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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 1 FEBRUARY, 2019

AT 2.00PM

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

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THE COMMISSIONER: Now, Mr Buchanan, before you resume, I just want to remind everybody and also inform everybody about the dates during the last sitting period that we've earmarked for this public inquiry. We will resume on 1 April at 10.00am, we will not sit on 3 or 4 April, but we will continue with the exception of public holidays until 3 May.

- 10 MR BUCHANAN: Thank you, Commissioner. Can I go back to two subjects that I've asked you some questions about before, Mr Azzi. The first one was the topic of the proposed sale by Mr Demian of the Harrison's site and the interest Mr Vasil had on behalf of certain purchasers in purchasing that site from Mr Demian. So that's the topic. And do you remember that we called it the Harrison's site?---Yeah.

But the carpet shop at 570 Canterbury Road – I withdraw that. The Harrison's site was in fact 548-568 Canterbury Road.---Yes.

- 20 The carpet shop site was 570-580 Canterbury Road.---Yes.

The carpet shop site, I think you've agreed you understood, was a separate site from the Harrison's site, even though they were both owned and both being, they were both projects of Mr Demian's.---Yes.

- 30 Now, even though they were separate sites, was it the case that when, as you understood it, you went to Mr Demian and said, asked him whether he was prepared to sell the site, and you did that at the request of Mr Vasil, were you asking about the Harrison's site meaning only the Harrison's site or did you mean the Harrison's site and the carpet shop site?---I didn't, I didn't ask him, I didn't identify any of, said Harrison's site. I didn't mention, I thought it's only one, one site for, I didn't know, I asked for Harrison site, that's what I did ask. I have no idea if they're separate or he's going to sell it all or separate it, I have no idea.

You didn't ask Mr Demian about the carpet shop site?---No.

- 40 Did Mr Vasil talk to you about the carpet shop site and Mr Demian selling it?---No, he just mention Harrison.

Excuse me.

So when at the time you were talking to Mr Demian and asking him to, whether he would be prepared to sell the Harrison's site, what did you understand you were talking to Mr Demian about? Looking back on it now, now that you know they're two different sites, what were you intending to talk to Mr Demian about?---Just what Mr Vasil refer to me about Harrison

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site. I don't know if they're separate or together. I have no idea. I said, mentioned Harrison site.

And there was nothing that Mr Demian said to you which was like, do you mean the carpet shop site as well or that he meant the carpet shop site as well?---No, he didn't, we didn't discuss individually, asking a question about Harrison site.

10 Now, I just want to take you back if I can, please, to the decision on 13 August, 2015 to approve the DA for the six storeys on the carpet shop site, 570-580 Canterbury Road.---Yeah.

Excuse me a moment. I want to show you if I can, please, volume 21, page 4. I want to show you part of the business papers for the meeting of the City Development Committee on 13 August, 2015, when that DA was considered, and what at page 4 of volume 21 we can see is that the business papers included the IHAP report in respect of various sites. Do you see that?---Yeah.

20 And going over to page 5, you can see that there was an IHAP recommendation in respect of 570-580 Canterbury Road.---Yes.

And the recommendation was that the DA be deferred to allow for further information to be provided?---Yes.

Going back to page 4, we can see that meeting of the IHAP was on 3 August, 2015.---Yes.

30 And this is all leading up to City Development Committee meeting on 13 August. Can we have a look, please, at Exhibit 123 and at page 6. Page 6 of Exhibit 123 is part of the call charge records for contact between Mr Demian, Mr Stavis, Mr Hawatt, yourself, Mr Montague and Mr Daniels and covers the period July-August, July-early August. Do you see that?---Yes.

And the meeting of the IHAP took place on 3 August. Can you see that? I'm sorry, I do apologise, can you see item 250 and 251?---250 and 251

40 That's right. 250 is a contact by Mr Hawatt to Mr Demian in 1 August, 2015. 251 is a contact from Mr Hawatt to Mr Demian on 4 August, 2015, an SMS as it happens. Do you see that?---Yes.

Now, there's a number of contacts that are shown here from the 4th, the 7th, the 8th, the 10th and the 11th, going through to 13 August just on this page, and all of these contacts are in the period after the IHAP has recommended that the DA be deferred. That's to say, not considered until further information had been received by the IHAP. These are contacts involving Mr Demian, and the decision of the IHAP affected Mr Demian because he

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had to pay costs on the land and it was a cost to him the longer any favourable decision was deferred or postponed. You understand that?
---Yeah.

