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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 19 JUNE, 2018

AT 2.00PM

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

THE COMMISSIONER: Right. Good afternoon, everybody. The first issue for this afternoon is for me to apologise for the inconvenience to parties. As you are aware, I'm a part-time Commissioner. I continue at the bar. I had a trial which was listed for three to four weeks and the jury went out this morning on the second day of the seventh week. So and as you know, once you start a jury trial you continue. So again I apologise for that. But I understand this morning we had the supplementary opening. I should note I have read the supplementary opening, but in addition it is filmed and I will be watching the film of the supplementary opening.

10

Now, can I just confirm, I believe we've got a new barrister, Mr Drewett.

MR DREWETT: Yes, Commissioner.

THE COMMISSIONER: And you were authorised this morning to appear?

MR DREWETT: Yes, that's so.

THE COMMISSIONER: Right. Thank you.

20

MR DREWETT: Thank you, Commissioner.

THE COMMISSIONER: Right. Mr Buchanan.

MR BUCHANAN: Commissioner, this afternoon we are resuming the evidence of Mr Con Vasiliades. Just before Mr Vasiliades resumes the witness box I've been reminded that there has been a quantity of material that has been assembled that we tender as evidence in the inquiry. It's been tendered electronically although there are paper copies for Commission's use. So, Commissioner, I tender the material that is described on the sheet in this plastic bag that is itemised as volumes 15 to 28 and I am instructed that they could be marked Exhibit 69, and then there are as well transcripts of interviews of various people. I could actually just read those onto the record. Annand, A-n-n-a-n-d Farleigh, F-a-r-l-e-i-g-h, Foster, Gallagher, Hargreaves, H-a-r-g-r-e-a-v-e-s, Kocak, K-o-c-a-k, McPherson, M-c-p, and Osman, O-s-m-a-n, that's Alae Osman, A-l-a-e. These transcripts could be marked as Exhibit 70, as indicated on the sheet of paper, and the tender is of the USB sticks that have those documents on them as electronic files.

30

40 THE COMMISSIONER: All right. And, Mr Buchanan, the first exhibit deals with primarily 538-580 Canterbury Road, the engagement of Mr Montague and 212-222 Canterbury Road and 4 Close Street?

MR BUCHANAN: That sounds right, Commissioner.

THE COMMISSIONER: All right. The USB stick containing volumes 15 through to 28 dealing with 538-580 Canterbury Road, the engagement of Mr

Montague and 212-222 Canterbury Road and 4 Close Street will be Exhibit 69.

#EXH-069 – PUBLIC INQUIRY BRIEF (VOLUMES 15 - 28)

10 THE COMMISSIONER: And the second USB stick which contains a number of either transcripts of interviews and statements will be Exhibit 70.

#EXH-070 – ADDITIONAL 8 WITNESS STATEMENTS & RECORDS OF INTERVIEWS

MR BUCHANAN: Thank you, Commissioner. They'll be made available on the public website. Oh, I made a mistake it's not Alae Osman, it's Abdullah Osman, in identifying the witness, the last witness.

20 THE COMMISSIONER: In Exhibit 70.

MR BUCHANAN: The last witness that I rattled off there. Commissioner, Mr Con Vasiliades, Constantine Theodore Vasiliades gave his evidence last time on 27 April, 2018. The transcript of his evidence commences at page 772 and concludes at page 814. If Mr Vasiliades can be called?

30 THE COMMISSIONER: I thank you Mr Vasiliades, and again, I'm sorry, you were probably ready to come last week but we'll try and get through your evidence today to the best that we can. I think we will have you take the oath again.

THE COMMISSIONER: Mr Doyon, I made various directions on the last occasion. My view is they continue. Are you happy with that?

MR DOYON: Yes, I am.

THE COMMISSIONER: All right. Thank you. Mr Buchanan.

10

MR BUCHANAN: Thank you. Mr Vasiliades, when you gave evidence last, on 27 April, you indicated – this is page 783 of the transcript, about line 19 – that the first few years that you were on council you were living at your parents' home, and so business papers to council were delivered there and you had left them there because, or you had left your parents' place as the address to which they should be sent because there was really no front access at the place you moved to when you moved out of your parents' home. Do you recall giving evidence to that effect?---Yes.

20 Is that correct?---Yes.

And you indicated that maybe the time when you moved out of home was in 2015.---Yeah. Could have been.

Have you got any better or more precise recollection now as to when you moved out of your parents' home?---It was around '15, yeah.

30 Was there anything in particular that was happening at council of the time that you can recall that would enable you to fix when you moved out of your parents' home, referable to what was happening at council at the time?
---Not really, no.

Do you remember when Mr Stavis started working at council, that period of time?---Not, my recollection of dates and times isn't the best.

40 Sure, I understand what you mean but if I could just ask you to think of the period of time that Mr Stavis started working at council and ask where were you living then?---Oh, I, I wouldn't, wouldn't be able to, I, I can't recall it, when he started and where I was.

THE COMMISSIONER: Can I just ask, did you move out of home because you bought a house or a unit?---No, I had the house already. I just, I was living a few years with my parents and then I moved out.

I'm sorry. And was it, did you move out when you got married or was there some event like that, that we could focus on?---No. About a year or so after, so I was, I'm pretty sure I was doing renovations around late 2014 so it

would've been early '15 that I had moved out. That's why I'm thinking early 2015, because renovations were late 2014.

All right.

MR BUCHANAN: Okay. And your parents, please tell me if I've got this wrong. Did your parents live in the same building as the real estate agency, the Ray White Real Estate Agency was located in?---No.

10 How far away from the real estate agency did your parents live?---About a two minute drive.

Was it in the suburb of Earlwood?---Yes.

Where your parents lived?---Yes.

And the real estate agency obviously was in Earlwood.---Yes.

20 And when you moved, to what suburb did you move?---Belmore.

Can I ask that the witness be shown Exhibit 52, volume 4, page 60. You might be able to see that on the screen in front of you.---Yeah.

Now, I showed you a document like that before. It's set out in a table, it's what's called an extraction. Sorry, I think we've got the right one in front of you now.---Yeah.

30 That's, we've got three rows of data, or four if you include the heading. It's an extraction of data about SMSs, text messages, that was obtained from Mr Hawatt's mobile telephone, and you can see that so far as this table is concerned, that you were involved in those three messages. The first one is on the 23rd of December, 2014 at 7.49pm, and it's from your telephone. You recognise the number there?---Yeah.

And the message is to Mr Hawatt, "A memo came in the mail to readvertise the director of planning." Now, do you remember receiving that memo? ---Yes.

40 Where were you living at that time?---I think I was in Belmore.

And then a little later after that at 9.09pm, again from your telephone, the question is addressed to Mr Hawatt, "Have you seen this?". Do you see that?---Yes.

Now, we'll come to the third message later, but why did you send those messages to Councillor Hawatt?---I thought it was a matter that he needed to, just to check if he had received the, the memo.

And what was it that made you think he needed to be, you needed to check that he'd received that memo?---He was the one discussing the issues with me, so - - -

All right. Was there anything about the position of director of planning, though, that made you think that Councillor Hawatt needed to know this? ---No.

10 There's a third message that is to your telephone and it is from Councillor Hawatt's telephone, and it says, "Pierre showed it to me". That would be a reference to Councillor Azzi.---Yes.

"Pierre showed it to me, this GM is playing a big and serious game with us." Do you remember reading that?---Yes.

20 What do you understand, what did you, sorry, at the time you received it, what did you understand Councillor Hawatt to mean, "This GM is playing a big and serious game with us"?---I knew that there was issues, so I don't know exactly what he had meant by saying that but I understood that there were some issues behind some of this.

But as far as you know, he had sent that text message just to you.---Yes.

He must have thought, it would be logical to assume, that he thought you would understand what he's talking about. Isn't that a reasonable assumption to make?---Oh, that's an assumption that he would be able to answer. I was the one who received the text, I don't know.

30 Well, it sounds a bit like a description of a move in a chess match, doesn't it?---Yes.

Who did you understand the word "us" to refer to?---The councillors.

I'm sorry?---The councillors.

Which councillors?---The councillors on Canterbury Council.

All of them?---Yes.

40 And why do you think that?---(No Audible Reply)

What was it, had there been a conversation, had something been said to you by Michael Hawatt to lead you to understand what he's talking about there? ---Sorry, was this before the, before he had said that he wasn't hiring Spiro?

Well - - -?---I'm a bit confused with the time frame.

Well, I'll just take you to the first message. You have sent a message saying, "A memo came in the mail to readvertise the director of planning," which would indicate on the evidence available to the Commission that this is after - - -?---Okay.

- - - the general manager had indicated that he didn't intend to honour his offer of employment to - - -?---Okay.

- - - Spiro Stavis.---Sorry, I was reading the "reading" as "regarding."

10

That's okay.---I didn't - - -

Yeah. So does that assist you in understanding what it was that you thought Mr Hawatt was talking about when he talked about the general manager "Playing a big and serious game with us?"---Yes. I think I stated it last time that he hadn't given us a reason, so I think that might be the reason for Michael's message and these words in that message.

20 When you say he hadn't given us a reason, you mean the general manager, Jim Montague?---The general manager, sorry, yes.

Certainly you'd agree with me that what Councillor Hawatt has recorded as sending you there is not a complaint that the general manager had done the wrong thing, is it?---(No Audible Reply)

It's just saying that the general manager is playing some sort of strategic game.---Yeah.

30 We need to take another strategic step?---Yes.

Don't you agree?---Yes.

And there's no complaint that Jim Montague was doing something in readvertising the position that was contrary to the public interest or contrary to council's interest?---I don't know that.

Well, there's nothing there, is there, in what Mr Hawatt said to you?---As in his text?

40 That indicates that he thought something, he thought that the general manager was doing something that was contrary to council's interests?---Yes.

There isn't, is there?---Oh, sorry, I'm - - -

That's okay.---Could you reword that question?

Yeah, sure. There's nothing in that text - - -?---Yeah.

- - - do indicate that Councillor Hawatt was saying the general manager's doing the wrong thing. It's just that he's playing a game with us?---Well, the way that I would read that is that there was, he was doing the wrong thing, 'cause why would Michael say something like that?

10 Could I ask you to now turn to page 69 in the same volume, and this is another table setting out SMSs extracted from Mr Hawatt's telephone. And if you just peruse page 69 through to 70 you can see that it's the same message broadcast to six councillors, six councillors?---Yes.

And you're at the top of the list, in the way this table is set out anyway.
---Yep.

Do you see that?---Yes.

You can see it's sent at 11.05am on 24 December, 2014, the same time to everyone, or to those six councillors anyway.---Yes.

20 Had you had any contact with Mr Hawatt before that message was received by you?---I'm not sure.

You don't remember - - - ?---No, I don't.

- - - any telephone calls or meetings with him about the subject of the, filling the position of director of city planning?---No, not that I can recall.

30 Now, did the message come to you as a surprise?---Again, I knew there was issues, so I, it wasn't a surprise. I knew that Michael was having some troubles with this.

