anything in it about conflicts of interest?---Yes.

10 You do remember that?---Well, I'm assuming that that would be in there.

Right. Just to make sure we're on the same wavelength, what do you understand to be a conflict of interest, as you sit there now?---Well, I always declared in interest if there was a family member involved or if I had known of someone dealing with the real estate and if I was unsure, I would always seek the general manager's advice as to if I needed to declare conflicting interest in that sort of matter.

And did you make a declaration from time to time?---Yes.

20 And why was it that it was the general manager you consulted on those questions if you were unsure? I'm not saying you were wrong, I'm just asking why did you select him rather than somebody else?---It was during the council meeting, so I wouldn't have found it appropriate to ask another councillor. I would have sought the general manager's advice.

30 You would either ask a councillor, another councillor, or the general manager?---No, it was, like, during the meeting, so if a certain item came up I would stand up and say, "Excuse me, Mr Montague, do I need to, do I need to declare an interest in this? This is the circumstance." Those were only certain times if I was unsure.

Now, apart from a workshop that you think you might have had or probably had by way of induction training as to how to be, how to do your duties as a councillor, otherwise is it fair to say you were expected to learn on the job? ---Yes.

Is that right?---Yes.

40 Did your father influence you in your decision to stand for council?---No.

Did you discuss it with him?---Yes.

Did you – I'll withdraw that. What was his view as to whether or not you should stand?---He thought it was a good opportunity. I had just finished weightlifting and I was kind of, for a better word, lost at that time. And thought it would be good to get involved, and that way I can sort of still have a role in sport. I had done sport since I was 15. That was all I, basically, I had known.

I might have skipped over something. You say that you had stopped weightlifting, or just stopped weightlifting, as at September 2012, is that right?---No, I stopped competing in mid-2011 but I always kept training.

Were you spending less time on weightlifting once you stopped competing?---Yes. It was full-time before.

10 And when you were training, how much of your time was taken up with training? Once you'd stopped competing, I mean.---Yeah, oh, once I had stopped?

Yes.---A couple of hours a night.

And did that remain the case when you were on council?---Yes, but if there was council obligations I wouldn't be there, yeah.

20 Now, you had conversations with Michael Hawatt about standing for council, is that right?---Yes.

Did he suggest that you should stand for council?---Yeah, he may have.

Did he encourage you to stand for council?---There was, there was support there. I don't know, he may have. There was support, so there would have been a bit of encouragement.

And was that in one conversation or more than one conversation?---No, there was a few.

30 Now, did you at that time, at the time you were standing as a candidate for council, did you have any opinions about the construction of buildings, particularly bigger buildings than an ordinary house, for example, in the Canterbury area?---Well, I, I use Canterbury Road very often, so I had grown up in Belmore and I had seen the area basically the same as when I was a child to now. There had been no change. So there was – sorry, could you say the question again?

40 Yes, sure. Some people use the expression pro-development as meaning in favour of buildings, in favour of land being used to construct buildings, and pro-development might indicate an indication or an inclination to put more buildings and bigger buildings on land, to have greater development. Do you understand that expression?---Yes, yes.

So did you have an opinion on that subject at the time you were standing for council?---Yes, I did. Because a lot of my, a lot of my friends my age are struggling to buy a first home, and maybe all they could afford was a unit. So there was, no-one I really know has, lives in a house anymore, so it's, it's unaffordable in the area.

So what were you, you're indicating you were in favour of development?  
---Yes.

What was it you were in favour of?---Affordability.

Affordability?---Yes.

10 Anything else?---Well, the more housing that was available the more affordable that it could be for people.

And did that include by way of residential units?---Yes.

You were elected as a councillor. Once you had been elected is it fair to say that the council itself, either as council or sitting as the City Development Committee, was regularly asked to make decisions about development?  
---Yes.

20 And did you ever consult Mr Hawatt, Councillor Hawatt as to how you should vote on questions of development that came before council?  
---Yes.

Did you consult your father as to how you should vote on questions of development that came before council?---No.

Was there any reason why you wouldn't consult your father?---I had the, the director at the time and then I - - -

30 Sorry, you had?---I had the director at the time that I was - - -

The director of planning?---Yes, that I would always send emails to and seek an opinion and Michael, we would meet before a council meeting, if there was anything serious he would come and see me.

And who was the first director of planning that was there when you were a councillor?---Marcelo.

Marcelo Occhiuzzi?---Yes.

40 And after him, Spiro Stavis?---Yes.

And you would consult them, would you - - -?---Yes.

- - - on questions of development that would come before council?---If there was something that needed to be asked, then I would send an email and seek their opinion.

Did you ever feel pressured by Councillor Hawatt to vote any particular way on a development proposal or issue that came before council?---No.

10 Why wouldn't you consult your father as to how you should vote on a particular question of development that came before council, given his particular interest in planning that you've told us about?---I would consult my father on small issues, sometimes I had the, there was a driveway, why couldn't it be this close to the corner or a garage or there was a particular instance with a carport, but if they were matters that were on the, on the committee papers I would mention to Michael and to Spiro.

Did your father ever raise with you whilst you were on council questions of development that came before council?---No.

Other than, I mean other than in response to the questions you've just indicated you would raise with him?---No.

20 Yes, you want to add something?---Oh, no, I was, sorry, moving the microphone.

Okay. So when you were elected is it right to say that you didn't know very much about the rules and regulations that governed planning?---Yes, that's correct.

Did you become better acquainted with those rules and regulations as time went on?---Somewhat, yes.

But is it fair to say to a limited degree?---Yes.

30 And it remained that way really until the end?---Yes.

Planning never became of greater interest to you than sport for example. ---Yes.

Is that fair to say?---Yes.

40 And I'm talking here about in particular about the role of council, that is to say you were interested, tell me if I've got this wrong, in the role of council in terms of sport in the Canterbury area, you weren't so much interested in the role of council when it came to planning issues, unless it had something to do with sport?---No.

Is that fair?---From time to time I would receive calls or emails or, and I would relay them back to Spiro. So if there was an instance where I think it had rained for two or three days and it had flooded and there was an email that I had sent to Spiro, there was things that, there was always ongoing planning issues that I would need to seek advice.

And were these issues that had been raised by constituents that affected them as individuals or as residents?---Yes.

These weren't issues, please tell me if I'm wrong, raised with you by people you understood to be developers or people who were trying to develop land to erect big buildings?---No.

10 Once you became a councillor, did you know any lawyers whom you could consult for how council operated or about planning law?---No.

Did you get to know any lawyers when you were on council who could provide assistance in relation to how council operated or planning law?  
---No.

Now, you got business papers from council, is that right?---Yes.

And were they delivered to you?---Yes.

20 At home or at work?---At home. I think the first few years that I was in council, I was living at my parents' home, so they were delivered there and I had left it there because now where I'm living there's no really front access so it was bit difficult to get to.

And so, just if I can clarify that, when did you move out of home?---Maybe 2015. Could have been about that time.

30 All right. Do you remember whether it was spring, summer, autumn, winter?---I think it was early. I think it was early '15 'cause I think I was doing renovations at late '14.

And are you indicating that you still got your papers delivered from council to your father's business for at least a while because of logistical issues at the place you'd move to?---No, they were delivered to my parents' home.