Did Mr Demian ever complain to you about an IHAP report in respect of the carpet shop site?---I don't remember any complaint to me about it. I, I have no idea if I spoke to him that day.

10 Well, we can see that you did speak because on 8 August, item 264, Mr Demian contacted Mr Hawatt on 8 August and had a 3 minutes 34 second conversation with him. Can you see that?---Yeah.

And that was at 1.21pm.---Yeah.

At 1.25pm, he rang you.---Yes.

And the line was open for 1 minute and 45 seconds.---Yeah.

20 So the likelihood is that whatever Mr Demian was talking about with Mr Hawatt at this time was the same subject that he talked to you about, given that he rang you so closely after talking to Mr Hawatt.---I don't remember what was, I don't remember what was about. Could be anything.

But we know, we know, don't we, and you do now, what Mr Demian would have been concerned about at this time.---It could be.

30 That he risked no decision being made by the August meeting of the City Development Committee on his DA for six storeys at 370 Canterbury Road. I'm sorry, 570 Canterbury Road, namely the carpet shop site. So the likelihood is, you'd agree, that when talking to Mr Hawatt and talking to you, at this time Mr Demian would have been talking to you about council business, correct?---Well, I can't, it could be, could be anything, but I can't remember the conversation, sir.

Yes, but if it's just after having spoken to Mr Hawatt, it's inevitable, really, that Mr Demian was talking to the two of you about council business.---I can't remember what was the conversation about. It could be anything.

40 And it's inevitable, isn't it, that the business was the business he had with council.---I can't remember the, the conversation. Could be anything.

And the business that he had with council at this time was his DA for the construction of six storeys at the carpet shop site.---Well, I can't, I can't remember what was the conversation. I said could be anything.

So you have no recollection of Mr Demian being concerned about council not making a decision on his DA?---I said I can't remember a conversation, Mr Buchanan. Could be anything. Could be asking for anything.

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Well, no, you keep on saying, "It could be anything," but I've pointed out to you that it's most unlikely to be "anything".---I can't remember.

It's most likely to be his business with council, which at this time was the approval of his DA for six storeys at 570 Canterbury Road.---I can't remember a conversation.

10 It seems, though, that it's likely that there were a number of conversations or at least certainly it would appear here that there were attempts by Mr Demian to talk with you on the 13th August, the day of the meeting of the City Development Committee. This is item 271. At 11.19am there's a contact where the line is open for 59 seconds. Do you see that?---Yeah.

What conversations did you have with Mr Demian on the day of the meeting of the City Development Committee about his project at the carpet shop site?---I can't, I can't remember a conversation. Maybe go to the SMS or text or answering machine. I didn't have a conversation for 59 minutes, sir. I can't, I can't remember if I did answer the phone.

20

But you – I'm sorry, if the line is open 59 seconds - - -?---Yeah.

- - - it's most unlikely that if Mr Demian got a message saying that you weren't at home, that he left a message that lasted a minute to deliver, is it? ---Pardon?

Going over to page 7, again on the same day, item 274, after Mr Demian called you, item 273, at 2.55pm and the line wasn't open for a second even, you called him back.---I had - - -

30

Can you see that? The same time that he rang you, you rang him back. ---Yeah, I seen a message so I tried to call back.

And the line was open for 12 seconds. Do you see that?---Yes.

And then at 5.50, this is shortly before the meeting, there was a phone call, item 275, Mr Demian spoke to Mr Hawatt for more than 5 minutes. Can you see that?---275, yes.

40 At item 276 at 6.32, we're getting closer to the time of the meeting – I'm sorry, my mistake.

MR PULLINGER: It's 8.32.

MR BUCHANAN: Oh, I do apologise, I've made a mistake. I'll come back to you. Just a second. I just want to show you something in relation to the meeting of the CDC, volume 21, page 81. Sorry, I think I need to go back, yes, I do. I need to go back to page 80. I just want to show you that

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the meeting of the CDC where on page 81 we can see that you and Mr Hawatt moved and seconded the resolution to approve Mr Demian's DA for 570 Canterbury Road, do you see that?---Yeah.

And that was passed. You can see the word, "Resolved" there. Do you see that?---Yes.

Going back to the previous page, page 80, that meeting started at 7.43pm. ---Yes.

10

Do you see that? And page 97, the meeting finished at 8.10pm.---Yes.

So going back to the telephone records, Mr Demian rang Mr Hawatt, this is item 275, and spoke to him for more than 5 minutes at 5.50 before the meeting. Do you see that?---Yeah.