Sorry, you knew of what?---I knew that Michael was having some troubles with this so it wasn't a surprise.

Right. But wasn't it a bit of a shock to you to find that all of a sudden he was proposing that the general manager be sacked?---It may have been. I can't recall.

40 You don't recall feeling surprised and thinking, "Goodness me, what's this all about?"?---No, I don't. Can't remember.

You don't recall thinking, "Why does he have to be sacked?"?---No.

Why don't you have a recollection of feeling that? I mean, you were involved in all of these matters directly, weren't you?---Yes, to an extent.

Well, to a large extent. You were - - - ?---I was a councillor on council so yes, I was.

Yes. And you, but you were also in personal communication, we went through this last time, with Mr Hawatt about this issue. Doing research on the issue for him, providing him with information. He was sending you information. You're sending him information. We've seen that last time and today.---The time and date of this message, I was currently working at my wife's in-law's bakery, so I don't remember if, how I felt when I got the message. I was working at the time.

10 But as a councillor, how could you forget a proposal that the general manager be sacked?---Well, this isn't a proposal, it's, I don't know. I - - -

Don't you see that it says - - - ?---Yeah. I haven't said I forgot the, the message.

Yes. "I am calling for an extraordinary meeting as soon as possible to move the following motions. 1. To terminate the employment of the general manager."---Yes.

20 Isn't that a proposal?---Yes.

Had, you don't recall having any contact with Michael Hawatt between the 23rd of December when you had that SMS communication with him, and the 24th?---I may have. I, I don't recall. There may have been.

What is there in the text that you sent to him and he sent to you the day before, and this text here, to indicate why Mr Montague should be terminated?---That Michael had thought that Jim was doing the wrong, the wrong thing by the councillors.

30 There's nothing in the texts to say that, is there?---No, but that was my understanding.

Or did you understand that it was some sort of game that Mr Hawatt was playing with Mr Montague?---No, not from what I understood.

An attempt to pressure him - - - ?---No.

- - - into honouring his offer of employment to Mr Stavis.---No.

40 You'd agree with me, though, that on the texts that we've seen, that, that inference, that conclusion is readily available. Isn't it?---I, there's a number of conclusions that you can come up with reading that.

Well, there's been nothing to indicate on what we've seen here as to what is wrong. Why should the general manager be sacked?---No, not in these texts.

Other than playing a game.---Yes.

After you received this text, did you do anything to inquire as to why the general manager should be sacked?---I, I can't recall. I may have, but for Michael to have sent a message like that, I may have known the situation at the time.

Are you telling us that you've got no recollection even though you were on the council?---No, I don't.

10

And this is a proposal to sack the general manager and you just don't recall?---No.

Can I suggest to you, sir, that that's a very unusual state of affairs that, either there's something wrong with your memory or - - -?---I've stated that.

- - - you didn't really care. You simply did anything that Michael Hawatt told you to do?---He was the leader of the Liberals and, at the time, so - - -

20 Does that mean you agree, you didn't really care, you did anything Michael Hawatt told you to do?---No. I left, not that I didn't care, but I left the decision making to him.

Well, that does sound like you didn't care.---No.

Did you show your father the texts that you received from Michael Hawatt the day before?---It was in regards to the memo?

30 Yes.---No. Oh, not that I remember.

Did you show him the memo itself?---Not that I remember.

Did he show you the memo?---No, not that I remember.

Was there any conversation about the memo?---Not, not that I can recall.

Did you ever have any conversation with your father about the failure of the general manager to honour the offer of employment to Mr Stavis?---Not that I can think of.

40

Did you ever have any conversation with your father about the proposal that the general manager be removed?---No. Not that I, that I'm aware of.

Those are genuine, honest answers, are they?---Yes.

So, your father had a deep and abiding interest in the operations of local government, particularly Canterbury Council, didn't he?---Yes.

And it seems extraordinary that you, his son, being a member of the council, would not have heard him say something on these subjects?---I've, as I mentioned last time, my father and Michael would discuss things and I used to talk to Michael, so, but I didn't speak to my father about these matters.

Michael was a councillor?---Yes.

You were a councillor?---Yes.

- 10 Are you saying Michael would discuss these things with your father but you wouldn't?---Michael was the leader of the Liberal - - -

But are you saying you're a mere cipher, that you just, you're simply a stamp that Michael Hawatt would use to make up the numbers, are you telling us that?---I had my own, I had my own interest in council, which was sport, so these decisions, if you know, we would talk, we would discuss them with Michael and if there was every an issue, there was, we spoke about it.

- 20 And you weren't interested in planning issues?---No.

If you could go to page 72 on the same volume, this is another table with SMSs extracted from Mr Hawatt's mobile phone. This is also on the 24th, the same day but it's at 12.17pm in the first instance and it's from your phone to Councillor Hawatt's phone. Can you see that?---Yes.

And the message is, "What time are you coming to Earlwood?" Can you see that?---Yes.

- 30 That's your father talking, isn't it?---No.

Are you telling us you were enquiring of Councillor Hawatt as to when he was coming to Earlwood?---I don't recall.

Where in Earlwood?---Well, I don't remember.

Why did you send that text?---Maybe we were doing a motion, it was at the
- - -

- 40 THE COMMISSIONER: Sorry, you were doing a what?---Maybe we were typing a motion because the message underneath mentions a motion.

MR BUCHANAN: So the first, I might have misspoken, the first text is at 12.17pm, the second text, again from your phone to Councillor Hawatt's phone is at 12.47pm, and as you pointed out, it reads, "The motion has to be addressed to the mayor."---Yes.

Why did you send that?---Me and Michael used to put motions together all the time. So, it would, the motions would either be addressed to the GM and the acting director, so this was a different circumstance. So, it couldn't be addressed to the general manager, so I just wanted to mention to him.

And why did it have to be address to the mayor?---He would be the next one under the general manager.

10 Can I suggest to you again, that's your father speaking, isn't it?---No. I wasn't in Earlwood at that time, I'm pretty sure.

Can I suggest that these are messages that we've been looking at and this page has more of them, which are communications between your father and Michael Hawatt, not between you and Michael Hawatt. He was somehow using your phone, wasn't he?---No, not that I'm aware. Why wouldn't he have called himself?

20 How did you know the motion had to be addressed to the mayor?---It was common sense, there was no one else to address it to.

Which motion?---Well, whatever we were typing up at the time.

Well, which motion is being referred to in that particular text - - -?---Oh, I can't recall.

- - - at 12.47pm?---It was either to do with Spiro or to do with Jim. I can't remember.

30 And so are you saying that you helped Councillor Hawatt draft the motion that was ultimately submitted to the mayor on that day, 24 December, 2014? Is that what you're telling us?---No. I don't remember what motion it was, so - - -

And when the third text was received, that was Mr Hawatt telling your father that he was 10 minutes away, wasn't it?---No. I don't know.

Why was Councillor Hawatt coming to Earlwood?---I can't remember.

40 It was an arrangement though for him to come to Earlwood, wasn't it, from these texts. It would appear the first one assumes that Mr Hawatt is coming to Earlwood.---Yes.

And that's to your father's place, isn't it?---To the real estate.

To see your father?---No.

It was in your father's real estate office though that he and Councillor Hawatt met and had these meetings from time to time, wasn't it?---Yes.

You told us that as far as you can recall or as far as you were concerned, the reason for terminating the employment of Mr Montague as general manager was because he didn't provide an answer to the question as to why Mr Stavis's offer of employment couldn't be honoured and why they had to readvertise.---Yes.

10 Can I ask you to have a look at the same volume at pages 46 to 48. Now, the first page is up on the screen, and it's another memo from the general manager. You can check that by going to the third page because it's signed by the general manager.---Yep.

And if you just skim through it you can see that the subject, as he describes it on the first page, is "Appointment of a New Director (City Planning.)" And what he sets out is a history as far as he recounts it of the recruitment of Mr Stavis to the role of director of city planning and then his decision as to why the offer of that position, why he decided not to go through with that offer and that it had been withdrawn and as to how things fell out in terms of the impact on council of that event. That's what he describes in these
20 three pages, doesn't he?---Sorry, where does it mention about his reasoning?

Well, if you go to the second page, page 47, and the middle of the page it says, "Mr Stavis was not the most experienced person interviewed. He has not held a director's position in the past and has limited experience in senior management roles and organisational change. His experience lies specifically in project management and in developing responses to individual development proposals." And then he talks about a short contract. And then under the heading Emerging Issues he said this,
30 "Following the decision to offer the role to Mr Stavis and his subsequent acceptance of the role, a number of concerns regarding his appointment were raised directly with me from various sources. The most critical concerns came from Ms Carpenter who outlined her specific issues in writing. I followed up this directly to confirm the nature of concerns which were all confirmed by independent sources." And then it goes on to say, "Experienced staff from within council also expressed their concerns to me regarding Mr Stavis's appointment, which highlighted to me the difficulties which would be faced both by council generally and by Mr Stavis specifically, were his appointment to proceed."---Yes. But I, I never found out what the issues were as it mentions in those messages.

40 This is the day before the 24th.---Yes.

So, it's the day before those texts that we've gone to.---Yeah.

This memo was written. When did you receive it?---Probably, I'm not sure.

All right. Would you have received it by email? Would it have been by hand delivery?---I don't know. Could you scroll up, sorry, just so I can see the first page?

Yes, sure.---Memos were normally in the mail.

Right. So, when would you have received this in the ordinary course of receiving these sorts of documents?---The memos were hand delivered to, they had a driver, so, if it was dated on the 23rd, it might've been on the 23rd.

10

And, can I just take you back, forward to page 60. We've already looked at it, but I just want to remind you that you, or rather a message on your phone sent to Councillor Hawatt, "A memo came in the mail to readvertise the director of planning."---Yes.

And that's dated the, that text is 7.49pm on 23 December.---Yeah.

Do you think it's possibly a reference to this - - - ?---Yes.

20

- - - memo?---Yeah.

And so it's not correct, is it, to say that Mr Montague didn't supply reasons for what he had done in not offering the offer of employment to Mr Stavis. ---No, I don't see reasons in there. He just said that there was issues. We never were told what the issues were in that memo.

30

Yes. You don't think that what he wrote when he described Mr Stavis's lack of experience and the issues that had arisen with his suitability for the position was enough of a description of his reasoning for not honouring the offer of employment?---No.

So, what did you do about it?---We drafted that memo.

No. What did you do. You looked at this and thought this is not good enough.---Yes.

Is that right?---Yes.

40

What did you do to try and find out what the reasons were?---I would've got in touch with Michael to see if he's seen it.

Why not contact the general manager?---As I've stated before, he used to deal with Michael. It was usual practice.

It's your general manager.---Yes. But usual practice was that I would call Michael.

But he, the general manager, is council's employee appointment. Correct?
---Yes.

And at the end of the memo, on page 48, the last paragraph reads, "I encourage any councillor who has questions regarding this matter to contact me directly to discuss their concerns."---Yeah.

Why didn't you take the general manager up on that offer?---I don't know.

10 You didn't have any reasons to distrust Mr Montague did you?---Not really.

He hadn't ever done the wrong thing by you?---No.