Your parents' home?---Sorry, yeah.

Oh, I see. Sorry, I apologise, I missed that.

40 THE COMMISSIONER: So, during the period you were a councillor, the business papers were delivered to your parents' home?---Yes.

Where you were living initially?---At the time, in the beginning.

And then you moved out and because of an access problem, they continued to be delivered to your parents' house?---Yes.

MR BUCHANAN: And just to close that off, at the time the amalgamation occurred and you were no longer a councillor, where were the papers, where

had the papers been delivered to you? Were they being delivered to your parents' place still?---Yes, yes. Yeah, all along, yeah.

Right. All the way through?---Yep. But they were in sealed envelopes.

And were some of them, was there a system whereby some of the papers were confidential?---Yes.

10 What was that system?---There were pink papers at the back of the council papers, part of the same document. So they were confidential.

Did you discuss the matters raised in the papers that were delivered to your parents' place with your father from time to time?---No.

Never?---No.

20 Never ever?---No. I don't think there was a need to. They would have been issues about someone's wage in council or certain things like that so I didn't think there was a need to speak to him.

Even though, I think you've told us, that your father had a particular interest in, you've told us, planning issues, and you had very little knowledge about planning issues?---Yes. But if it was ever an issue, I would speak to Spiro or Michael at the time.

Did your father have access to the business papers that were delivered to his and his wife's place?---Yes. They're kept in the real estate, in the filing cabinet.

30 They kept them in the?---They're kept in the real estate in a filing cabinet.

In the real estate office. Sorry, I should have asked the basic question. Where was your parents' place in relation to the real estate agency office? ---About two minutes away, one minute.

So, as you understood it, did your father bring the papers from his house to the agency so that you could get them?---No. My mother would.

40 Your mother would.---They still do that with my mail.

Did your mother also work at the agency?---Yes.

What was her position?---Admin as well.

And I should have asked, I think it's also the case that you had an uncle work there as sales manager, is that right?---Yes.

Is his name Peter?---Yes.

So the question I was asking you was, did your father – I'll reframe that. Did your father access the papers that were sent to you by council?---No, not that I know of.

And does that mean that he had the opportunity to access them when you weren't there but that you never were aware of him doing that?---Yes.

10 And you never showed him anything from the business papers and said what do you think about this?---Oh, yes, I could of.

And what could he have said in response?---Basically what was in the DCP.

In the Development Control Plan?---Yes, yes.

Your father had a particular interest in the Development Control Plan. Is that fair to say?---Yes.

20 Did you discuss development applications with your father, development applications that were before council?---If I saw an issue in a certain thing I would ask him maybe one or two questions. There might have been - - -

Was – sorry.---There might have been an instance if there was a comment or something and I just wanted to get some clarification.

What sort of issues would you raise with him?---Might have been to do with setbacks, some, some small things like that.

30 What a setback was or something like that?---Yeah, yeah.

You – I withdraw that.---Sorry, sorry, if, sorry, if I could add?

Yes, of course.---He knew where to find certain things in the DCP so sometimes instead of me sitting there for an hour to search for something I would say there is an issue with a setback here, where can I find this, so, and then I would go do the research.

Did your father also know the LEP?---Yes.

40 And was he able to assist you with what provisions of the LEP applied from time to time?---I don't recall there being issues on that.

Only the DCP?---Yes.

Your – I withdraw that. Council's website had posted on it the business papers for council meetings and council committee meetings, didn't it?  
---Yes.

And did it also post on the website the minutes of meetings of council and its committees?---Yes.

Am I right in saying it didn't post on the website documents such as memoranda sent by the general manager to councillors?---Yes.

Is that correct?---Yes.

10 You received those separately?---Yes.

I withdraw that question, it's actually not fair. You received those either when they came out or with the business papers?---Yes.

Is that fair to say?---Yeah, in the envelope, yeah.

In the same sort of envelope.---Yeah.

20 Were there times when you would get a memorandum from Mr Montague separately from the business papers?---Yes.

And how did you receive that sort of memorandum?---It would have been in an envelope too, same type of envelope.

Delivered to your father's house?---Yes.

Is that right?---Yes, yes, sorry.

30 Did you ever show those memoranda or any of them to your father?  
---I can't recall.

Now, can I ask you about Marcelo. What did you think of him as a director of planning, what was your opinion of him?---He was okay. Never had an issue with him. Every time when I sent him an email through it was always dealt with or he got back to me so there was never, never a problem.

Did you feel that you could rely on his opinion about planning matters?  
---Yes.

40 And can I ask you this. You can have different sorts of competing interests involved in any given question that has to be decided by a political body like a council, you can have for example a landowner's interests, you could have different interests that might conflict, that might be a neighbour's interests, you can have different interests again that might conflict with both of those, being the community's interests, you might have arguably council's interests. Do you understand what I mean by all sorts of different possibly potentially conflicting interests?---Yes.

Whose interests did you expect the director of planning to advance?---  
Whatever was in the code, I - - -

And what did you understand to be in the code on that subject?---Well, the information that he would relay back to me would be based on what was in the LEP or the DCP at the time.

Did you expect him to take any particular side?---No. It would, it would have been just general questions.

10

And when you give that answer, you mean, do you, that those were the sorts of opinions you were asking from him?---Yes.

When considering planning and development issues as a councillor in a meeting of council or the City Development Committee, before Mr Stavis came on board, thinking of that time, you received reports in the business papers that were in the name of the director of city planning, is that right?  
---Yes.

20 For example, if there was a development application and the question was should it be approved, you would get, wouldn't you, you would read a report from the director of city planning, sometimes called one of the officers' reports?---Yes. It would be a recommendation as part of the business papers.

And the recommendation would usually, it would be summarised at the beginning and set out at the end and in between would be a whole lot of material that would be provided to you as being, well, this is what so-and-so says, this is what someone else says, these are the relevant considerations,  
30 this is what you need to know, we've arrived at this recommendation, these are our reasons for that recommendation. Is that a fair summary of what you found in those officers' reports?---Yes

And when you, before Mr Stavis became director of city planning – and that was in March of 2015, if I can inform you of that – before March of 2015, did you usually vote in accordance with the recommendation made by the officers on planning and development issues?---Yes.

40 Can you recall any time that you didn't vote I'm accordance with the recommendation of the officers?---Not that I can recall.

After March of 2015 or rather, from the beginning of March 2015, when Mr Stavis had taken over the position of director of city planning, you still got the same sort of officers' reports on planning and development issues, is that right?---Yes.

And they were composed in the same way? They contained the same types of information, is that right?---Yes.

And they still had recommendations in them at the end?---Yes.

And did you usually follow the recommendations that were in those reports on planning and development issues once Mr Stavis had taken over?---Yes.

What did you expect from Mr Stavis in his work as director of city planning?---That he'd be able to fulfil the role. There was not really an expectation. It was - - -

10

And can you describe to us what you thought that role was, so far as concerned the provision of information and recommendations to council on planning and development issues?---Well, to be able to, to assist things as they needed on their merit and also to be able to rely on the DCP and the LEP.

Did you expect Mr Stavis to advance the interest of developers to ensure that more developments took place?---No.

20

Did you, over the period that Mr Stavis was there until council was amalgamated, May 2016, have any issues with Mr Stavis' work?---No. No.