And then after the meeting at item 276 at 8.32pm, shortly after the end of the meeting, quite shortly after, you rang Mr Demian.---Yes.

20

And spoke to him for a minute and 31 seconds.---Yes.

Why did you do that?---Because I was replying to the first call. When the meeting finish I called him back, see what he, what he wants, why he's calling me.

And what did he say?---I can't remember what he say, I - - -

30

Well, hang on, how do you remember in that case that you were just calling him back?---Because he called me before the meeting, he said, I just went through this, and I didn't get back to him, I'm trying to call back.

Yes, you did.---No, I - - -

The line is open for 12 seconds.---12 seconds. I didn't get - - -

At item 274.---Yeah, 12 seconds, I couldn't get, didn't get through.

And so you can remember all of this, can you?---No, I've seen it here now.

40

No, no, no, no, no.---Excuse me.

Can you remember this?---Now I've seen it here, can remember what?

You can remember it, can you?---Can remember what?

MR PULLINGER: Well, I object to that, he said no he can't remember.

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MR BUCHANAN: Well, you can't object to your client's answer, with the greatest respect.

THE WITNESS: Excuse me.

MR PULLINGER: I'm not trying to - - -

THE WITNESS: You asked me the question before, Mr - - -

10 THE COMMISSIONER: Stop, hold on for a sec, Mr Azzi, your counsel has raised an issue.

THE WITNESS: Oh, sorry.

MR PULLINGER: He said repeatedly, no, I can't remember, I can see it here.

THE COMMISSIONER: All right. I think Mr Buchanan is exploring that answer.

20

MR PULLINGER: Thank you.

MR BUCHANAN: You can't remember this?---Can't remember what? Please reply to me. Can't remember what, Mr Buchanan?

Mr Azzi, you know we're talking about your telephone conversation that lasted for 1 minute and 31 seconds on 13 August, 2015, that is item 276 in Exhibit 123. You know we're talking about that.---Yes.

30 Can you remember that conversation?---What happened?

Can you remember that conversation?---No.

And in that case, can you assist us as to – would you agree that because the time that you rang him is so shortly after the meeting had finished, at which he got approval for his DA, that it is inevitable that you told him about the outcome of consideration of that agenda item?---No.

40 Why isn't that inevitable?---Because what I try to explain, he said to me, Mr Demian, what I can see here, he called me when I was through maybe a caucus meeting and the meeting, I couldn't answer the phone. When I finish the meeting, I called him back.

THE COMMISSIONER: You're referring to the calls which are items 273 - - -?---73.

Hold on. Let me finish, please.---Oh, sorry, sorry.

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You're referring to the calls which are items 273 and 274?---Yes.

Now, you've just said he tried to call me during a caucus meeting.---Yeah.
Or - - -

Did caucus meetings occur at 2.55?---Must be at a meeting. When I couldn't answer his phone, I tried to call him back to answer, to reply to him. You know, must be - - -

10 Do you actually recall this or are you reconstructing this based on the information on the screen?---On the screen here, ma'am. I can't, can't remember but when, I've seen it on the screen here, when he told me, he called, called, called, it must I'm, I'm calling him back after I finished.

But can you recall that or are you looking at these entries and thinking that must have happened or that's probably what happened?---That's what I've seen here, it could be happen.

20 Could be.---Could be happen because I'm returning the call. I didn't remember he made the calls, what - - -

MR BUCHANAN: Mr Azzi, twelve seconds is quite long enough for someone to ask, "Is everything okay for tonight?" and for the person to whom they're talking to say, "Yes, it's all okay tonight." It would take six seconds.---No way, sir.

MR PULLINGER: I object. Is that a question or is that a commentary?

30 THE COMMISSIONER: It was a question.

MR BUCHANAN: I'm asking the witness to agree whether that is right to not.---12 seconds?

Yes. You don't need 12 seconds to have an exchange like that.---No, no sir, no way. You can say hello.

I'm sorry, I didn't hear any of that. Could you say it again more loudly?
---Impossible to have discussion in 12 seconds.

40 No one says it's a discussion. I'm just suggesting to you that it could have been an enquiry on Mr Demian's part – you knowing what he's talking about, he knowing what you are going to do – to check that everything would be okay that night.---No, no.

Excuse me a moment.

Could we play, please, LII 07114, recorded on 8 April, 2016 at 7.34am. Mr Azzi, I'm going to play you a telephone conversation that was recorded at

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time when Mr Demian had the DA before council to add two storeys to the approves six storey development on the site at 570 Canterbury Road, namely, which has been called the carpet shop site.---Yeah.