It seems strange, if what you're telling us is correct, that you wouldn't bother contacting the general manager, particularly in these circumstances, to ask him, "I'm not satisfied with this, can you please tell me what's going on"?---I, I don't think, I don't think it was strange. I would contact Michael if there was any, any issues. So that was my usual practice. That's what I did.

20

Did you contact Michael?---Well, from the text message it says, yeah, I did.

And did you discuss with Michael whether you should contact the general manager as he invited you to?---No, I don't think so.

Why wouldn't you explore whether you should accept the invitation of the general manager to contact him to discuss any concerns you had?---Because he still hadn't stated what the issues were. He had made his decision without telling the council what his issues were.

30

This is nonsense, isn't it, Mr Vasiliades?---No.

Can I ask you to go to page 148 in volume 4, and it goes through 'til page 153, but if you can just have a look firstly at the first page, it is a letter to the Minister for Local Government at the time, and I'd ask you to assume that it was dated 7 January, 2015. So, it's some days later. All right? Now, if we can just scroll through it, it's about the actions of the general manager and it says, the mayor and there's a chronology of events on the second page of the letter that continues over to the third page, then there's argument on the fourth page, going down the bottom of the fourth page, under the heading, "Conclusion." There's requests that are made of the Minister and the department, essentially to investigate the matter. If we can go to page 153, last signature is your signature.---Yes.

40

Do you remember signing that?---Yes.

Where were you when you signed it?---I can't remember.

Who were you with when you signed it?---With councillors.

How many councillors?---I can't remember.

It's not all the councillors that have signed it, is it?---No.

Do you know why it's not all the councillors?---No. I don't know why the others weren't involved.

10 Now, were you involved in drafting this?---Sorry, if I could scroll up and see the letter?

Yeah, sure. Would you like to see the first page?---Yes, please.

First page should be page 148.---No, I wasn't.

Did you read it before you signed it?---Yes.

20 Can you remember reading it before you signed it?---Yes.

You're not just saying that you read it before you signed it because you think that's the right thing to say?---No, no, no. I read it.

You can remember reading it, can you?---Yes, yes.

Did you ask where this information came from?---I can't remember.

30 Was there anyone who put the document in front of you or who asked you to sign it?---I can't remember.

Well, the likelihood, it's Michael Hawatt on your story of your relationship with him and your role as councillor on Canterbury City Council, isn't it?
---It may have been but I don't want to take a guess.

And why did you sign it?---Because we weren't getting the full story.

I'm sorry?---Because we weren't getting the full story of what the issues were.

40 Did you make sure that that was included in the letter?---Not that I, I can't remember.

Did you ask Michael Hawatt to make sure that that was included in the issues identified in the letter?---Not that I remember.

If we could go to page 212 of volume 4, please. If I could go, perhaps, just firstly to 211 and then we'll have to go back to 212. This is an email conversation, so it's in reverse chronological order.---Yeah.

The way it's set out on paper anyway, or on the screen, and the later additions or responses are at the top, and the earlier contributions or the initiating emails are at the bottom, but if we go to page 211, in the middle of the page you can see that there's an email there from Mark Adler to James Montague, and it's cc'd to, amongst other people, yourself.---Yes.

10 This is an email conversation about whether Jim Montague would supply documents which he said he had relating to why he had withdrawn his offer of employment to Spiro Stavis. Do you appreciate that? Do you understand that?---(No Audible Reply)

Can I take you to, I'll take you to page 212.

MR DOYON: Has he finished reading?

MR BUCHANAN: I'm sorry.---No, it's fine. I, I - - -

20 What I want to do is take it through you, take you through it - - - ?---Yeah.
- - - in something approaching relevant chronological order.---Okay.

It might be, have you got volume 4 in hard copy in front of you, or available? We'll see if we can assist you, it's probably easier to read in hard copy, so the conversation starts at 211 but the first email is at 213.---Thank you.

30 And if I can just briefly take you through it. 213 is where it starts, Mark Adler is saying to the general manager, essentially, we want to see the following documents. And it includes, "A copy of all reports by Ms Carpenter concerning Mr Stavis, including the original report and subsequent report in which she outlined her concerns, and number three, copies of all other documentary evidence which came to your attention and led you to change your mind concerning the appointment of Mr Stavis." Do you see that?---Yes.

40 Okay. That's an email that's by Councillor Mark Adler to, and it's about point three on the page, point two on the page, "Jim". That's Jim Montague.---Yeah.

In going over the page, 212, at the bottom of 212 there's an email response from Jim Montague and it says, essentially, "In the current circumstances I cannot accede to your request to supply documents relating to Mr Stavis. I would, however, be happy to release the documents to you for your perusal in my office at any mutually convenient time." Do you see that?---Yes.

Now, you received this email conversation at least so far as it's terminated on 21 January 2015 at 12.47pm, we can see that from the middle of page 211.---Yep.

Given that you could see that Mr Montague was saying he'd be happy to release the documents to a councillor for their perusal in his office at any mutually convenient time, did you take Mr Montague up on that offer?

10 ---No. Because Mark had mentioned that he wanted a copy of the documents to provide to all the councillors and that's not what Jim had agreed to.

Yes. But you wanted to see the documents, didn't you?---Well, Mark was trying to get a copy of them, so - - -

No, no, I'm talking about you. You wanted to see them, didn't you? You wanted to be able to read these documents and find out what were the basis that Mr Montague had described as being the reason that formed the, inspired his decision not to honour the offer of employment to Mr Stavis.

20 ---Yeah.

You wanted to see them, didn't you?---Yes.

Well, it was obvious Mr Montague was offering them to any councillor to come into his office and read them, wasn't it?---Yep.

And you didn't take him up on that offer. Is that right?---Yes.

30 It sounds like you didn't care whether you saw the documents or not, you were going to play the game that Michael Hawatt was playing with the general manager, doesn't it?---No, this was an email from Mark, so he had said no to Mark, not to Michael.

Well, if I can just point out to you, at 211, page 211, the middle of the page, the email from Mark Adler to Jim Montague is cc'd to all councillors. The one on the left-hand side of your email address is an email address which you recognise, don't you, as being the private email address of Michael Hawatt?---Oh, I don't know what he, where's that? Yes.

40 Yes. You do recognise it as his private email address, don't you?---Yes, his business one, yeah.

But weren't you concerned to perform your duty as a councillor to find out what the reasons were and not just do what Michael Hawatt told you to do? ---I wouldn't of wanted to go behind his back, we were, Mark had sent this to everyone so - - -

So all you had to do in that case was say to Michael Hawatt, how about we go and have a look at these documents.---Well - - -

Either together or one after the other, whatever Montague will allow us to do.---Oh, possibly.

No, not possibly, why didn't you do it?---Oh. You said could I of. Um, I don't know why.

10 Well, you don't know why? You do know why. The reason is you didn't care, you were just doing whatever Michael Hawatt wanted you to do in this game, this big and serious game that he considered that Mr Montague was playing with him. Isn't that the case?---Sorry, what was that question again?

20 Tell me, did you find out from Linda Eisler that as she says at about point 3 of page 211, "Mark, I have just finished reading the reports from the consultant and the referees. There is no doubt in my mind that the general manager has made the right decision. I would recommend everyone looking at these documents. They certainly are confidential, the authors of at least two have requested, can't recall third, the reports remain confidential. There is no way that these documents could or should be duplicated for general consumption, even councillors. Make an appointment and see for yourself, won't take long, why do you need a personal copy?" Signed, Linda. Did you read that?---Yeah.

Did you receive that email or find out that she had sent it?---I may have.

It didn't inspire you to go and take up the invitation that Mr Montague had extended to all councillors - - -?---No.

30 - - - to come and read the documents in his office?---No.

That's because you didn't care about the merits of the matter at all, did you? ---No. We were, we were in this, all the councillors were in it together and why couldn't he bring the documents to us.

Which councillors were all in it together?---The councillors that signed that document.

40 You attended the extraordinary council meeting on 27 January, 2015 where the mayor made a short statement and then he and Mr Montague left and the council officers left?---Yes.

And remaining councillors, but perhaps not including Linda Eisler, purported to continue the meeting?---Yes.

And you voted for the motion to terminate the position of Mr Montague as general manager, didn't you?---With the other councillors.

Yes. I'm talking about you in the first instance.---Yeah.

Did you just vote the way you voted to terminate Mr Montague as general manager because you were told to?---No. All of this is leading up to that decision, it wasn't just one thing that I was told to.

10 Why did you vote to terminate the position of Mr Montague as general manager if you weren't even prepared to take up his invitation to have a look at the documents that were the reason for his decision, as far as he was concerned, not to honour the offer of employment to Mr Stavis?---I don't know.

Well, you do know, don't you. You were simply voting in line with everybody else, not knowing the full facts.---But from what I understood, none of us knew the full facts.

20 And you deliberately closed your eyes and decided you didn't want to know the full facts, even though you were being offered them.---We were never told them.

I'll just remind you that in your interview by Commission investigators, this is Exhibit 53, and here's a redacted copy of the transcript of your interview. Can you see that it is a transcript? It's got blanked out pages.---Yes.

But what remains is a record of what you said in answer to questions from investigators on 6 June 2017.---Yes.

Looking at the front page.---Yeah.

30 Page numbers are on the top right hand corner. If I go to page 38, page, just to give you context, maybe at page 37, bottom of the page, you see where you're recorded as saying, "And I voted for removal". And the investigator is recorded as asking you, "Okay. What, if anything, did you do to find out the facts about the matter, about the failed engagement in its initial stages of Spiro Stavis, what did you do?"---Yeah.

40 Over the page you answered, "We all, we spoke to Jim during the council meeting but there was no answer given to us so we sort of went with, with what everyone else was." Question, "You just went with everyone else?" Answer, "Yeah."---Yes, because there was, again, there was no answer given.

But you just went with everyone else?---Yes. Because we weren't given an answer. That was the situation at the time.

But you were invited to come and read the answer and you declined to take the opportunity - - - ?---Yes.

- - - to acquaint yourself with the facts, didn't you?---Yes.

Can I ask you to have a look at volume 4, page 223? I think you've got volume 4 in hard copy in front of you.---Yes.

Can I ask you to help us understand this document? I can give you this information, it's a one sheet document, it was located by Commission investigators when they executed a search warrant on Michael Hawatt's residence.---Yeah.

10

And you can read the typewritten script there to yourself.---Yeah.

And you can see the handwritten annotation underneath the typed written script.---Yeah.

In the context of the subject matter of this inquiry, "Con", is a reference to you. Isn't it?---Yes.

20

Do you know, what can you tell us about this document?---I had typed it up, it was a voice message that he had left on my phone.

And is that your handwriting "voicemail"?---Yes. Yeah, it was just a note.

And how did it end up in Michael Hawatt's residence?---I may have given him a copy.

Do you know of any other way it ended up there?---No.

30

Do you remember giving it to him?---No.

Why did you type it up?---Because it was a serious voice message. Instead of keep replaying it over and over again, I typed it up.