So you've told us that from time to time you would consult – tell me if I'm wrong – Spiro Stavis or Michael Hawatt about planning issues, is that right?---Yes.

And is it fair to say that you relied upon their information to inform you as to what you should do, what decision you should make?---Yes.

30

Is that right?---Yes.

Would it be fair to say that on – if you regard, if you were to pretend that all the planning and development issues that had come before council when you were there after Mr Stavis started amounted to 100, let's pretend, did you consult Michael Hawatt on 50 per cent or more than 50 per cent of - - - ?---It may have been 10 per cent.

All right. What about Mr Stavis?---It was about the same. If there was ever an issue, which most of the time it was just voting on the recommendation of the officers.

40

THE COMMISSIONER: When you say there was an issue – sorry, Mr Buchanan – what do you mean by an issue?---Sometimes Michael would raise a question or I might get a call from a certain person, from a neighbour or whoever was the builder, and then I would either tell them to email me, so I had something in writing, and then send it off to the director, which wouldn't be very often.

MR BUCHANAN: Those are the times that you consulted to obtain information to inform your vote. Were there times when you voted simply because it was the same way that Michael voted?---We would always discuss things, so I was always aware. So, yes.

THE COMMISSIONER: Aware the way Michael intended to vote?---Yes. We, me, Michael and Ken would meet before the meeting, even if it was briefly, five minutes, and if we had any issues ourselves, we would say, look, I have an issue on this, and then so when we were at the council meeting there wouldn't be any confrontation. We'd sort of all be on the same page and know.

And the three of you would vote in the same way?---Yes. Because if we had issues or if there was anything that needed to be sorted out, we would discuss it prior and then, so, yes.

MR BUCHANAN: Mr Hawatt had quite a strong personality, didn't he? ---Yes.

20 And intending absolutely no disrespect to you, sir, he had a much stronger personality than you had. Is that fair to say?---Based on council matters, yes.

Yes. Well, yes. And would it be fair to say that if he indicated he thought that the three of you should vote a particular way on an issue that it would be very unlikely you would vote differently?---Yes. But if there was ever, if I was ever in conflict, I would always email the director, seek advice. But I don't recall that happening, so - - -

30 That's right.---Yeah.

I was going to ask you, can you recall any such occasion?---No, no.

Did you read all the reports you received from the council officers on planning and development issues?---Yes.

Every page?---I would skip through them but, yes, I would know what was going on in the business papers.

40 Would you read the submissions of development proponents such as developers? Or the submissions or reports of their architects or planners? ---I would normally read the first page, which was more of a summary, and then if there was an issue then skip through and see where in the summary it mentions certain things. But if there wasn't, then I would go to the officer's recommendation and, and read that.

THE COMMISSIONER: And you only knew if there was an issue if a constituent or somebody contacted you, or if Mr Hawatt raised something

with you?---Or sometimes it would mention something in the summary, so then I would say, go through the council paper and see when did this come up and what happened and - - -

10 MR BUCHANAN: Can I just go back, then, to the question of the extent to which you spent time on the contents of the reports from the officers on planning and development issues. Would it be fair to say that you took the same approach as you've just described to those reports? You would read the summary at the front page?---Sorry, which reports were you referring to?

Okay, the reports on planning and development issues from the director of city planning that were in the business papers.---Yeah, that, that's the recommendation that I was mentioning.

That includes the recommendation?---Yes, yes.

20 Yes. But is it possible that you might have read the recommendation, you'd pick it up from the summary, you could go to the end and see the detail of it but you might not have read everything that was in between?---Yes.

That might have happened a few times?---Yes.

Could it have happened most of the time?---Yes.

Could it have happened that you didn't read the reports at all from time to time?---No, I always read the reports.

30 Did you ever find that your father had an opinion about a planning or development issue before council which was different from the opinion of either Marcelo or Spiro?---Well, again on minor, minor things.

MR NEIL: I object, I object.

MR BUCHANAN: Sorry, if you could just pause for a moment.

40 MR NEIL: That assumes firstly that because of the way the question's framed did you ever find that there was an opinion that differed, that assumes there were any opinions in the first place.

THE COMMISSIONER: What, sorry?

MR NEIL: Well, the question should be broken up into two parts, were there ever any opinions and then did they ever differ.

MR BUCHANAN: I'm happy to take my friend's point.

THE COMMISSIONER: All right.

MR BUCHANAN: Sir, did you find that your father ever expressed an opinion about a matter that was before council in the planning and development area?---Not that I can recall.

THE COMMISSIONER: But didn't he attend practically every council meeting?---Yes, he did, yes.

And didn't you describe him as being passionate?---Yes.

10

That was the word you used at the beginning of your evidence?---Yes.

About planning within Canterbury. And you can't recall him expression an opinion about a matter raised at council when you were a councillor?  
---There wasn't many times where there was discrepancies or there was issues with, with things and I would always email the director, so - - -

20

MR BUCHANAN: But before you got to email the director was there ever a situation where you discovered there was an issue because your father raised it with you?---No.

Not on any matter of planning or development that ever came before Canterbury Council when you were a councillor?---Not that I can recall.

Not once?---Not that I can recall.

Now, Councillor Hawatt had been at your father's real estate agency from time to time before you joined council. Is that right?---Yes.

30

Is it right to say that he had meetings with your father from time to time before you joined council?---Yes.

After you joined council is it right to say that your father and Councillor Hawatt continued to have meetings at your father's real estate agency?  
---Yes.

And would it be right to say that they, as far as you could tell, discussed planning and development matters?---Yes.

40

Now, were you, did you take part in those discussions?---From time to time I may have sat down for a few minutes but I was always in the room next door doing my work.

What about in the evening?---No, in the evening I was always working at the gym.

Were you terribly interested in what was discussed by your father with Councillor Hawatt?---No, not really.

Can you just tell us a little bit more about that?---(No Audible Reply)

Talking now not necessarily about the time before you joined council but the whole time your father and Councillor Hawatt were having meetings at your father's real estate agency.---I knew they were friend so - - -

Yeah.--- - - - I didn't really, who gets involved with what their father is talking about with their friends, like? It wasn't of interest to me.

10

And that didn't - - -

THE COMMISSIONER: Even though it involved planning issues?  
---Unless there was something that Michael had mentioned to me there was nothing that - - -

MR BUCHANAN: Was there any occasion when your father was having a meeting with Councillor Hawatt at your father's real estate agency when a planning issue was discussed which you did have an interest in - - -?---There may - - -

20

- - - as a councillor?---There may have been and they might have just described to me that in the LEP or in the DCP it mentions this.

Can you recall any particular issue?---No, I can't.

Were there any meetings at the real estate agency involving councillors other than Councillor Hawatt?---Yes.

30 And who was present at those meetings?---Councillor Adler, Councillor Kebbe, Councillor Nam might have been one time, and Councillor Azzi.

THE COMMISSIONER: And this was during the period when you were a councillor?---Yes.

MR BUCHANAN: Did you take part in those meetings? When I say take part, I mean were you present at those meetings?---Yes.

40 How many meetings occurred which involved councillors in addition to Councillor Hawatt?---Maybe two or three.

Only two or three in the entire time you were there?---Yes. Yes, it would have been at the end period of council.