AUDIO RECORDING PLAYED

[2.35pm]

10 MR BUCHANAN: Commissioner, I tender the audio file and transcript of that recording.

THE COMMISSIONER: The audio file and transcript of the recording LII 07114, recorded on 8 April, 2016 at 5.39am will be Exhibit 258.

#EXH-258 – TRANSCRIPT SESSION 7114

20 MR BUCHANAN: Excuse me. The call commenced I think at 7.39am, Commissioner.

THE COMMISSIONER: I'm sorry, what did I say?

MR BUCHANAN: I think you might have said 5.

THE COMMISSIONER: Did I? Sorry. It's 7.39am.

30 MR BUCHANAN: Thank you. Mr Azzi, you heard that recording being played?---Yes.

And you recognised the voices of yourself and Mr Hawatt?---Yeah.

Can I ask you about parts of the conversation, referring to the transcript, please, firstly on the first page. Towards the bottom of the page you said, "Yesterday I spoke with Spiro, I'm happy with the email he sent to Charlie." Do you see that?---Yes.

40 What was that email about?---I don't know, I don't remember the email, but maybe (not transcribable) the emails and I can't remember what was the email saying, but I was happy with Spiro with the email.

It would have been in relation to something that Charlie Demian had before council that Mr Stavis was involved in assessing.---Has to be.

Yes.---Come from the council.

This is an illustration, isn't it, of you vetting or checking Mr Stavis's work and in this case approving it?---No, I always ask Mr Stavis advice when we

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have to make decision. I have no clue in planning (not transcribable) each item we have to ask the general manager or the director for his advice on what he's planning to do, if it's all right or not.

How did you get to see this email?---He must send it to, maybe he, he could send it to me.

THE COMMISSIONER: But you're not a councillor now.

10 MR BUCHANAN: And what were the circumstances in which he maybe sent it to you?

THE COMMISSIONER: Sorry, you're not a councillor now, are you?
---Yeah. I, I was still a councillor.

Oh, sorry. It's May. Yes, sorry. I withdraw that Mr Azzi. Forget it, yes.

MR BUCHANAN: 8 April.

20 THE COMMISSIONER: Yes. Sorry.

MR BUCHANAN: That's okay. Mr Azzi, I'm just trying to find out what the circumstances in which you maybe saw the email Mr Stavis sent to Mr Demian? How did you come to see the email?---Normally, when we ask what, if something coming up to the business paper and we have the request and advice to ask what was going on. Normally he cc us all the information.

30 And what was in the business paper?---If I, what, if it's any, if any item coming to the business paper, we need advice, I need question, I have to ask for it to find out what the circumstances is.

40 Well, you see, I could be wrong but there was no reason for this property or DA for the addition of two storeys to the already approved six storeys at 570 Canterbury Road, the carpet shop site, to be in the business papers because it never got to the City Development Committee or council for approval before amalgamation. So it's most unlikely to have been something in the business papers. So why would you have been reviewing Mr Stavis's correspondence with Mr Demian?---It came to the business, it came to the council (not transcribable).

Yes. The DA did. It came, as in he lodged it over the counter. We know that that happened on 27 October, 2015. This is 8 April, 2016, and that DA was before council being assessed, but it was not determined before amalgamation and so it's unlikely, I suggest to you, to have been in the business papers.---Mr Buchanan, we get confused here. This email I thought is related to the same property as at before council. It's, it's under, I have no idea, sir. I thought this email related to the property.

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Yes. I suggest to you it does relate to 570 Canterbury Road, the carpet shop site, because that was the property that was being assessed. That was, sorry, that was the DA which Mr Stavis was assessing.---But I have no idea what was in this email at the time when we were discussing with him.

Well, except that you obviously were aware of what was in the email because you said you were happy with it.---Yeah, but at this time I have no idea what was in the email. I was (not transcribable) about - - -

10 And so the question is, though, I asked you originally, how come you were looking at Mr Stavis's email to Mr Demian?---He must, he sent it to me.

Yes. Why must he have sent it to you?---I have no idea why. It must be a reason.

Was it because you had expressed an interest to Mr Stavis in the assessment of this DA?---No. I have no interest. I always ask Mr Stavis for his view and advice if there's any issues coming around the council. I want to have, take like, information. I want to know what's right and what's wrong.

20

Are you saying that Mr Stavis was under a direction from you to copy you in on correspondence he sent to developers where there might be an issue? ---No. I always ask him advice. I have no idea about planning.