But it sounds, from what you've told us and from what we know about it, given that it was found in Michael Hawatt's residence, that you typed up a telephone message that you'd been left by the mayor on the, on a particular date, and that you then conveyed it in one way or another to Michael Hawatt. Is that right?---Yes.

40

On what instrument, what machine did you type it up on?---It would have been my computer.

Where was the computer?---At the office.

Which office?---At the real estate.

And so the phone or the telephone message device was at the real estate office as well, was it?---No. I'm pretty sure this was my council telephone that he left this voicemail on, like the council mobile.

I see. Council, thank you. And you're quite sure that's your handwriting with the words, "Voicemail"?---Yes, yes. Definitely.

Thank you.

10 THE COMMISSIONER: You said you typed it up because it was a serious voicemail. Why is it a serious voicemail?---Because it was very out of the blue for Brian to contact me and especially to offer a meeting. I, he had ever really called or asked, told, asked me anything all those years in council, so I found it very, very strange.

MR BUCHANAN: Well, how, in all the years you'd been on council, how often had there been an attempt to ask the general manager?---Just this time.

20 How often had you received a memo from the general manager explaining why, three or so pages, he had decided not to honour an offer of employment to a candidate for the director of city planning position?---it might have been just that issue, that instance.

Were you simply providing intelligence to, any intelligence you could gather to Michael Hawatt because you thought that that was your job? ---Yes. In regards to these matters, yes.

30 If you could go then to page 229 in the same volume, again, this is a single page and I'd ask you to assume that it was a document located when a search warrant was executed on the residence of Michael Hawatt, and if you could just read it to yourself.---Yep.

What can you tell me about this document?---That Brian was notifying me that Jim had reported Hawatt and Azzi to ICAC.

And Brian was Brian - - -?---Brian Robson, sorry, the mayor.

40 Thank you. And is this, is that your handwriting with the annotation of the word text?---Yes.

And again, is it the case that you copied down a text you'd received from the mayor and you then conveyed it to Michael Hawatt because you were providing him with any intelligence that you thought might assist him? ---Yeah, it's possible, yes. Again, I find that, I found it very strange for Brian to be contacting me. So, that's why I was relaying this to Michael as well, just in case.

Just in case what?---Oh, well he had never contacted me before, so I didn't know why now all of a sudden he was.

Well, by the time of this controversy had erupted involving Mr Montague and the position that Mr Stavis had applied for and Councillor Hawatt, had you gained any impression of what opinion Mr Hawatt had about Brian Robson?---Sorry, what was the, the first part of it? At, at the time of - - -

10 Yes, at the time, isn't it fair to say that Michael Hawatt loathed Brian Robson?---Yeah, that's fair.

And you knew that.---Yeah.

And so you were feeding him with any ammunition you thought he might be interested in seeing that he could use against Brian Robson, or against, or for his own purposes.---Not, not really. Brian was never nice to me at this time too so I would've just been relaying these messages to Michael because I thought they were very strange for him to be contacting me.

20 You don't think that in the time of high controversy between the council and the general manager, that it would be, you think it's a great surprise that the mayor would try to contact councillors to try and solve the problem?---Well, in the other voice message where he wanted to meet one on one in his office, that one, yes. I found that strange.

Did you take him up on it?---No.

30 Why not?---I didn't have, I didn't really trust him, so I thought to be in a situation where it's just me and him, I didn't want to put myself in that position.

You could've taken Councillor Hawatt with you.---I don't think Brian would've gone for that at the time.

40 Now, can I just ask you a question about the extraordinary meeting of council held on 27 January 2015, where after the mayor and the general manager had left and Deputy Mayor Kebbe took the chair, you voted in favour of the motion to remove the general manager. You've told us that? ---Yeah.

You were asked by Commission investigators, the transcript of the interview is at page 32, "Wouldn't the termination of the contract of a general manager who had been in that position for a long time cost council a lot more than paying out the contract of a director in a lesser position on presumably a lesser salary?"---I didn't know that at the time.

Well, all you had to do was think about it, didn't you?---Yeah. Yes.

But obviously a person on a higher salary is likely to be entitled to a bigger payout, particularly if they'd been there for a long time, than a person on a lower salary who hasn't been there for any period of time at all.---Yeah. I didn't, I wasn't aware of that situation, I didn't think of that.

10 But did anyone argue at this time that the general manager's contract needed to be terminated because council's interests were being adversely affected because Mr Stavis would be entitled to a payout because he'd been given an offer of employment, but it wasn't being honoured? Did anyone tell you that at the time or say that at the time?---That was in the memo, I think.

You remember that, don't you?---It was in the memo.

Yes.---Yes. Yes.

So, it stands to reason, doesn't it, that if that is a problem for council then this could be an even bigger problem for council if they get rid of a general manager on the highest salary of all, of long standing, doesn't it?---Yes.

20 So, why did you vote in favour of the termination of the general manager if the reason was because council's interests were being adversely affected financially by not honouring an offer of employment to the director of city planning? Doesn't make sense, does it?---It wasn't only a financial reason, it was that he hadn't told us what the issues were. That was my understanding of this whole thing.

30 What all of this suggests is that there was some other agenda for getting rid of, or trying to get rid of, the general manager in December, January 2014/15, than the suggestion that he hadn't given adequate reasons or that he was imperilling council's finances because Mr Stavis would be entitled to compensation. There's some other agenda going on, isn't there?---At the time, that's the decisions that we made. I, I don't know.

Did you think that there was some agenda going on that Mr Hawatt in particular wanted to make sure that Mr Stavis of all people was appointed director of city planning?---No.

40 Now, in your period of time at council, did council hold strategic planning meetings?---(No Audible Reply)

I'm changing the subject now.---Yeah, workshops, yes, yes.

Meetings, workshops?---Yep, yep.

It did?---Yep.

And what sort of subjects were those meetings held on, what can you recall?
---Urban zoning, things to do with parks or - - -

Policy questions?---Not that I can recall.

Can you recall who attended those workshops?---Yes, oh - - -

When I say who, I don't mean the actual names, I mean was it councillors?
---Councillors, and whoever, if there was a study, whoever had performed
the study and whoever, most of the time it was all the, all the directors as
well, and the general manager of course.

10

And is it fair to say that all councillors were invited and expected to attend
those workshops?---Yes.

Now, in the transcript of your interview by the Commission investigators,
page 40, and we might need to go back to the previous page, sorry, the
bottom of page 39, you see that about line 15 the investigator asked you
about being aware that Spiro Stavis was engaged as director of planning, so
he's moved on in time in the things he's asking you about. Do you see that?
---Yep.

20

He asked you about whether you had professional dealings with Mr Stavis
in his role - - -?---Yeah.

- - - as director of planning.---Yes.

And he asked you at the bottom of that page, "Did you ever go to his office
or meet him for face-to-face discussions?" Over the page your answer's
recorded, "We met once with Jim I think at Canterbury Leagues." And that
would be Jim Montague?---Yes.

30

And you went on to say, "With the other councillors. This was after he was
employed and Spiro had a sheet showing his plan for the next year or so."
Do you see that?---Yeah.

And then you said, "And, yeah, that was the only time out of council that I
met with him."---Yes.

When you say he had a sheet showing his plan, was that some sort of work
plan - - -?---Yes, yeah.

40

- - - for his job or for him in that job?---Yeah. I think it was to lay out the
issues that were there currently and like a timeline of where he wanted
things to be.

Now, I want to suggest to you that the meeting at the Canterbury Leagues
Club was on 5 March, 2015. It was a Thursday evening.---Yeah.

Do you remember going to the Canterbury Leagues Club for this meeting?

---Yes.

And as far as you're concerned, why did it occur?---Hmm, because Jim was happy with Spiro at the end and I think he wanted, Jim wanted to show us what Spiro had come up with.

And who organised it?---I can't remember.

10 How did you find out about it? You must have received some sort of invitation or - - -?---Yeah, it may have been a text I think.

Do you know who from?---No.

Was it Michael Hawatt who asked you to go?---It may have been Michael or Jim.

All right. And do you know why it was held at the leagues club?---No, it was just a place to meet.

20 Well, were there meeting rooms at council chambers?---Yes.

Do you know why it wasn't held at council chambers?---No.

It was held after 5 o'clock, wasn't it?---Yes.

Do you know why it was held after work hours?---No.

30 And which councillors attended, apart from yourself?---I think Michael was there, Michael, Pierre may have been there.

Pierre Azzi?---Yes.

Yes.---And I can't recall if, if the others were there.

No. In fact it was just you three, wasn't it?---Well, it may have been.

Were the public invited to this meeting?---The public as in?

40 Was it advertised?---Oh, no, no.

Where in the club was it held?---In the, it's changed now, the, what was it? I'm just trying, it was in a coffee, the coffee shop on the left, just in the opening like - - -

And there was you, Jim Montague, Spiro Stavis, Michael Hawatt, Pierre Azzi. Anyone else?---Not that I can remember.

And were you all around a table?---Yes. Small coffee tables I'm, I think off, off memory, and we might have had two or three together. Yeah.

And were there drinks?---Yeah, may have been coffee or water, yep,

Alcoholic drinks?---No. Oh, not that I remember.

And how long did the meeting go for?---I can't remember. It may have been 45 minutes. I'm not, I'm not too sure.

10

And do you know if any other councillors were invited?---No, not that I'm aware of.

And do you know why the public weren't invited?---No. It, it was, from my understanding, it was for Jim to, to show that he was happy with Spiro. So, to show the councillors that things were okay.

And the notes or work plan that you saw, you saw them in the hand of Spiro Stavis, did you?---Yes, they - - -

20

Do you have, I'm sorry, go on.---Sorry. He brought them, is that what you meant?

Oh, well, yes.---Yes, yeah. Oh, yeah, I'm pretty sure. Yeah.

Did you see them in anyone else's hands?---No. He lay it on the table and he, he was going through. Like, a step by step plan sort of thing.

30

And were there multiple copies of this document?---Not that I can remember.

It was a multi-page document though, wasn't it?---I think it was a long document he had unfolded so, I don't know if there was copies.

And who did most of the speaking?---I can't remember. It, it would have been just general conversations.

40

Could the witness be shown volume 5 of the Exhibit 52, please, and if I could ask you to go to page 132. And I invite you to just peruse, I'm not asking you to read it, pages 132, 133, 134. See those pages?---Yes.

And do they look familiar to you? What I'm inviting you to do is compare what you can see in those three pages with your memory of the document that you saw Mr Stavis with.---I can't remember what the, I can't remember what he actually brought on the day. I think it was in regards to DAs that hadn't, that had been sitting there for quite some time and he was showing how they would be resolved.

Do you think this document might have been part of what Mr Stavis was speaking to at that meeting at the Canterbury Leagues Club on, I suggest, 5 March, 2015?---I'm not too sure. It doesn't really mention anything specific in this.

And I should show you the first page, page 131. It seems to be part of the same document.---It may but there's no dot points like the other ones.

10 Do you see there's some very faint handwriting in the copy of page 131?
---Yep.

Do you recognise that handwriting?---No. No.