And what were those meetings about?---I can't recall. They might have had something to do with Jim, with the sacking of Jim, but I can't recall.

I'm sorry, might have had something - - -?---Might have had something to do with the sacking of the general manager but I can't recall.

Why do you suggest that might have been a subject?---Because I don't see anything else that we had gotten on the same page about.

When you say "we" you mean - - -?---The councillors, yes.

- - - councillors in addition to Michael Hawatt?---Yes.

10

And your father was taking part in those meetings as well? He was present as well?---He was in and out. He wasn't part of the meeting.

When you say he was in and out but not part of them, do you mean he was taking part but to a limited degree?---No, he would always, he would always walk around. He's always been like that. He'd go in, grab something, walk out.

20

Did he express an opinion at any stage about the issue of sacking Mr Montague?---Not, not that I can recall.

Did he make any contribution on the subject of the sacking of Mr Montague?---No, not to me.

In your presence?---No.

Did he ever, quite apart from these meetings, express an opinion in your presence about the sacking of Mr Montague?---No.

30

So you don't know what his views were on the subject?---No.

Is that really the case?---Yes. I relayed all my information from Michael, so he was the senior Liberal councillor, so - - -

THE COMMISSIONER: But your dad is passionate about planning issues. He attends every council meeting.---I wouldn't say every.

All right. Many.---A number of, yeah.

40

You've got a controversial issue which has hit the papers, about what's going to happen with Mr Montague and whether he's going to be sacked. There now seems to be a meeting at the real estate agent not only with the Liberal councillors but also Adler, Kebbe and Azzi, who are all Labor, and your dad doesn't express an opinion about what's happening with Mr Montague?---No, not when we were sitting all together.

What about afterwards?---No, not that I know of.

Not to you?---No, not to me, no.

MR BUCHANAN: As far as you know, why were the meetings held at your father's real estate agency?---Because I was working at the time and the gym's only up the road from the, from the office, so it was quick for me just to pop out and meet with them.

10 Are you saying that the meetings were held at your father's real estate agency because you happened to be there?---Yes. Because I was down the road at the gym.

It isn't possible that the meetings, to your knowledge, were held at your father's real estate agency because your father was a person of influence with councillors?---No, Michael would message and I would say could we meet at the gym, at the office because I'm going to be in the gym up to about, up to a certain time. And Michael lived, it was quite a, quite a drive, so would not have been able to make it. And the other councillors agreed to meet there.

20 Was there any reason why those councillors and you could not have met in a room on council premises?---Again, it was convenient, more convenient for me.

It was simply to accommodate your work hours?---Yes.

If I can just ask you a couple of questions on the subject of governance. Towards November 2014 you'd been on council for two years, thinking of that period starting November 2014. Thinking of that.---Yes.

30 Maybe I need to take a step back. You remember the fuss that arose over whether Mr Montague should be sacked?---Yes.

To your mind, what was the first thing you knew about that?---That he wouldn't relay information as to why the director of planning was to be fired.

40 And if you could assume that the question of the hiring of Spiro Stavis as director of planning at least commenced in November, 2014. So, just thinking of that period, you'd been on council for two years, is that right? ---Yes.

The senior staff at council included the directors?---Yes.

What was your understanding at that time of how the directors were hired? ---I didn't have an understanding. I would have assumed that it would have been the general manager's decision.

Did you have any more of an understanding than that assumption?---No, no.

Did you have any understanding that council was involved in the hiring of directors?---No.

And did you have any understanding in relation to the general manager that councillors had a role in hiring or firing the general manager?---Not until it was made aware to me.

10 And when were you made aware?---Michael may have mentioned something to me around that time. I think it was little bit afterwards.

And what did you understand to be the case after Michael had mentioned it to you?---I think that we needed the numbers.

To do what?---To fire the general manager.

20 So, you relied on Michael for the knowledge you gained about what the powers were that councillors had in relation to the hiring or firing of the general manager, is that right?---Yes.

Thinking of the same period of time, November 2014, when Mr Stavis' hiring was being considered, did you know how long Mr Montague had been the general manager, whether it was that name or another name for the office?---No. I know it had been a very long time, but.

And what was your impression? Since you were a kid?---Yeah.

30 Just thinking again of that period of time, I appreciate no one would have asked you at the time, but what would you have said if someone had said, "Why is Jim Montague still here? Why is he still the general manager?" What would you have said?---That's after the time that we went - - -

No, no, no. Just thinking of November 2014, before the time when the, immediately before the time when the fuss arose?---He was a very knowledgeable man. Very well respected. He offered me guidance, he was very welcoming when I got on to council. He suited the role. He - - -

40 Did you ever hear the nickname "the King of Canterbury" used in respect of Mr Montague?---No. Only when the newspaper came out.

Once the newspaper came out, you read that name, that moniker as it were, did you think it was appropriate for Mr Montague or not? Did you think he was the King of Canterbury, in effect?---Not really. I wouldn't know how to answer that. Not really.

Did you think that anyone was the King of Canterbury?---No.

And you didn't think it was appropriate to call Mr Montague the King of Canterbury?---No.

Did you have a view, did you have an opinion in the period, November, 2014, as to whether Mr Montague should continue on as the general manager for as long as he wanted to do that job?---Yes.

Before all the fuss arose?---Yep. Yeah. he would have been okay to continue.

10

And as far as you're concerned he could continue for as long as he wanted to?---Not as long as he wanted to but whatever was being discussed at the time.

Did you think he was likely to retire?---Sooner or later, yes.

But you didn't have a view as to whether he was likely to retire at any particular time?---No.

20 And you didn't have any information on that subject?---No.

Is that right, no?---Yes, no.

Did you ever think at that time, just thinking November 2014, that Mr Montague was pro-development?---No.

After that time did you think he was pro-development?---No.

30 Did you think it was the job of Mr Montague to try to advance the interests of developers?---No.

Did you think it was his job to improve the rate and scale of development in Canterbury, in the Canterbury area I mean?---To a certain degree, yes.

In what way do you mean?---Again affordability, there needed to be housing in the area. A couple 22 years old can't afford 1.5 million, 2 million for a home these days so - - -

40 And was that the case as far as you were concerned while you were on council?---Yes.

And tell me if I got it wrong, was it your view that affordability was the issue and that the more dwellings that were made available, then the better the chance that prices would come down or be forced down. Was that your thinking?---To, to an extent, yes.

Tell me, how would you express it, what would make it affordable, why - - - ?---The availability. There wouldn't be such a high demand.

Now, you at some stage became aware that Marcelo left as director of planning. Is that right?---Yes.

And if you can take it from me that that was in November 2014, do you know why he left?---No.

Were you surprised that he left?---Not, not really, I didn't - - -

10 Do you know how you found out that he left or was leaving?---Might have been a memo, I can't recall.

And what do you understand was done to fill the vacancy for director of planning once Marcelo had left?---At the time?

Yes.---I don't, I knew there was a panel and there was a number of candidates. That was it.

20 Where did you get the knowledge from that there was a panel?---I can't recall.

Could it have been something that Michael Hawatt told you?---Could have been.

Could Michael Hawatt have told you what was happening in relation to the filling of the vacancy?---No, no, he didn't discuss - - -

30 Why do you say that, why not?---Because I know he didn't discuss these matters with me.

Was there a time when Michael Hawatt did discuss the filling of the vacancy with you?---No.