You see, this is a Demian property. It's inevitable, isn't it, that the reason he sent you or copied you in or showed you the email he sent to Mr Demian is because he knew you were interested in the assessment of this DA.---My interest is, if everything going all right under the code, I wasn't to find out, that's all.

30

You wanted to find out if there was going to be a problem for Mr Demian or a problem for council.---No, I want to find out is going to be a problem for the council and the council doing the right thing.

Can I show you, please, Exhibit 85. This is a bundle of calendar meeting entries in the digital calendar at council. And page 56 on 27 April, which is nine days later, the entry that's on the screen in front of you has been made by Ms Pettenon, who was a PA for Mr Montague, and it's for a meeting to take place at level 2 conference room on 27 April, 2016, with attendees being Mr Montague, Mr Stavis, yourself, Mr Hawatt and Charlie Demian. ---Yes.

40

And do you remember such a meeting?---No, I, I can't remember if it's happen and what's going on, but could be happen.

Do you know, can you help us understand how come the meeting was organised?---All the meetings of Charlie organised by the general manager.

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But why were you and Mr Hawatt attending?---To invited by the GM.

Why would he have invited you and Mr Hawatt?---I don't know.

Why wouldn't he have invited say the mayor and Councillor Eisler instead?
---I don't know.

Well, you do know, don't you, Mr Azzi. That's not an honest answer. You know exactly why.---I don't know. I have an invitation, I go.

10

You know that you and Mr Hawatt controlled the numbers on council?
---We are part of the team, we work together in the council.

You know that as Mr Montague understood that there were certain ways in which you and Mr Hawatt wanted things done in relation to planning and development.---Mr Montague, he runs the council and he knows like, it's, council works on numbers and he called me for the meeting, maybe for this purpose.

20

And you know that you were a friend of Charlie Demian's, and I suggest Mr Montague knew that.---Oh, I'm not friend with Mr Demian. I know him.

And you and Mr Hawatt were advocates in council for Mr Demian and for his development applications.---No, that's not right.

And Mr Montague knew that you were advocates for Mr Demian and his applications.---No.

30

That's why this meeting was organised, to the best of your knowledge?
---No. He always, Mr Montague always organised all the meetings for Mr Demian by himself, he always contacted him, never contact us for a meeting.

Well, it seems as if this was a contact – I withdraw that. Were you made aware of this meeting that you were expected to attend?---No.

You weren't made aware?---What, what, aware - - -

40

Were you made aware that you were expected to attend this meeting?---At this time, at that time.

Yes, on the meeting on 27 April on the level 2 conference room at 4.30pm.
---I have no idea if, I have no idea, I can't recall this meeting, but could receive an invitation for it, yeah, I did.

Was this the only time that you ever attended a meeting with Mr Montague and Mr Demian?---I can't remember I attend meetings, but at the council, I

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can't recall with all of us until I'm seeing it here. I can't remember it. But this meeting could be happening.

Yes.---Yeah, could, could happen.

And are you saying to us that you don't have a memory of any meetings at all with Mr Montague and Mr Demian in council chambers?---No. Because doesn't happen like regularly at council.

10 And if it didn't happen regularly, that would be more of a reason to remember it when it did happen.---Well, it's like regularly meetings, of course you cannot remember you've been attending meetings, but it's happened once or twice, it's very hard to remember if I attend the meeting. If it's happened, it's happened. I been invited, it could happen, this meeting. I'm not, I'm not denying it didn't happen.

Can I go back, please, to the transcript of the telephone conversation recording, Exhibit 258. And at the bottom of page 1 of the transcript, Mr Hawatt said, "Yeah, I mean, he's doing the right, he's doing the right thing."
20 This is referring to Mr Stavis. You see that?---Yes.

And then going over the page Mr Hawatt said, "I'm not going to pressure him too much."---Yes.

And then you said, "For him, he, he 21 to 13 units or 14 units or whatever, and he going to leave the rest at the bottom. Don't touch it."---Yes.

And Mr Hawatt said, "That's correct," and you said, "Fair enough."---Yes.

30 You were describing there in summary form changes that you understood that Mr Stavis was indicating that he wanted Mr Demian to make to the approved six-storey development before Mr Stavis would approve or recommend approval of the DA for the additional two storeys.---It is, it is (not transcribable) this idea, yes, his, he is the one who can recommend. He's the one who's doing the job. He know what he doing.