It's on the screen as well. It might be, or it might not be, easier to read there.---No, I'm not sure.

Is it, does it look like Michael Hawatt's handwriting?---Maybe. He was messy.

20 Does it look like your father's handwriting?---Maybe.

This document, I can inform you, was found by Commission investigators when they executed a search warrant on your father's real estate agency office, starting at 131 and going through to page 134.---Yeah.

Does that assist you in determining whether this bears any resemblance to what it was that you recall Mr Stavis had with him at the meeting on the 5th of March at Canterbury Leagues Club?---No.

30 Did, do you know whether Michael Hawatt or, apart from handwriting, do you know whether Michael Hawatt or your father had anything to do with the production of this document?---Yeah, they may have.

Yes. But when you say that, why do you say that?---Because it was found there at the real estate.

40 Right. And what would've been the circumstances in which you were shown it at the real estate?---I, I don't know, I don't know if I was shown it at the real estate. I'm just reading through it now, like - - -

Looks like a shopping list, doesn't it, or a plan for somebody who has the position of looking at page 133 DCP, which would be director of city planning, wouldn't it?---Yeah. That, or a motion from a councillor.

Well it's plainly not a motion from a councillor, is it?---No. Not, not the way it's written, but - - -

I apologise, I apologise. I've been, my attention has been drawn to the fact that on page 133, DCP will be a reference to development control plan, not director of city planning.---Yes, yes.

And your father had a particular keen and detailed interest in the development control plan, didn't he?---Yes.

Did anyone take notes at this meeting at the Canterbury Leagues Club on 5 March?---Not that I can remember.

10

Did anyone chair the meeting or run it?---I think Jim did an introduction and then Spiro sort of spoke about what he wanted to do.

And how long did the meeting for?---I can't remember. It may have been close to an hour, it may have been half an hour. I don't think it was too long but I don't remember.

Were any decisions made?---No. It was just a general discussion.

20

Was there a consensus of those present as to what would happen in the way the new director of city planning did his work, or the way his department did its work going forward?---Yeah. Just so things wouldn't take as much time as they did, I think that was the, that was one of the biggest issues of that meeting from what I remember. There was a lot, there was a big backlog and I think he had a document that did state a lot of when they had been put through and how long they had been sitting there and that.

30

Had you met Marcelo Occhiuzzi in a meeting away from council chambers like this meeting at Canterbury Leagues Club on, I suggest, 5 March 2015? ---No.

Was it a surprise to you that you were having a meeting with the new director of city planning like this?---Under the circumstances, no.

What do you mean under the circumstances?---I saw it as a way, as for Jim to sort of mend the relationship between the councillors.

40

Between three councillors?---Who, I don't know who wasn't invited or that, but to say that he was happy with where Spiro had, like, what he had brought to the table.

So, did you, I'm sorry, go on.---That he was happy to see, to show us that he was happy with what Spiro had brought to the table, and make amends.

And did you see this as being possibly organised by Mr Montague to try and make peace with you three councillors?---Yeah. Well, whoever was invited, yes.

Did Mr Hawatt say anything or Mr Azzi say anything as to what should be done in the way the director of city planning did his work?---Not that I remember.

They made no contribution?---They may have made suggestions and things, that's why I think the meeting was there, but not that I remember.

Could you, could the witness be shown volume 9, please, of Exhibit 53, and if we can have a look at page 96.---Thank you. 56, was it?

10

Yes, please.---Thank you. Yeah.

And it's on the screen if it makes it easier to read, it's only one page. ---Yeah.

Could you just have a little read of that to yourself, and I'll ask you some questions.---Yes.

20

Now, there's two emails there and the first one appears to be on your private email account.---Is this page 56?

Ninety-six.---Sorry. I thought we were on 56.

I might have mis-announced.---Okay. Okay. Sorry.

It's okay. Take your time and just give a chance, yourself a chance to read it. There seems to be two emails, one from you on 6 March 2015 and one from Spiro Stavis on the same day.---Yes. Yeah.

30

Now, the bottom email commences the conversation at 11.06am.---Yeah.

And Mr Stavis responds at 12.24pm.---Yeah.

Do you see that?---Yeah.

And the first line of your email is, "It was a pleasure meeting you for the first time last night at the club."---Yeah.

40

That would be a reference to the meeting at the Canterbury Leagues Club. ---Yes.

And so you'd accept then that the meeting at Canterbury Leagues Club must've been on 5 March.---Yes.

You went on to say, "Thank you for the very informative planning information. Once the planning panel is set up we can have more informal discussions and set up clear planning directions for council." Can I just ask you first off, did anyone have any input into you sending this email?---I

discussed with Michael because, about the Homer Street, Earlwood site that I would raise that to Spiro's attention, because I know that that was, that was an ongoing issue at the time, and at the meeting he had brought up a couple of developments and that was one very close to me, so I, like, close to where I work and that in my area, so I had brought that to his attention.

And did anyone provide you with material to put into that email?---I may have spoken to Michael about it.

10 Did he dictate any part of the email?---He may have.

See, you had no interest in planning issues, did you?---No, but there was an issue with this one, so there was, it was a serious matter. There was a mistake and we were trying to resolve it.

Well, we'll come to that. If you had no interest in planning issues, why had you gone to a meeting at the Canterbury Leagues Club which was about planning issues?---Because I had been invited. I used to go to all the, the, what was it called? I've lost the word, workshops.

20

My question was - - -?---I used to go to all the workshops.

If you had no interest in – sorry, I interrupted. Go on.---Yeah. I used to go to all the workshops. So, if I was invited to something, I would attend.

And who invited you?---I can't remember. It may have been him.

Could it have been Michael?---It may have been but it was a meeting that from, with Jim and Spiro so, it may have been him.

30

And you've said, "Thank you for the very informative planning information."---Yep.

But it was stuff you didn't understand, wasn't it?---To an extent. The way he explained it, it was, I could understand it.

"Once the planning panel is set up," what planning panel?---They wanted to organise a panel so they could make sure that there was no issues or these backlog issues and things, that they could be addressed prior.

40

And who was they?---Oh, the councillors.

Which councillors? The three councillors present at the meeting?---Yeah, yes, yeah.

And who would comprise the planning panel?---I'm not sure. I don't think it got to that stage.

Was that to be at councillor level or was it to be at staff level or a mixture of the two or involving independent experts?---I'm not sure.

Well, it seems, you're saying, according to this, that you thought that the planning, the establishment of the planning panel was an, an essential first step to moving forward?---Yep.

Why did you think that?---Because things needed to be changed. Spiro had brought a document that showed a lot of issues.

10

And how was a planning panel going to change the things that needed to be changed?---That was, that's what they would have discussed. That was the purpose of creating the panel.

The sentence continues, "We can have more informal discussions." What more informal discussions?---Like the one that took place the night before.

20

So it was intended when you wrote this, was it, that there would be more occasions where the general manager, the director of city planning and three out of all of the councillors would get together in the evening, off council premises, and discuss issues in the portfolio of the director of city planning?---No. By, by informal, just general discussions. Didn't have - - -

Involving who?---It didn't have to be part of a council workshop.

And what were the clear planning directions for council that was contemplated by, "Set up clear planning directions for council"?---To make sure that things don't take as long as they were.

30

It doesn't sound as if that's what it refers to. It sounds as if it's referring to much broader subjects that dealing with delays in decision making.---Well, the planning directions were there reason for the delays.

Had there not been previous planning directions that were sufficiently clear?---Well, from the document that Spiro had provided on that night, there were, there were issues. So, something needed to be done.

40

Is it possible that Mr Hawatt dictated the whole of this email or write it, in fact on your email account?---No. I remember typing this.

You see you could access your email account from your father's office, couldn't you?---From my office, yes.

And Mr Hawatt came over to discuss council issues with your father regularly, didn't he?---Sorry, what was the question?

Councillor Hawatt came over to your father's real estate agency to discuss council issues with him regularly, didn't he?---By regularly what do you mean?

Frequently.---How frequent? There may have been a period of three or four months where he wouldn't come past and then there may have been a period where he would, so it's - - -

10 Okay. That's how often he attended?---Oh, it depended on, I'm not sure how often.

See, for a person who had no interest in planning issues it seems very strange that this email went out under your, on your private email account. ---No. As I mentioned before, the issue was in Earlwood so it was my ward.

20 Now, if you just excuse me a moment. The meeting on 5 March, 2015 at Canterbury Leagues Club was a meeting where you and Michael Hawatt and Pierre Azzi were vetting the work plan that was being presented to you by Mr Stavis in the presence of the general manager.---Mark Adler - - -

That's a fair description, isn't it?---Mark Adler was there too. Sorry, what did you mean by vetting?

Vetting, as in seeing what it was and seeing whether it met to your satisfaction.---It was more to show that it was to Jim's satisfaction.

But - - -?---That he was happy with it and he wanted to outline what overlay those um, what was happening.

30 THE COMMISSIONER: But why did you have to be involved?

MR BUCHANAN: But your email the next day indicates that it met with your satisfaction.---Yeah.

So as far as you were concerned, you were satisfied with what came out of that meeting, what happened at that meeting.---Yes, yes.

40 And what you say Mr Stavis indicated to you would be happening from now on in his department.---Well, not from now on but how he was going to address a lot of those issues.

THE COMMISSIONER: Why did three particular councillors have to be present?---Mark Adler was there. There was four from memory.

MR BUCHANAN: Right. Four councillors. Thank you.

THE COMMISSIONER: Why did they have to be present for Mr Montague to show that he was pleased with Stavis or Mr Stavis?

---I don't know why the others didn't show up.

What, you're saying, they were all invited, are you?---I don't know. I'm not sure who invited me but I turned up. Maybe they couldn't make it, I don't know.

But why did Mr Montague have to demonstrate to you four - - -?---Because there was, what do you call it, there was tension, he was just trying to sort the peace.

10

But why couldn't he do that on council premises?---I don't know. That's a question for him. I don't know.

MR BUCHANAN: In the council files and emails which the Commission has, Mr Vasiliades, I can inform you that there is no general invitation that was extended to councillors to attend this meeting on 5 March, 2015.

---Sorry, what was that you said?

Sure. There are no documents - - -?---Yep.

20

- - - in council emails or council files - - -?---Yes.

- - - like a general invitation - - -?---Yeah.

- - - to all councillors to attend that meeting.---Okay. That's why I had stated it was an informal, informal meeting.

It was confined to you four councillors and Spiro Stavis and Jim Montague, I want to suggest to you.---Okay, I didn't know that.

30

You didn't think it was peculiar that you didn't see an email inviting you or inviting all councillors?---No, not really, 'cause there was a lot of peculiar things happening at that time.

Do you know why that meeting was held at the leagues club and not at council, or not in a committee of council?---No. I don't know why.

Why wasn't it appropriate for the subject matter that it be an agenda item on the City Development Committee?---Because there was no actual decisions being made, it was just an outline of things to, sort of, come.

40

You don't think it, other councillors were entitled to the same information as you were receiving together with your colleagues?---Of course they were.