Ever?---That's before Spiro was - - -

40 Well, we're talking, we're talking about the time when Marcelo has left, so the job of director of planning needs to be filled. You've told us you were aware that there was some candidates, plural, and that there was a panel set up.---Mmm.

I take it from that you're telling us you understood there was a panel of people whose job is was to select a candidate?---Yes.

Something like that.---Yeah.

Is that right? You understood at some stage that Spiro was a candidate. Is that right?---Yes.

When did you find out that Spiro was a candidate?---Michael may have mentioned that to me.

When did you find out that Spiro was a candidate? And I wouldn't expect you to remember the date.---Yeah, I think it was - - -

But in relation to what - - -?--- - - - mid-December sometime.

10 Did Michael tell you anything about the process that was being followed to fill the vacancy for director of planning?---No.

And who had the power at that time, as far as you were aware, to fill that vacancy?---Of the director?

Yes.---Whoever was more um, more equipped for the job.

20 I'm sorry, I'll reframe the question. Who had the authority? Who was the person who said, "I choose this person as the director"?---I would have assumed it would have been the general manager.

But that would have been an assumption on your part. It wasn't knowledge that you actually had, is that right?---Yes, yes. Yeah.

Did you later find out anything that indicated that it was the general manager who had the authority to fill the position?---Michael may have mentioned something to me.

30 So when you say, "Michael may have mentioned something to you," I'm not having a go at you, sir - - -?---Yeah.

- - - but I'm just trying to ascertain what the situation was. Are you indicating that you don't have a specific recollection of the answers to the questions I'm asking where you say that, but that Michael Hawatt was a person that you communicated with reasonably regularly about council issues, and if anyone would have told you, it would have been Michael? ---Yeah, that's correct.

Were you asked to be a member of the panel?---No.

40 Did you expect a councillor to be on the panel?---No. I wasn't aware that there was a panel at the time.

Do you think you should have been consulted as to who was on the panel? ---Knowing that there was councillors on the panel, yes.

What do you mean by that?---Well, it'd be a general assumption that it's unfair to have certain councillors on there and then others are left in the dark.

And is that a view you have now but didn't hold then? Or is that a view you held then?---No, I had now because, I have now, sorry, because I wasn't aware that, that they were on the panel.

And can I just ask you to tell us a little bit more about your opinion now. What is it that you think should have happened in relation to the composition of this panel as to whether it included councillors or not, or whether it included particular councillors, or the way that councillors were included? What is it that you think?---If it did include councillors, then I think all councillors should have had a say.

THE COMMISSIONER: As to which councillors should have been on the panel?---No, as to the final decisions that they were making.

So you should have all had a - - -?---Well, I'm saying, like, if there was one or two councillors on there, I think it's unfair that only those two out of the council had a certain opinion.

20 Had a say?---Yes. And the others were left out.

MR BUCHANAN: And have you learned, subsequent to all of that occurring, that Michael Hawatt and Pierre Azzi were members of the interview panel?---Yes.

As well as Brian Robson?---Yes.

And just for completeness, did you know that the general manager was on the panel?---At the time?

30 No, fair question. Now. Do you know now?---Oh, yes. Yes. Yes.

Yes. At the time did you know the general manager was on it?---Yes.

You did?---Yes.

But you didn't have knowledge as to who else was on the panel?---No. I may have known that the mayor was but not sure.

40 Why would it have made a difference if all the councillors had known that a couple of councillors were on the panel? How would that, how could that have rewritten history in this case, do you think?---Could have been general discussions and - - -

And how might that have changed things?--- - - - and a decision, maybe there might have been a decision made different. Who knows?

Have you got a view as to whether the decision would have been a particular decision if all the councillors had been involved?---No, no. Can't say.

Is it possible, is it feasible – I'll withdraw that. Have you ever been a candidate for a job where you've had to front an interview panel?---No.

10 Do you know whether it's practical to have all the councillors on an interview panel? Have you got a view about that?---No, I wouldn't say it is. It's not practical.

You wouldn't say it's not practical?---Yeah.

You think it might be practical?---Sorry, sorry. I would say. I would say it's not practical, yeah.

20 All right. So how should – if there are going to be councillors on the panel, how should they be chosen in your opinion now?---I don't know. Don't know how to answer that one, sorry.

That's okay. Now, did you become aware of discussions about who should be employed as the director of planning?---I think the memo was, might have been the first time that I became aware that Spiro was mentioned.

And what memo are you thinking of?---I think it was the end of December from, from the general manager.

30 Right. I'll come to that in the moment. There is a memo of 23 December, Commissioner. Now, are you aware now that the general manager offered Spiro Stavis the job and then a few days later changed his mind and withdrew the offer?---Yes.

When did you first become aware that that had happened?---In the memo.

40 If I say to you that the job was first offered on 8 December and withdrawn a few days later, would that mean that you first became aware of it in December? Do you understand what I'm asking you? I want you to assume that the job wasn't actually offered to Spiro until 8 December. You mentioned November a moment ago. Does that mean that with the knowledge that the job offer wasn't withdrawn until about mid-December, would you say it was December in which you found out that Mr Montague had offered the job to Spiro and then withdrawn the offer?---Yes. Sorry, did I say November?

You did.---Sorry, December. It was in the memo, sorry.

That's okay. And issues arose about that, about what Mr Montague had done, is that right?---Yes.

What was it that you were first aware of by way of those issues arising?  
---That we would have to pay out, I think it was 38 weeks at the time, to Spiro, if, if he wasn't offered the role.

Where were you, what was your source of information for that?---That was the memo. I think it was on the bottom of the second page.

10 And did you, is that a document you've seen recently?---Yes.

In preparing to give evidence for these proceedings?---Yes.

Before you were preparing to give evidence in these proceedings, did you remember that memo?---I remember there was a document, or it could have been in a council meeting, so I can't recall if it was the memo specifically.

20 Are you sure that the first you were aware of, I'll withdraw that question, it's going to involve a double negative. Is it the case that you were first aware of a suggested problem with Mr Montague withdrawing his offer of employment to Mr Stavis was when Councillor Hawatt said something to you or your father said something to you, one or the other?---No. Councillor Hawatt, I never spoke to my father about, about this matter.

You don't recall Councillor Hawatt talking with you about this matter?  
---Yes. Councillor Hawatt, yes.

30 I might have used the wrong word in that case. I apologise. What was the first thing that Councillor Hawatt said to you? Whether it was in writing, or face to face or on the phone or a text message?---I can't recall. May have been text message.

You indicated earlier today that a concern you had about the issue of Mr Montague withdrawing the offer of employment to Mr Stavis was that you tried to find out why but couldn't get an answer.---Yes.

Was that a concern you held at the time?---Yes.

40 And did Councillor Hawatt and Councillor Azzi agitate to have that position of Mr Montague's changed?---Sorry, could you rephrase?

Yes, sure. You became aware, did you, that there was a move to have Mr Montague removed as general manager?---Yes.

What was the reason for that move?---My understanding was that there was no, there was no reason as to why he went back on the original appointment of Spiro.

Are you saying it was because of Mr Montague doing the wrong thing by refusing to give councillors a reason for going back on his offer of employment to Spiro?---Yes.