40 Why were you involved in the negotiations between council and this developer about what council was considering needed to be sacrificed from the original six-storey development before approval would be recommended for an additional two storeys? Why were you involved in that sort of detail in council's development assessment affairs?---I'm a part of the council, I'm a councillor, and I'm involved in everything and I have to make sure, when it's come back to council, everything been under, like, I want to understand it if this right or wrong. When I vote on it, I want to know if this under the code, yes or no. I get involved with everything. I want to know. I want to understand.

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You were supervising these negotiations, you and Mr Hawatt, weren't you?
---No, no, sir.

At page 2, a little after halfway down, Mr Hawatt said, "I said to him, 'No problems. Pierre should be okay.'" You see that?---Yes.

That's Mr Hawatt telling you what he said to someone. And I suggest to you it's to Jim Montague.---Yes.

10 And that Mr Hawatt was indicating that he understood already that you would agree with the negotiating position that council, through Mr Stavis, was taking with Mr Demian before there would be a recommendation for approval of his DA for two additional storeys on that site?---Yeah, because I always, sometime I disagree because if it's not right, I, I raise my concern. If it's, Spiro's happy and the director is happy what he's recommended, I'm happy.

20 But it means that you and Mr Hawatt had already spoken to each other with a view to working out your position as to whether you would agree with what Mr Stavis was proposing. That's what it means.---Always in the council, we have to agree what Mr Stavis recommended.

No, I'm sorry, sir. Oh, you might, you might be answering my question. Yes. Go on.---Yeah. We have to agree. I always agree what Mr Stavis recommended.

30 Well, you didn't. We've heard a telephone conversation played here where you were telling Mr Hawatt that you had a telephone conversation with Mr Stavis in which he told you what he was proposing doing, and you told him not to do it and Mr Stavis agreed not to do it, namely refuse an application. ---Well, which one you - - -

So that evidence you've just given is wrong.---No, it wasn't wrong, sir. He, if you can recall back, Mr Buchanan, sorry, can I answer your question?

Yes.---You took me back two/three days before. I think you're referring to that conversation about the car wash. Sorry, which one you talking about? When I said I don't, don't do it?

40 As I stand here, I can't remember which specific property it was. That's not the point. The point is, you were from time to time directing Mr Stavis in the work he did, and in particular you were directing him not to do what he was inclined to do on that occasion. Here, in your vetting of his work, you're agreeing with what he was inclined to do. That's the point.---I don't, don't, I don't direct Spiro Stavis about his job. If I have any issue arise just must be reason.

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Now, looking still at page 2 of this transcript, Exhibit 258. Mr Hawatt said, a bit over halfway down, "I said to him no problems, Pierre should be okay. He says," referring to Jim Montague, "He says maybe," I'm sorry, I'm wrong. My mistake. When Mr Hawatt said "I said to him", he's referring to Spiro Stavis. He goes on to say, "No problems. Pierre should be okay. He says maybe talk to Jim." Do you see that?---(No Audible Reply)

And so obviously Mr Hawatt was recounting to you a conversation he had with Spiro Stavis. You understand?---Yeah.

10

"He says maybe talk to Jim. He doesn't pressure him, you know. He's, he's worried about Jim pressuring him as well." Mr Hawatt was telling you there that Mr Stavis was worried about Jim pressuring him on behalf of Mr Demian, wasn't he?---Yeah.

And then Mr Hawatt said, "But I think Jim, if he knows that we're onside, he's, he's okay all right." You understood Mr Hawatt to be saying that if he knows that you and Mr Hawatt supported Mr Montague on this issue - - -? ---Excuse me?

20

THE COMMISSIONER: Mr Stavis.

MR BUCHANAN: He would be prepared to support Mr Montague on this issue, he would be prepared to support Mr Stavis against Mr Demian. Do you see?---Can, if can't read it - - -

You've got this problem - - -?---I read the transcript, not, you, you confuse me. He said he worried about Jim pressuring, pressuring him as well but I think Jim, if he know that we are onside, it's okay, all right. What - - -

30

That's right. He, Stavis, will be okay.---Yeah, that's mean, what this mean?

If Jim knows that we're onside then Stavis won't get pressure from Montague to do what Demian wanted, because otherwise the inference is, Montague would pressure Stavis to do what Demian wanted.---It looks like, because we're supporting Spiro recommendation.

Mmm. And what this does is tend to, it's a little insight into how the power dynamic worked in relation to the assessment of development applications by council when they involved Mr Demian, because Mr Montague it would appear was a bit scared of Mr Demian but if he thought he had allies in the form of Mr Demian's advocates and friends, you and Mr Hawatt, then he would be more inclined to support his own staff if they were in dispute with Demian. That's what this tends to suggest. Do you understand?---Didn't understand this conversation like this, no.