And did you see any evidence that they received that information in the same way as you did?---(No Audible Reply)

They weren't there, were they?---No.

No. Did you ever see any minutes of this meeting?---No.

It was essentially council business being transacted after hours in a coffee shop at a leagues club, wasn't it?---Yes.

Do you think that was proper?---Given the situation at the time, I saw it as, like, like I mentioned, Jim was just trying to sort the peace out.

10 Didn't you think the fact that it was being held off council premises and out of hours and without any other councillors present was an indication that it was a meeting that was different from council, or the ordinary transaction of council business?---Yes, it was.

It was a sort of line up, wasn't it, of the new director of city planning to see whether he was going to meet the satisfaction of the councillors who were present, and the general manager.---My, my understanding of it was that it was to show that Jim was very pleased with what Spiro had come up with in such a short time.

20 To show you four councillors that he was very pleased?---Well, whoever attended. Yes.

But also for Mr Stavis to do a show and tell to indicate what he intended to do.---Yes.

30 Of course, if this meeting had been held in a meeting at council, as a meeting of council or as a meeting of a committee of council, then the public would've been aware of it, wouldn't they?---Something like this would've been held as a workshop if it was to be held in council, so, no, the public wouldn't have been there.

But the public would be aware, would become aware of what happens in council workshops.---I don't think so.

THE COMMISSIONER: But there at least would be an official record - - - ?---Yeah.

40 - - - of some kind of workshop at council.---Yes. Yeah.

MR BUCHANAN: Can I ask you to have a look at volume 5 of Exhibit 53? I'll have to turn to it myself. Page 135, please. Have you had a chance to read that?---Yes.

This is an email that I can inform you was found on a computer at the residence of Michael Hawatt.---Yeah.

It's from your private email account.---Yes.

To Michael Hawatt's private email account.---Yes.

On 4 March 2015.---Yeah.

I might just ask you to note 3.51pm, and it's addressed, "Hi Spiro", and signed, "Michael Hawatt".---Yeah.

10 Can you explain, can you explain the fact that it's addressed to Spiro and signed Michael Hawatt, but sent to Michael Hawatt from your private email account?---Yeah. From recollection, Michael was having troubles logging into his email account. He was at the office with me, because his computer had his email set up, so he typed it up on my computer, so then, and sent it to himself so then he can make changes to it later before he had sent it off to Spiro.

And which computer was this?---It was either my desk or the one next to me.

20 In - - - ?---In the real estate.

- - - which building?---In the real estate.

In the real estate agency.---Yeah.

Just before I go on as to the content of it, a moment ago you were looking at your mobile phone, weren't you?---Yes.

30 What were you looking at?---I was just clearing.

What were you looking at?---I was just clearing some messages.

What were you looking at?---I was clearing my messages.

Why were you clearing messages?---It's just a habit I have. Sorry.

Is there a passcode to be able to see what the messages are?---Yeah, I can show you.

40 What's the passcode?---I don't want to say it out loud.

What is it? Well, write it down on a piece of paper if you like.---Okay.

If we can give you a piece of paper.---Sorry, yeah. I can open it for you.

If you could open it for us.---Yeah, yeah. No worries. It was just a, it was a Facebook notification. I just cleared it. Yeah. That's all it was.

THE COMMISSIONER: Show it to Mr Buchanan.

MR DOYON: Sorry, Commissioner. If I could look as well.

THE WITNESS: It was just that Facebook notification. It's got the little red line, the number two. I was just clearing it, popped up on the screen.

MR BUCHANAN: Can you open the Facebook notification for us, please?
---Yeah, of course. You can keep it if you want.

10

No, I don't want to keep it. If you can just open it for us.---A couple of minutes ago, I just cleared that. That's all it was.

If I could just get you to go back to the witness box because otherwise we're not going to record what you're saying. Yes. If we maybe could leave the witness's telephone with his legal representative.---Yeah, of course. No, that's fine.

20

Can you see this is an email in which, on your account, Michael Hawatt has prepared an agenda for what he says, using the word "we", would like to discuss the next night?---Yes.

The next night is 5 March, isn't it?---Yes.

So he's obviously, this is an agenda for the meeting at the Canterbury Leagues Club, isn't it?---Yes.

30

Why is Michael Hawatt sending, as you understand it, sending an agenda for the meeting that the general manager had called to make peace or alleviate tensions with the director of city planning presenting a work plan?
---Why was Michael Hawatt sending it?

Yes.---That's, I can't answer that. That's for him.

Well, did you see this email go out?---I turned the computer on so he could use it but I don't, I wasn't, I don't remember being there with him typing it.

40

So, is it possible that you simply provided him with your electronic means of communication and then he used it?---Yes.

And that's something that, in the questions I've asked you on 27 April and today, you denied ever offering to either your father or Michael Hawatt in relation to the subjects I've asked you.

MR DOYON: Well, I object. I think his evidence on 27 was in relation to his mobile telephone, as I understand this to be typed on the computer. Not on his, not on his mobile.

MR BUCHANAN: Means of communication.

THE COMMISSIONER: I'll allow the question.

MR BUCHANAN: What you're telling us is contrary to the evidence you've previously given about you not providing your means of electronic communication to your father or Michael Hawatt - - - ?---When was that.

10 - - - to use your account to communicate with other people, this is you using, sorry, you allowing Michael Hawatt to use your electronic means of communication to communicate with Spiro.---When, when was that? When did I mention that?

THE COMMISSIONER: You gave evidence on the last occasion, as Mr Buchanan has outlined.---I, I forgot what he said.

MR BUCHANAN: And earlier this afternoon.

20 MR DOYON: If he can be taken to the transcript, Commissioner, on the last occasion.

MR BUCHANAN: No. I, I don't propose doing that. I'm just giving you an opportunity, are you saying now that it was your habit, I'm sorry, I'll withdraw that. Do you say that this was not the first time you had provided one of your electronic means of communication to either your father or Michael Hawatt to communicate about planning matters?---I don't know if it was the first time I, Michael used the computer to type an email.

30 Your computer and your email account?---Or the one next to me.

Your email account?---My email account, yes. Because he couldn't access his.

Is that the first time this ever happened?---I can't remember.

Is it possible that it happened on earlier occasions?---No. Not that I can remember.

40 It is possible that some of the text messages that we've looked at earlier in this inquiry from your email account were in fact sent by somebody else? ---Sorry, you mentioned text messages and then email account.

I do apologise. I'll reframe the question, thank you. Is it possible that some of the text messages that are from your mobile account, were in fact sent by somebody else?---No because this was a different situation, as I explained. Michael couldn't access his email address.

And do you see that the reference to a planning panel is the third last line on the agenda there?---Yep.

This is propose by Michael Hawatt, isn't it?---Yes.

All of these things are proposed by Michael Hawatt, aren't they?---Well, it has his name, yes.

10 Yes. Well, where do you think they came from if they didn't come from Michael Hawatt?---I never said it didn't come from Michael Hawatt.

Well, you said, "It has his name," indicating you are confining yourself to the fact that his signature appears on it, but I'm just checking, are you saying that somebody else could have sent this other than Michael Hawatt?---No. I never said anything like that.

Your father didn't send it?---No.

20 Your father didn't contribute to it?---I don't know if they did. I don't know.

And the type of material that is set out in this agenda is similar, isn't it, to the type of material that Spiro Stavis referred to in the work plan like document on 5 March, 2015 at Canterbury Leagues Club?---I can't remember too much about what he was discussing. I remember he did mention a backlog of things but I don't remember too much after that.

30 There's an overlap, isn't there, of the subject matter between this and what Spiro Stavis talked about at that meeting?---Well, there may be, that's what the, from looking at this message, that's the intention of it.

Were you providing your computer and your email account to Michael Hawatt so that he could dictate to Spiro Stavis the items that he wanted to see on the work plan?---For discussion, yes.

Did you think that was the right thing to do? Was that the right thing to allow anyone to do?---Well, he was a councillor. I thought he had the right to.

40 To tell a director what their job was?---No. He's mentioning that he would like to discuss. So, these are things that Michael wanted to discuss with him.

Can I ask you, I've just got to quickly move on.

THE COMMISSIONER: Can I just ask you, your evidence about the list that Mr Hawatt emailed would suggest that the meeting, the informal meeting at the leagues club moved away from your original explanation that it was all to allow Jim Montague to show that he was pleased with what

Stavis came up with?---No. Because they're two separate contexts. There was one that the councillors relaying information to Spiro and then there was Jim being happy with the situation that was, that had produced itself.

All right. So part of the informal discussion was for the four councillors who were attending to give details to Mr Stavis about issues they were concerned with, because that's what Mr Hawatt's doing there, isn't it?---
Yeah, yeah, yeah.

10 Right.---That's right, it was just a discussion about the way things had been at that time and what could happen moving forward and that.

MR BUCHANAN: And is this what you wanted to have happen, on the night of, sorry, 3.51pm on 4 March you wanted information of this sort to be conveyed by Michael Hawatt to Spiro Stavis to be dealt with the next evening?---Discussed, yes.

It does, this email is consistent with it being a very private meeting, isn't it?
---Ah, well, I wouldn't say that, it's general council matters.

20

Yes. But where is the indication that councillors other than Michael Hawatt were cc'd into the email?---Oh, it's not, oh, in this one I don't know 'cause Michael has mentioned that he wanted to make some changes after, that's why he had sent it to himself.

And did you contribute any of these agenda items - - -?---Not that - - -

- - - on 4 March when this email was being typed?---Ah, not that I can remember. I might, there was discussions with Michael about lanes, but I
30 don't know who at the time had discussed it first.

I'm going to take you to, I'm going to take you forward a fair bit of time now if I may, please.---Yep.

Can you think about amalgamation, when amalgamation was proclaimed, which I can inform you was on 12 May, 2016?---Yes.

And you were out of office, as were the other councillors, as a result of that proclamation.---Yeah.

40

Is that your understanding?---Yeah.

After that occurred, did you see Spiro Stavis again?---After - - -

Amalgamation occurred did you see Spiro Stavis again?---No, not that I can remember.

Did you see Michael Hawatt again?---Yes.

Did you see Pierre Azzi again?---Yes, a couple of times, yes.

And how often did you see Michael Hawatt again?---I don't think it was that many times but. I think he went overseas after that for a bit so - - -

Did you take part in a meeting with Spiro Stavis and Michael Hawatt and Pierre Azzi after amalgamation?---No. Not that I remember.

10 Are you quite sure of that?---Where at, sorry, if I could ask?

I'm sorry?---If I could ask where was that meeting, just to refresh my memory?

That would be my question.---Oh, okay. No, not that I remember, no.

Now, you've told us a little bit about the, excuse me a moment. Can I, excuse me a moment, please. Can I check, Commissioner, are we sitting on till 4.30?

20

THE COMMISSIONER: Yes.

MR BUCHANAN: Thank you.

Mr Vasiliades, if I could ask that you be provided with volume 9, page 50. You might still have volume 9 there.---Yep.

That was the one that had the email in it on 6 March, 2015.---Sorry, sorry.