That was your understanding at the time?---Yes.

I'll change the subject slightly. When were you first aware of Spiro Stavis, the person?---I think Michael may have mentioned something to me.

10 What did he mention to you?---Oh, I can't recall.

In what context did he mention something to you?---That might have been after he just got the job, that there was someone appointed.

And do you mean in 2014 before the fuss broke out?---I can't, I can't recollect.

Did you see Spiro Stavis at your father's real estate agency?---No.

20 Did you see Spiro Stavis with your father anywhere?---No.

Were you aware of whether there was any communication between Spiro Stavis and your father?---No.

Did you ever become aware that there had been communication between Spiro Stavis and your father?---No.

30 If you could assume, if I can give you some information, that Spiro Stavis actually started work as director of planning at council in March of 2015, so keeping that information in mind, before he started work at council in March 2015, did you speak with Spiro Stavis either face-to-face or in a text message or on a phone, in any way at all?---There was a meeting at the Canterbury Leagues Club but I'm pretty sure that was after he had started. That was the first time I had spoken or met him.

And had you had any communication with him or contact with him before that?---No.

40 Did you know anything about him before that?---No.

Had anyone told you whether he would be a good director of planning or not?---No.

Before he started work at council in March 2015, do you know whether Spiro Stavis took part in any meeting with anyone anywhere?---No.

So when this fuss broke out about Mr Montague not giving a reason why he had withdrawn his offer of employment to Mr Stavis, you didn't have any

information that allowed you to form a judgement as to whether Mr Stavis would be a good director of planning or not?---No.

And your father hadn't said anything to you about Spiro Stavis?---No.

Did you know, I suppose it follows from your answers but I'll just ask it anyway, before he started work at council in March 2015 do you know whether your father was a supporter of Spiro Stavis?---No.

10 You gave a set of answers to Commission investigators during a recorded interview. Do you recall that?---Yes.

And the transcript of that interview, Commissioner, is part of Exhibit 53. It is an interview that occurred on 6 June, 2017. If I could take the witness to page 28, lines 5 to 21. Sorry, if I can pass a copy of the transcript of the interview to you. If you could turn to page 28, please.---Yeah.

20 The evidence you've given today, if you just have a quick read down page 28, is the same as what you told the investigators in June of 2017 on the subject of whether Michael Hawatt had mentioned Mr Stavis to you and Jim Montague withdrawing the offer of employment.---Yes, I can see that.

And you say, if I can just ask you to look at – you see the lines down the, the numbers down the left-hand side of the page? If I could take you to sort of notional line 18, you were asked, “Or did Michael Hawatt mention it to you?” You said, “No, I never spoke to Michael about anything to do with that.” And then the investigator asks, “Okay. You never spoke to him at all?” Answer, “No.”---At the time that was my recollection of the situation.

30 Has your recollection changed?---This is in regards to the sacking of Spiro?

Yes. Or Mr Montague withdrawing the offer of employment. Did Michael Hawatt ever mention it to you or you speak with Michael Hawatt about anything to do with Mr Montague withdrawing the offer of employment to Spiro Stavis?---He may have. He may have mentioned something to me, I think. I think maybe just before the memo.

40 And the memo you're talking about is the memo in late December from the general manager?---Yes, that's correct.

And what may Michael Hawatt have said to you?---He might have, I don't know, that would be, that would be a guess.

Why do you say Michael may have mentioned it to you?---Because I think I was aware of the situation before the memo, now looking, looking back at this.

Looking back at page 28 of the record of interview?---Yes. I think I was aware just before the memo.

And what is it that you had in mind that you think you were aware of?---Oh, I can't, I wouldn't be able to tell you. I don't know.

And why wouldn't you be able to tell us?---It would be a guess. It would have something along the lines to do with this but I wouldn't know specifically.

10

Did you have any conversation with Michael Hawatt asking about or discussing whether a meeting of councillors needed to be held?---No, I can't recall that. I don't think so.

Did you exchange any text message with Michael Hawatt about the withdrawal of the employment offer to Mr Stavis?---I may have.

Why do you say that?---Because we were aware of the situation at the time and I think Michael may have texted me or called me.

20

And why do you think that?---Because if I had any information, it would have been relayed from Michael.

But you're making it sound as if this is all a possibility because Michael was the person that you dealt with - - -?---Yes, yes.

- - - in relation to what you did on council, but you have no recollection whatsoever?---Not from back then, no.

30

Could the witness be shown volume 4 in Exhibit 52, page 28. Page 28 and page 29 set out text messages that were received or sent on Michael Hawatt's mobile phone. Do you understand that?---Yes.

And the one at the very top, can you see under the third column from the left, with the heading Party, says "To"?---Yes.

And then a number and then Brian Robson?---Yeah.

40

The next column says Time and underneath that you can see "18/12/2014". ---Yes.

"10.20" and then it's got some seconds, "AM". Can you see that?---Yes.

And then the second column from the right, has the heading Message. Do you see that?---Yes.

And there is a message set out there. I'm not asking you to read that one. I'd ask you to go to the very next one. And do you see that that is a message to you?---Yes.

Can you see the message?---Yes, I can.

Commencing, "Hi, Councillors"?---Yes, I can.

10 Just reading that to yourself, please. Do you remember receiving a message like that?---No.

And when you say, "No," do you mean, you don't think you did receive it or do you mean, "I accept it might have been sent but I have no memory of it at all"?---Yes. Yeah, I accept, yeah, I accept that it's been sent but there were, this might have been how I mention that we were meeting. That might have been what started it. I can't recall the specific events at that time, when this happened, but - - -

20 Now, I'll just ask you to peruse the party column for this page and then next page, and you can see what you've got is a series of texts broadcast by Councillor Hawatt to a number of other councillors?---Yes.

Not all of them but indeed it might have been.---Yeah. I think it's all of them.

30 It is all of them because Councillor Eisler's included. And then half way down page 29, sorry, three quarters of the way down page 29, can you see there's a text to you, still on 18 December, 10.53am, sent message to Brian Robson asking him to call for extraordinary meeting to discuss GM action? ---Yes.

Do you remember receiving that?---No, but I think I remember messaging Brian but I think I remember that because, I think the response was that yeah, it needed to be in, in writing.

And was it usual for you to receive a text from Councillor Hawatt, asking you and other councillors to do something?---On behalf of me, yes. I don't know about the other councillors.

40 Can I take you to an earlier page, page 24. Now, can I just ask you to go back, sorry, to the page I first took you to, page 28, and just check there, if you wouldn't mind, that the text you received from councillor Hawatt on page 28 and the second row of texts was at 10.20am. Do you see that? ---Yes.

On 18 December. Right, I'll take you back now to page 24 and on this page. Can you see that there are three texts set out – again I'll ask you to assume

that they're text messages extracted from Councillor Hawatt's telephone – and the first one, if you look at the time, is at 9.04 am, still in 18 December? ---Yep.

And the first one is from your telephone. Do you see that?---Yes.

10 And the message reads, "I have a copy of the standard employment contract for the general manager and senior staff. He has to consult with council before employing or dismissing senior staff. We will meet as early as possible to work out what to do because if he is not in the correct emotional state to make rational decisions, councillors will be liable for not taking imitate," it might be intended to be immediate, "action. I will be getting legal advice today to meet as early as possible." Do you see that?---Yes.