40

You tell us how you understood it.---What I can, what I did say here and what I can read here, it said no problem here should be okay, he says maybe

Sensitive

talk to Jim, he doesn't pressuring, you know he is worried about Jim pressuring him as well, but Hawatt said, "But I think Jim's, if he knows that we're onside," he mean Spiro, on Spiro's side, not him, we're on Spiro's side.

Yes.---How Montague, you're saying to me Montague was scared from me and Mr Hawatt on Demian's side. Here referring to Spiro, we're on Spiro's side.

10 Yes. But if he knows that Demian's usual allies will support Spiro in this dispute with Mr Demian, then he, Mr Montague, isn't going to be out on a limb - - -?---No.

- - - having a fight with Mr Demian, he can afford to support his own staff, and that way Mr Demian will be all by himself and that there will be you, Hawatt, Stavis and Montague, all together seeking the same thing in respect of Mr Demian's development application.---I can take - - -

20 That's the politics of it, isn't it?---No, I can take it the other way, if Jim Montague was scared from us supporting Spiro and we sided with Spiro, with the officers. We are the one who sided with the officers, why, I don't know.

I'm not suggesting you didn't. That's quite right, obviously.---Yeah. But why he has to be scared from us or - - -

No, no, I'm not suggesting he's scared from you.---He's scared from Demian you mean?

30 Yes, yes.---Well, but not because - - -

Mr Demian was a person, Mr Demian was a person who could be quite forceful when he was having a verbal argument with someone, wasn't he? ---Well, then mate, I don't scare from me, I make my decision what I believe is right, nobody can scare from me and I don't scare anybody. If I'm right - - -

40 Commissioner, can we play another recording. It might be appropriate too at this stage if I can suggest we take a very short break.

THE COMMISSIONER: Just a quick break. All right. We'll take a very short break and resume in a couple of - - -

MR BUCHANAN: Five minutes.

THE COMMISSIONER: In five minutes.

Sensitive

SHORT ADJOURNMENT

[3.04pm]

MR BUCHANAN: You remember I was taking you to a part of the telephone conversation you had with Mr Hawatt on 8 April, 2016 – this is Exhibit 258 – in which you said that you’d spoken with Spiro and you were “happy with email he sent to Charlie”. We were looking at that earlier.
---Yes.

10 Can we have a look, please, at Exhibit 69, volume 23, page 130. That conversation you were having on 8 April, 2016, was Mr Hawatt. This is a copy of an email at the top of the page from Mr Stavits to Mr Demian, cc’d to Jim Montague, about 570-580 Canterbury Road. And can you see that he describes it as “option 2” and amongst other things it involves the removal of a number of units. Do you see that?---Yeah.

From the top two proposed levels. Can I suggest that might be the email that you were happy with, the second option that Mr Stavits was proposing to Mr Demian?---Whatever, look, if this email been sent by me from Spiro
20 and this email - - -

I'm sorry. If I said it was sent by you, I do apologise. I didn't mean to say that. It was sent, according to what we see in front of us, by Mr Stavits to Mr Demian, copying in Mr Montague. And so is this the email, do you think, that you were happy with?---I don't remember the email but if this email been sent to me and Spiro Stavits happy with what he’s doing, I'm happy.

30 And on the subject of whether it was sent to you, can you see that underneath that there is an earlier email of 4 April, 2016, in which Mr Stavits described what he called there option 1?---Yeah.

And then if you go to page 124, you can see that that email appears there. Was that an email that was copied to you or that you saw?---I don't remember which one, sir, but what I, I don't remember which one has been sent to me. I have no idea. But what I can tell you, I have no idea which one has been sent to me.

40 Can I take you please to another telephone conversation. LII 07709, recorded on 30 April, 2016. Excuse me a moment. Commencing at 9.39am and I can inform you, Mr Azzi, that 30 April, 2016, was a Saturday and also I should inform you that this is only part of the conversation. You and Mr Hawatt talked about other things as well but we’ve cut that out because it’s not relevant to the enquiry. So, it’s only the first part of the conversation that you’ll be hearing.

AUDIO RECORDING PLAYED

[3.21pm]

Sensitive

01/02/2019
E15/0078

AZZI
(BUCHANAN)

6143T

MR BUCHANAN: I tender the audio file and transcript of that extract of the telephone conversation.