30 Can you go to page 50, please.---Yes.

And if you go down to item 12, you can see this is in the format of a set of records of the City Development Committee.---Yes.

You can see at the top right-hand side the date, 13 November, 2014. ---Yep.

And then item 12 is about 15-23 Homer Street, Earlwood, planning proposal to rezone land.---Yeah.

40

And can you see it's in fact, from the fact that it records a resolution it's a minute of the meeting?---Yes.

And it records Councillor Hawatt moving it, you seconding the motion that a planning proposal be prepared to, amongst other things, amend the maximum building height to be set at the same height as the building next door which is 17 metres.---Yes.

Now, you spoke about Homer Street before and the fact that that's referred to in that email.---Yeah.

When did you become aware of this rezoning proposal?---I can't remember.

How, or from whom did you become aware of it? Did someone raise the subject with you?---I remember Michael speaking to him about the height limit, but I don't remember when and how far, how much before this and that.

10

Well, in that email we looked at earlier - - - ?---Yeah.

- - - it indicated that there'd been a problem with this resolution.---Yes.

And this is the first, this is the resolution that directed that a planning proposal be prepared to amend the building height - - - ?---Yes.

- - - to be 17 metres, in effect.---Yes. But the, the way it read, amending maximum building height.

20

Yes.---But what had actually been moved was the whole building height.

I'm sorry?---The way the motion read was that the maximum building height to be the same as next door.

Yes.---What was, what ended up happening from my recollection was that the whole site became 17 metres, instead of just the maximum part of it.

30

Well, it says the maximum building height for 15 to 23 Homer Street be 17 metres.---Yes.

That is the highest you can build to.---Yes.

40

So that's a building control. I appreciate that you didn't follow planning, but you understand, don't you, that what this meant was that if you put in a development application for that site and the building you asked for consent to erect was no more than 17 metres high from one end of the sight to another, then it would be within that maximum building height?---No, sorry. It wasn't, the way that I read it, it's not to be one end to the other, that's why it actually says the same height as the building next door. So there's a portion of it which is 17 metres and then the rest dropped off, so that was the intention, and then that's the way I read it, that the maximum building height, so the maximum would be that portion which was the 17 metres as next door. So, that's what I understood when we moved this.

When you say "drop off", have you heard the expression "stepped"?---Yes. Yes.

That's to say that the building roof would go, you know, along a certain way then down a bit then along a certain way then down a bit in steps.---Yes. Yes. Yes.

That's what you meant by "drop off"?---Yes.

But it doesn't indicate that at all there, does it, in that motion? In that resolution, sorry.---Depends the way you read it, but what I read it was that as you mentioned steps, the maximum part of the building be 17 metres.

10

Or is that, are you saying that your understanding was that that was the planning proposal? Sorry, I withdraw that question. Is it the case that at the time you seconded this motion, you understood that the developer had proposed that the building control be stepped down to the river, the building, the maximum building height control would be stepped down to the river?---I don't know what the developer proposed, I had spoken to Michael. But the intention was to be the same as next door so you have the same sort of envelope throughout.

20

So, you don't have a memory of an understanding of what the proponent's proposal was?---No.

Why did you second it?---Because it was to be the same as next door, so it made sense.

Did you second it because Michael asked you to?---Yes. We had discussed this, and - - -

30

Do you recall what the council officer's recommendation was?---Seventeen metres throughout the site.

Well - - - ?---Which it doesn't actually say here, which is not what we resolved.

Well, if I can just take you back to page 48 in volume 9, you see the recommendations at the bottom of the page?---Yeah.

40

I'll read it. "A planning proposal. Be prepared to amend the maximum building height to be set at 14 metres on part of the land along Homer Street, and the current maximum height of 10 metres be retained for the remaining part of the land at 15 to 23 Homer Street, Earlwood."---Yes.

So, the motion which you seconded is very different from that, isn't it? ---Yes.

Why did you second the motion in the circumstances that the officers recommendation was so dramatically different?---Because we didn't think that it was fair because the neighbour next door had something totally

different. So, we were trying to go with the, in the streetscape, so it was all the same.

You told us, I think, that you had an interest on development on this site because it was within your ward?---Yes.

And you lived in Earlwood?---Yes.

10 Was there any other reason you had an interest in development on the site?
---No.

Did you know Assad Faker?---No.

Were you aware that he bought the site, or at least part of it, from your uncle Peter?---No.

You were never aware of that?---No.

20 Never aware that the site had been acquired through Ray White Earlwood?
---No, no.

Why did you not simply, if you thought it wasn't fair, why did you not simply adapt the officers recommendation and substitute 17 for 14?---Well, that's what I thought Michael was trying to do. That was my understanding of the motion that he moved.

30 Is it fair to say that you just went along with Michael without thinking about it?---No. Because it needed to be the same as next door. That's what the whole situation was.

Had you read the officer's report before you seconded the motion?--- Yes. And next door did have a 17-metre section and this didn't.

Isn't it fair to say that you just went along with Michael in relation to this Homer Street matter because that's what you did normally?---No. We were trying to get the same, the same outcome for the street. That was my understanding. If there's something different, I don't know, but that's what my understanding was.

40 And when it came to amending the motion, I apologise, when it came to changing the resolution, as you referred to in that email of 6 March - - -?
---That was referring to that, what was actually taken out of, taken from this was incorrect.

Page 96, I'm reminded. Thank you. How did it come to be that you found out that it was necessary to amend the motion? I apologise, I keep on saying that. Amend the resolution.---After it was resolved?

Yes, how did that, did someone say something to you, someone write something to you?---Sorry, when Michael, when Michael had moved this, is that what you're asking? At the time of, of this, this or - - -

Well, what I, I suppose, I'm trying to find out is, looking at your email which is on page 96, this is your email of 6 March. Why did you raise with Mr Stavis in respect of 15-23 Homer Street, I'm looking at the third paragraph of your email, "The clear intention of the councillors was as per the proposed motion on 26 February, 2015."---No, that's not what it says. It says that it, "Not 17-metre height limit throughout the site.

Yes. And, "Not 17-metre height limit throughout the site."---Yes. So there was, there was a, well, mistake or - - -

Yes. How did this come to your attention? How did it, how did you become concerned about this?---I can't remember.

Did Mr Faker raise it with you?---No. I don't know who Mr - - -

20 Did anyone say, "This is going to be a problem. This'll get rejected. We'd better fix this."---They may have, yes.

Because 17 metres across the site is a pretty radical - - -?---Yeah.

- - - building height limit - - -?---Yes.

- - - isn't it?---Yes.

30 Considering what was there before.---Yeah.

And considering it was going down to the river.---Yes, yeah.

You in your email of 6 March refer to a motion that was proposed on 26 February.---Yeah.

40 And if I could ask you to go back to page 94 of volume 9, starting at the top of the page, item 15/15, 15-23 Homer Street, Earlwood. Amendment to City Development Committee Resolution. And then there's a motion by Councillor Hawatt which is set out there. "In respect of the resolution," and then it's identified, "Dated 13 November, 2014, the intent was that the proposed building at 15-23 Homer Street, Earlwood is to be a similar height and stepping down as next door. Accordingly an appropriate amendment be made by the planning division and be brought back to council for consideration before sending to Gateway for determination." Do you see that?---Yes. So that was - - -

You understood Gateway to be a reference to the department?---Yep.

And then it was recorded there, "Acting director's comment," and it discusses the site, and then in the next paragraph it says, A planning proposal to effect the council resolution on 13 November, 2014 was prepared and sent to the Department of Planning and Environment on 15 January, 2015 for a Gateway Determination."---Yeah.

So it had already gone to the department. That's what's written there.
---The 17 metres had already gone to the department or the, the correction that we were trying to make?

10

Well, how about we just go back to your email, page 96.---Yeah.

You say, "The clear intention of the councillors was as per the proposed motion on 26 February," which we've just looked at.---Yeah.

"And not 17 metre height limit throughout the site."---Yes.

You go on to say, "The reason that this motion was withdrawn on 26/2/15 is that Gillian," a reference to Gillian Dawson, I take it?---Yes.

20

"Indicated that the planning proposal was prepared and sent to the department as per the resolution on 13 November, 2015."---Yeah.

So you've set out there what you understood happened at that meeting.
---Yes, yes.

And was that what you actually did understand or did someone else write this email?---No, that's what I understood, that's what it mentions here, the acting director's comments. I was just trying to relay to Spiro the issue that was in my ward at the time because there was, to me it was a serious issue.

30

Was there anything that you did after sending this email on 6 March, 2015, to address this serious issue?---From what I remember they said that it was too late to, to amend. I think that's what council had mentioned to us.

Was there any reason why you could not have introduced a motion to revise the planning proposal?---Well, I don't know. That's what the acting director's guidance was at the time so that's what we went with. I don't remember what happened after, after this.

40

Did you ask the acting director what could be done in that case, what can be done to fix this problem?---I'm sure we did, but I can't remember.

Thank you, Commissioner. Thank you, Mr Vasiliades.

THE COMMISSIONER: Mr Moses.

MR MOSES: Yes. So thank you, Commissioner. Mr Vasiliades, you told the Commission on the last occasion that Mr Hawatt, I think to use your words, "Got you onto the Liberal ticket," but you didn't know the details of how that had been done. Correct? Do you remember giving that evidence, sir?---(No Audible Reply)

It's page 777 of the transcript, line 17 to 21.---Yes, yes.

10 And you said that when you ran for council, you didn't know what that involved.---Yes.

Do you remember giving that evidence?---Yeah.

That was page 778 - - - ?---Yeah.

- - - of the transcript.---Yeah.

20 And you said, I think, that when you commenced as a councillor there may have been some training but you wasn't, but you weren't sure, I think were your words.---Correct. Yes, yeah.

And you recall being provided with a code of conduct.---Yes.

Did you read that code of conduct?---Yes.

30 And you, I think, is this correct, you said that you consulted with Councillor Hawatt on how to vote on development applications. Correct?---Yeah. Well, me, Councillor Hawatt and Kanaan would discuss whatever matters were before the council meetings.

Yeah. And I think your evidence is to say that in answer to Counsel Assisting, that you really focused on sporting matters and that - - - ?---Yes.

- - - those other issues you left to - - - ?---Yes.

- - - Councillor Hawatt. Correct?---Sorry, what was that last bit?

40 The other matters you left, really, to Councillor Hawatt.---We would discuss it and if there was something that didn't add up we would always make sure that we were on the same page.

Okay.---Yeah.

Okay. You, do you know what the role of a councillor is under the Local Government Act?---I couldn't tell you, I can't remember what's in there.

Did you read the Local Government Act at all?---Parts of it, yeah.

Yeah. Well, do you want to tell us what you understood to be the role of a councillor?---No. I can't remember now, that was 2012.

Okay. And did you know what the role of a general manager was under the Local Government Act?---Yeah, there's sections in there, but - - -

Did you know what the role of the general manager was? Yes or no.---No. Not to, no.

10

No, okay. Can I ask that the witness be shown on the screen Exhibit 52, which was the code of conduct which has been tendered in the proceedings? It's volume 2, commencing on page 202, Exhibit 52. So, that's the code of conduct that you recall you were provided with as a councillor. Correct? ---Yes.