And then underneath that there's a response from Councillor Hawatt to you at 9.57am, which reads, "Okay, good." And then the next text is from you at 10.06am and it reads, "Legal advice just came back. We are responsible for the actions of the GM. Need to act immediately." So you've seen these texts?---Yes.

20

Looking at the first text, did you in fact send that?---Yes.

Do you remember sending it?---No.

Is it possible that you sent the text at someone's request, someone else's request?---No. No, Michael would have asked me to look this up 'cause he knows I'm good with computers so, and that being the morning, he might have mentioned it to me the night before or early that morning.

30 Is it possible that your father had something to do with that text?---No.

Why is that not possible?---Because I, I remember going on the computer to look up something for Michael that he had asked.---Why did Michael need to get the information from you?---I don't know. I did not, didn't ask him.

The impression that, if I can say this with respect, that you've given us is that Michael Hawatt knew a lot more about local government than you did. ---Yes, but this is, this is replying about a copy of the contract, so he might have just asked me to, to find the copy for him.

40

Where did you find it?---I think it was on the internet.

THE COMMISSIONER: But where on the internet?---Oh, I can't recall.

MR BUCHANAN: And it says there, "The standard employment contract." What was the standard employment contract?---(No Audible Reply)

What does that mean?---The contract for the general manager and senior staff.

Yes, but what does the word “standard” mean in that context?---That’s just, it’s the contract, it’s something I used.

Why did you use the word “standard?”---I don’t know.

10 Did you, can you tell us now what is a standard employment contract?  
---It’s an ordinary contract.

Anything more than that?---No.

What was the, can you tell us now the standard employment contract for the general manager and senior staff?---I can’t recall.

20 What made the contract different from other contracts by reason of being the “standard” employment contract, do you know?---Sorry, what was the question again?

Yes. What was it about the employment contract that made it different from other employment contracts by reason of the fact that it was a “standard” employment contract?---I don’t know.

Where did you get the information from that the general manager has to consult with council before employing or dismissing senior staff?  
---It must have mentioned that in the, in the contract.

30 You read the contract, did you?---Yeah, I might have skipped through it.

And you found it in the contract, did you?---I must of if, if the message is there.

Is it possible that you found that out from something else rather than the contract?---No.

Why not?---Because of the words I use.

40 What was your opinion as to the emotional state of the general manager as at 18 December, 2014?---My opinion was based on what I was, the information I was getting back from Michael, so I hadn’t actually spoken to Jim at that time. Michael had said that he wasn’t in correct state of mind, things along that nature.

Is it possible that the words that appear in this message in fact were authored, created in some way, by Michael Hawatt?---(No Audible Reply)

And that you were relaying them back to him on his telephone?---I wouldn't be able to answer that. It would be a guess.

Well - - -

THE COMMISSIONER: Well, it shouldn't be a guess.---I can't answer that.

10 MR BUCHANAN: But you know, we don't, the nature of the relationship you had with Councillor Hawatt - - -?---Yes.

- - - in late 2014. Was it a relationship where you would take words that were his and put them in another document and send them back to him? ---He might have had a conversation with me asking me to find this, so when I sent him this text message it might have been based on words that he had said.

20 But why would you send him back the words he had said?---Because he had asked for a copy of the contract. Or he'd asked me to find it.

Now, you told us that you didn't know any lawyers.---Yes.

Yet in this text you're recorded as saying, "I will be getting legal advice today." That's not you, is it?---No, sorry, you mentioned to me did I know lawyers that can assist with council. I think that was the question.

Yes.---Yes.

30 Correct.---I know a solicitor that I might have spoken to.

You might have spoken to?---Yes.

Who was that?---It might have been George Laliotis but I can't recall.

Is it possible that your father consulted George Laliotis?---No.

Why not?---Because - - -

40 Why couldn't he have done that?---Because why would the message be from me?

Well, let's just take one step back from your message. Just leave your message aside. Why isn't it possible that your father consulted George Laliotis? What's wrong with him doing that?---He may have but I wasn't aware.

In that case, why would you tell Councillor Hawatt "I will be getting legal advice today"?---Because I probably went to seek his opinion.

Why did you want to seek his opinion?---Michael may have mentioned something to me. I can't recall. Because I think, I think the impression was that what Jim was doing was unlawful, so we had to find out if that was the case.

Whose opinion was that at this stage?---That was my opinion based on what Michael had told me.

10 And Michael was getting you to pull out the standard employment contract. You thought off your own bat that you should get legal advice - - -?---Yes.

- - - and that you should meet with at least Michael Hawatt as soon as possible?---Yes. It was a matter of serious importance.

Mr Vasiliades, you're not telling us all the truth about this text message, are you?---I honestly cannot recall from back then. This is 2014. I've had a child since then, I've been married, I've moved house, so much in my life, and I can't recall this.

20

Yes. The difficulty, I suggest, is that this language does not sound like the language you would use, and the actions that are described by the words used in that text do not sound like the sort of actions you would take, certainly not on the evidence you've given us about your relationship with council and your relationship with Councillor Hawatt. What do you say to that?---I don't know.

30 You're quite sure that this text wasn't in fact composed by or initiated by Mr Hawatt or your father?---I don't see any language in here that would say that it wasn't mine. Which sentence are you referring to?

Now, between the text in the first row, at 9.04am, and the text in the last row, at 10.06am, what did you do?---I can't recall.

Well, you can see the text at 10.06am says, "Legal advice just came back," and then it goes on to purport to set out what the legal advice was.---Well, it being the morning, George Laliotis is normally having a coffee outside his shop, so I may have gone down the road and spoken to him about it.

40 Is there anything else you may have done?---No. No, that, that's hearsay but that would have been it. There's no, I don't know.

Are you sure your father didn't consult George Laliotis on this occasion? ---No. I don't know.

What did you say to George Laliotis?---I can't recall.

What would you have said to George Laliotis?---I would have showed him the contract and maybe the conversation that Michael had mentioned to me and that is it correct what Jim's - - -

THE COMMISSIONER: What conversation?---If we had a conversation about when Michael mentioned to me to find out the contract, employment contract.

10 MR BUCHANAN: But are you saying to us that in essence you don't have a memory of sending either of these texts?---There's many texts that I send and I can't recall that I've sent it.

But once you have an opportunity of reading it and seeing that it comes from a phone number that's entered into Michael Hawatt as Con Vasil, it doesn't bring back to you any memory at all?---No. I might send 50 texts a day. There's no, I can't recall all of them.

How many times have - - -

20 THE COMMISSIONER: But these are particular circumstances where you're a councillor and as you've said in your evidence today it's the beginning of the fuss at council which leads to things like meetings at your father's real estate agency as to whether you're going to sack Mr Montague, a person you said was respected, who you sought guidance from.---Yes.

And then you'll remember in January there were all those newspaper articles about Mr Montague and the council, et cetera.---Yes.

30 Now, I want to suggest to you this is a period of your life where you're a councillor and the council is in crisis or in controversy, the press are involved, this appears that you're integrally involved in what's going on and you've got no recollection of getting the contract, going to speak to a solicitor, et cetera. Because the evidence you gave before about your involvement was very limited. It was along the lines of I didn't know anything until Mr Hawatt sent me an email about a meeting and now we've got evidence of you being in a sense very involved.---Well, sorry, as you just mentioned there was quite a lot going on at the time. There was newspaper articles.