And you understood that you were bound by the code of conduct - - - ? ---Yeah.

20

- - - in relation to your obligations as a councillor?---Yes.

And at page 223, clause 5.9, you understood that, it will come up on the screen in a moment. You understood that you must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. Correct?---Yes.

30

And if you go to page 224, clause 6.2, it sets out there the obligations of councillors and administrators, and one of those matters were that as a councillor, you must not direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, and it goes on. Do you see that?---Yeah.

And in 6.2B, in any public or private forum, direct or influence or attempt to direct or influence any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate. Do you see that?---Yes.

40

Okay. And you understood that.---Yes.

Yeah. And if you then go to page 225, if I can trouble the Commission staff to go to that, clause 6.9, you also were aware of the prohibition in relation to inappropriate interactions.---Yeah.

And, you understood those matters, did you, that you must not engage in any of the following inappropriate interactions, councillors and administrators approaching staff and staff organisations to discuss

individual or operational staff matters other than broader work force policy issues?---Yeah.

Correct?---Yeah.

And if you go over the page to page 226, in G, "Councillors and administrators directing or pressuring council staff and the performance of their work or recommendations they should make." Correct?---Yep.

10 Yes?---Yes.

Tell me this, what do you think was going on in this meeting on 5 March at the Canterbury Leagues Club? What did you think you were doing there with Mr Stavis, Mr Vasiliades?---Can you, yeah, I'm just thinking. Yeah, getting an understanding of - - -

Please think.---Yeah. Getting an understanding of his, or where he wanted to progress with the council.

20 Were you telling him how he should do his job?---No.

Really?---That's not my, that's not my department. He's - - -

Not your department, okay.---He's been trained, he's studied as a planner.

Well, when Counsel Assisting showed you earlier the document that was sent from your email address, which I think you've now told us Councillor Hawatt did, correct?---Yep, yep.

30 Which I'm sure Councillor Hawatt's going to explain all that to us in due course, but in relation to page 135 of volume 5, if maybe that can be, come up on the screen again, these matters, you say, were matters which Councillor Hawatt wanted to discuss with Mr Stavis, correct?---Yes.

And you really had no idea in relation to any of these matters yourself, did you?---The lanes, I was interested in.

Were you?---Yep.

40 Anything else?---Well they were general discussion to what, to the, about the area, so - - -

Do you know what DCP refers to?---Yes.

What's that?---Development Control Plan.

Yes. And did you know what that's referring to there on the fourth last dot point? Do you know what that's referring to?---Sorry, I'm just reading it.
No.

Just so I understand your evidence, is this your evidence, I don't mean to be in anyway derogatory at all in saying this, but in relation, when it came to planning matters, is it your evidence that you basically followed what Mr Hawatt told you, is that right?---Depending on the situation, planning matters could mean a carport, driveway or, or a high-rise development.
10 That's - - -

Sitting here today, did you ever, can you recall any occasion in which you disagreed with Mr Hawatt in relation to a development proposal at Canterbury Council?---Yeah, there was a couple of times.

And what were they?---I can't remember which one.

You can't recall?---No. But I do know there whereabouts a few times that there was discussions in council.
20

And now the time is of course to be truthful, okay? Did you ever get told my your father how you should vote in the council? I mean, now is the time - - -?---No.

- - - to tell the truth. Yes or no?---No, no.

No. Are you sure about that?---Yes.

Do you think there would be something wrong if your father told you as to how you should vote on council matters?---Well, yes. It's not his position to.
30

No. And what about your father? Mr Hawatt would ask your father for advice on planning matters, wouldn't he? On planning proposals?---Yes.

Yes. The very planning proposals that would come before council, correct, Mr Vasiliades?---Yeah. I'm thinking, yeah.

Yes.---Give me a second. Yes, yeah.
40

Yes. And the very planning proposals that you would then vote on with Mr Hawatt before council, correct?---Yes.

Yes. So, in effect, is this the position, that your father's giving planning advice to Mr Hawatt, who then tells you how you should vote on planning matters, correct?---Well, I don't know what advice, he would discuss whatever's in the DCP to make sure that things added up. So - - -

But you recall, don't you, giving evidence that Mr Hawatt would ask your father for advice on certain planning proposals?---Yes. And I said yes just before.

Well, how do you know that?---Because they would discuss things.

Yes, and you were present.---Yeah, I was in the room next door so I'd walk in, I might have sat down for five minutes. And I've said all that.

10 And it's fair to say that Mr Hawatt would discuss planning matters with your father then. Correct?---Yes.

You'd accept that?---Yes.

Okay. Now, in relation to the issue of Mr Montague's termination, was it Mr Azzi and Mr Hawatt who were in effect, if I can use this term, leading the charge to support the motion to have Mr Montague removed, is that right?---Yes.

20 And they were telling you why they thought he had to go. Correct?---Yes.

And then he stayed, didn't he, Mr Montague then stayed, didn't he?---Yes.

Do you know why he stayed?---Hmm, no.

No. Did Mr Hawatt or Mr Azzi tell you why they had changed their views on Mr Montague?---No.

30 Did you earlier support the view of Mr Azzi and Mr Hawatt that Mr Montague should be removed as general manager?---Yes.

And then you changed your mind. Did you change your mind?---Yes.

Why?---Because Jim had met with us and we had, he had sort of mended the relationship. As I mentioned earlier, the meeting at the Canterbury Leagues Club was to sort of get everyone together and be on the same page.

Including Mr Stavis?---Yes.

40

What, so basically council officials, those two council officials, Mr Stavis and Mr Montague, would in effect agree to toe the line of yourself and Mr Hawatt and Mr Azzi. Correct?---Sorry, what was that question?

Well, is this the reason why you were on the same page, because they basically agreed to do what you wanted them to do?---No.

No?---No.

Okay. Okay. Now, can I ask you this question. If you were voting on proposal before council in which you had been the subject of an approach by your father to vote on, do you accept if that had happened that you would regard that to be inappropriate. Correct?---Yes.

Would you accept that?---Yes.

10 And the reason you would regard that to be inappropriate is that you should have disclosed that in relation to a meeting at council as being a matter that you had been the subject of an approach by your father to do something that would benefit him or one of his associates. Correct?---(No Audible Reply)

Do you agree with that?---Well, that's different to the first question that you asked.

Okay. Well, what about this question. Answer this question.---Yep.

20 Do you agree that if your father approached you - - -?---Yeah.

- - - to vote on something that would either benefit him or his associates, that is something that you would need to disclose to council. Correct? ---Yes. And I always declared my interest on many occasions.

Okay. Thank you. And just finally, do you own 14 properties?---No.

You don't?---No. I wish.

30 You don't?---No.

How many properties do you own?---Ah, three units and a semi.

Okay. And do you know where that income came from to get those properties?---(No Audible Reply)

Where did the money come from to buy those properties?---I bought the, my father helped me purchase the house when I had just turned 18.

40 Okay.---And then the units over time from the, I got a loan.

Okay.---Mmm.

That's your evidence?---Yes.

Okay. Thank you. I have no further questions for the witness. Thank you.

THE COMMISSIONER: Now, I'm sorry, I lost track. It's Mr Neil who's next.

MR NEIL: Yes. I have no questions, thank you, Commissioner.

THE COMMISSIONER: Thank you.

MR LLOYD: No questions, Commissioner.

MALE SPEAKER: No questions, Commissioner.

10 THE COMMISSIONER: Right.

MALE SPEAKER: No questions.

MALE SPEAKER: No questions.

THE COMMISSIONER: Now, I'm sorry, I'm losing track down there. Mr Drewett, any questions?

20 MR DREWETT: No, Your Honour. No, Commissioner.

THE COMMISSIONER: Now, I'm sorry, I think I've missed Mr O'Gorman-Hughes.

MR O'GORMAN-HUGHES: No questions, Commissioner.

THE COMMISSIONER: Right. Mr Stanton?

MR STANTON: No questions, Commissioner.

30 THE COMMISSIONER: Now, is that it? I'm sorry, I've kind of – it's a long courtroom.

MALE SPEAKER: No questions, Commissioner.

THE COMMISSIONER: Right. Mr Buchanan? Oh, I'm sorry.

MR PARARAJASINGHAM: No, no questions, Commissioner.

40 THE COMMISSIONER: I'm terribly sorry.

MR PARARAJASINGHAM: That's okay.

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Thank you, Commissioner. Just two matters, Mr Vasiliades. Thinking about – if it could be put up again, please, volume 5, page 135 of Exhibit 53 – the email dated 4 March, 2015, sent on your

account to Michael Hawatt's private email account, and you tell us that that would have been written by Michael Hawatt.---Yeah.

Did you know the sort of thing that he was sending in that email?---I can't recall. I can't remember. I think I was doing the work, on my work, on my desk next to me, and he had access to the computer next, on the desk next to me.

10 What would you say to the suggestion, if it were made, that by participating in the meeting at the Canterbury Leagues Club on 5 March, 2015, you were not acting honestly in the discharge of your functions and duties as a councillor?---We weren't, there was no suggestions. It was a general discussion. So I would say that's incorrect from what I understood.

Thank you. Thank you, Commissioner.

THE COMMISSIONER: Thank you very much. You're excused.---Thank you.

20

THE WITNESS EXCUSED

[4.31pm]

MR MOSES: Commissioner, there's just a programming matter that we wanted to raise with the Commission for its consideration, and I'm not going to traverse over the adjournment of the matter that you've dealt with this afternoon. We have written correspondence about this issue, and the concern has been – and there's no criticism – that we've lost effectively five and a half hearing days. There is, as you know, 13 individuals for whom I
30 act as well as the council, and what we were hoping was that there were three witnesses – and we've had discussions with the solicitor for the Commission after we raised it with Counsel Assisting and we were fairly directed to the solicitor for the Commission – we were hoping whether three of the witnesses, Andrew Hargreaves, Mr Farleigh and Mr McPherson, whether they could be dealt with on Monday, the 26th, before I cease my appearances in this matter for some time, in order that those witnesses be dealt with so that all our witnesses will be dealt with in this trial in terms of the ones that were being contemplated to be called.

40 THE COMMISSIONER: Mr Moses, can I suggest this? Could your solicitor – sorry, I'll come back. From what I've been told, Monday may be problematic but we will try and accommodate you. May I suggest the following. If your instructing solicitor could confirm with Ms Ellis those three witnesses and what time you have available, and then we'll take that on board overnight.

MR MOSES: Okay, Commissioner. Thank you.

THE COMMISSIONER: All right. Now, tomorrow morning we are commencing with Ms Ho.

MR MOSES: That's right. She's one of our witnesses, Commissioner.

THE COMMISSIONER: And if we can be here at 9.30.

MR MOSES: Yes, she's been advised to be here before that time.

10 THE COMMISSIONER: All right.

MR MOSES: Thank you, Commissioner.

THE COMMISSIONER: No other issues anybody has to raise? All right. We're adjourned until tomorrow morning.

AT 4.34PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.34pm]

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