40 Well, no, the newspaper articles were in January.---Yeah, but that whole period there was so much happening and I can't recollect when things happened, when certain things happened. I don't have the best memory. I've always been like that. I can't recall. I'm not going to say yes or no to something that I don't remember.

MR BUCHANAN: Your father was very interested in the question of what should be done about Mr Montague withdrawing the offer of employment to Mr Stavis, wasn't he?---I don't know that.

Are you telling us, he said nothing in your presence on the subject?---Yes.  
I'm telling you that. I spoke to Michael.

Not a word?---Yes.

He never indicated to you that it was necessary to do something about that?  
---No, no.

10 That it was a disgrace or anything like that?---No.

To that it was the wrong thing for Montague to do?---No.

And are you saying to us, I withdraw that. If, in fact, it appears that your  
father was deeply interested in what Mr Montague had done and then in the  
subsequent events as to whether Mr Montague should be dismissed, if he  
was deeply involved you were quite unaware of that?---Yes.

20 That doesn't sound right, does it?---He met with Michael on a regular basis.  
I don't know what they were talking about.

But you were a councillor.---Yes. So, I relayed my information back to  
Michael, who was the senior Liberal councillor.

And your father never said anything to you about these very controversial  
things that were happening on council?---No.

30 Even though, on information available to the Commission, he was deeply  
interested?---No.

MR NEIL: I object to that. We haven't seen basis for that in those terms.

THE COMMISSIONER: Oh, I don't agree with that, Mr Neil.

MR NEIL: Well he's interested in, well I won't say much in front of the  
witness, he's interested in certain matters but I would submit my friend  
should be more specific in this question.

40 THE COMMISSIONER: No, I'll allow the question.

MR BUCHANAN: Now, did you send those texts, or either of them, to  
anyone apart from Councillor Hawatt?---No, not that I can recall.

How do you know you didn't?---I would have only been in contact with him  
about this. Ken was in touch with Michael and I was in touch with Michael  
and I wouldn't have had the reason to message the others because Michael  
was in touch with them, so - - -

Why wouldn't you give your other, your colleagues on council the same information you were giving to Michael?---Because Michael was the Liberal. We were working together.

But you haven't sent this on to Ken Nam. Is that what you tell us?---Yes. Michael would have relayed the information to him.

If Ken needed to know.---Yeah.

10 Is that your impression of the relationship that Michael had with Ken Nam?  
---No, similar to what he had with me, I'd say.

Now, obviously that first text, at 9.04am, follows on some contact you have had with Michael Hawatt about the employment of either Mr Montague or of senior staff, haven't you?---Sorry, what was the question.

Are you saying that you sent this text on 18 December at 9.04am?---Yes.

20 What was the contact you had with Councillor Hawatt on the subject of the text before that?---It might have been a phone conversation of him asking me to, to find the, the contract.

But you're speculating, aren't you? You say you don't have a memory.  
---Look, look, looking at that text message, that's what it would have been. I wouldn't have just mentioned sent that to him if he hadn't have asked me to.

30 Did Councillor Hawatt say that he didn't have access to the internet at the time and wasn't able to find the contract himself?---Not that I, not that I'm aware.

Do you know why Councillor Hawatt couldn't get the information himself?  
---No.

Did you ask him why he couldn't get the information himself?---No, there was a number of times when we'd ask each other for help on certain things, so it wasn't strange.

40 But on this, you can't assist us as to why on this occasion Councillor Hawatt asked you for help?---No.

Was there any other conversation you had or might have had with Councillor Hawatt on the subject of the employment of Mr Stavis or Mr Montague before this text was sent by you or from your phone?---No. Not, not that I can remember.

Did you give your phone to anyone at around this time for them to use to send messages or for any other purpose?---No, it's always on me.

As far as you know.---No, it's always on me.

I'm sorry, I - - -?---Sorry, it's always on me.

Only you use the phone. Is that what you're saying?---Yes, yes.

You're quite confident your father didn't send this text?---Yes. He wouldn't know how to send a text - - -

10

Right.--- - - - at that time probably.

In fairness to you, what do you mean by that?---Oh, he didn't use his phone that often, he - - -

He didn't use it for texting all that often?---Yeah, yeah.

Is that fair to say?---Yes, yes.

20

He wasn't very good on keyboard?---No.

This phone number, can you see it there in the first row of data for the 9.04am call, do you recognise that phone number?---Yeah, under "Party?"

Yes.---Yes, that's mine.

And did you have more than one mobile telephone at the time?---Yes, I had a council phone as well.

30

Is this the number for your private phone or for your council phone?---No, this was my personal one.

And if I could just ask you to go to page 28. Remember I took you to this earlier where it appears that Councillor Hawatt sent a series of texts to all councillors?---Yeah.

And if you look at the second row, in Councillor Hawatt's phone the number is identified as "Con Vasil Council"?---Yeah.

40

And there's a different phone number to the number that's under "Party" in the first row on page 24.---Yeah.

Do you see that?---Yes.

Is that number that's above your name on page 28 the mobile that you had for council?---Yeah, it must have been. I don't recall the number but it must have been.

But you do recognise the number on page 24 in the first row above your name as being your private telephone number, private mobile telephone number at the time?---Yes.

Thank you.

THE COMMISSIONER: And when you say private, you would also use it for work purposes?---Yes, yes. Oh, it was just not my council number.

10 Yes.---Yeah.

MR BUCHANAN: Commissioner, I note the time. I have a quantity of material for the further cross-examination of the witness. I appreciate this is the last day of this bracket of two weeks of sittings, and I would be the first to say that it is undesirable to have a witness part-heard when having such a lengthy break as Commissioner, you foreshadowed on the first day before the next bracket of sitting days, but I would not finish the examination of Mr Vasiliades before probably about 5.30 if we were to sit on.

20 THE COMMISSIONER: All right. No, I think particularly on a Friday sitting till 5.30 is probably a little bit too much of an ask. Mr Vasiliades, unfortunately we're not going to be able to finish your evidence today, so you will not be excused, you will have to come back on the next occasion and on that next occasion Mr Buchanan will complete his questions and then other counsel may have a question for you and of course Mr Doyon will be able to ask you some questions. Just before I stand your evidence down, can I just remind you, at the beginning of your evidence I gave you the benefit of the direction under section 38 but I emphasised that there is an  
30 exception to that protection, that is the evidence that you give to this inquiry and that evidence must be truthful and I'd like you to reflect on that during the interim period. All right.---Thank you.

**THE WITNESS STOOD DOWN**

**[4.02pm]**

THE COMMISSIONER: Now before we break is there any issue anybody wants to raise or any other administration we have to deal with?

40 MR BUCHANAN: Not for our part, Commissioner.

THE COMMISSIONER: And I'm sorry, I've gone blank.

MR BUCHANAN: The date?

THE COMMISSIONER: What day do we return?

MR BUCHANAN: 12 June. Tuesday, 12 June I'm reminded.

THE COMMISSIONER: And of course Monday is the public holiday. All right. Then we stand adjourned until 12 June.

**AT 4.03PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.03pm]**