THE COMMISSIONER: The audio file and transcript of the extract of the recording LII 07709, recorded on 30 April, 2016 at 9.39am will be Exhibit 259.

10

#EXH-259 – EXTRACT OF TRANSCRIPT SESSION 7709

MR BUCHANAN: Mr Azzi, you heard that recording being played or that extract of the recording being played?---(No Audible Reply)

You have to say something, sir.---I said yes, sorry.

20 Thank you. And did you recognise the voices of yourself and Mr Hawatt?
---Yes.

Bearing in mind that 30 April was a Saturday and Mr Hawatt was asking you, "What time did you finish yesterday?" you and he were talking about one of the occasions when you provided hospitality at your house on a Friday night?---Yes.

And the guests that you talked about were Montague and Demian?---Yes.

30 And they stayed until late?---Yes.

And you called them a taxi each to take them home?---That's what I said.

Because it wouldn't have been safe for them to drive?---Yes.

Because they'd had that much to drink?---They had a few drink and it's not safe to drive, yeah.

40 And then Mr Demian came over to collect his car on the morning of 30 April, the Saturday?---Yeah.

And you had a coffee with him and he left?---Yep.

And that was a time when the DA by Mr Demian to add two storeys to the approved development at 570-580 Canterbury Road was still before council.---Was still before council.

Yes.---Yes.

Sensitive

As far as you knew, you would be called upon to vote on that DA.---Yes.

And you were quite happy, you didn't think it caused a conflict of interest to have the general manager and the developer over to your place drinking and socialising to such an extent that they had to get taxis in order to be able to get to their respective homes that night.---I don't understand, Mr Buchanan.

You didn't think there was a conflict of interest?---No.

10 Does that mean that if council hadn't been amalgamated before council had been called upon to decide whether or not to approve that particular development application, you would have voted on it without declaring that Mr Demian was your friend, that you had a non-pecuniary interest for that reason?---I repeat, Mr Demian is not my friend. He came, Mr Demian came along with the general manager and he is not my friend.

20 Do you mean they arrived together?---They always, Mr Demian never called me when he's going to come to my place, always arrange when he want to meet with the general manager and they organise, and the GM ask me if I'm at home or busy or say he's going to come by.

And then to your surprise he brought Mr Demian with him?---When Mr Demian want to see him or he wants to meet with him or discuss something or want to see us, he always arrange it with the GM, with Jim Montague.

30 And was this one of those occasions, Mr Montague brought Mr Demian along so that Mr Demian could talk with the three of you about – I'm sorry, I do apologise, with the two of you, you and Mr Montague, about this outstanding DA he had before council?---When he wants to come and talk to something he always call Mr Montague.

And when you say he wants to call and talk about something, that's you mean to say his business with council?---When he, when he want to talk and discuss anything about if he wants something, he always contact Mr Montague, when, even when he come and meet with us or come to my place.

40 And so can you tell us what was discussed between the three of you that night, 29 April – I do apologise, yes, 29 April, 2016?---I don't remember what, what we discussed. Normally he brought everything with the general manager and I can't remember what he was, what we discuss at that time.

Can I change the subject now and ask you about a different site, 638-546 Canterbury Road. This is the other side, the eastern side of the Harrison's site. On the western side you had the carpet shop which was owned by Mr Demian - - ?---Yeah.

Sensitive

- - - and was the subject of DAs, on the eastern side you had Spoilers car wash. Do you recall that?---On the same side.

On the same side of the road, yes, that's the southern - - -?---Yeah, yeah.

- - - side of Canterbury Road, and you recall we've spoken previously about the car wash site.---The car was site, yeah.

And that was owned by Mr Maroun.---Yes.

10

And Mr Maroun had DAs before council to have a six, well, ultimately a six-storey development and then he lodged a DA for the construction of two additional storeys, the same as Mr Demian had done for his two sites next door.---Yes.

Now, Exhibit 169. How long had you known Mr Maroun?---I known about him from years.

20

Excuse me, Mr Azzi. And what were the circumstances in which you had initially come to know him?---I heard about, like, I know, I knew Mr Maroun, I heard about him for more than 20 years, 25 years, yeah.

And how did you heard about him?---He was, at once, he was a member and director of the Legion Cabs company.

Legion Cabs?---Yeah.

30

And had you worked for Legion Cabs or had you worked under the label, the brand Legion Cabs?---Yeah, but after he left.

Oh, I see. Right. Did you develop a relationship with Mr Maroun?---No.

Did you ever have any sort of relationship with Mr Maroun?---Can you please explain what you mean a relationship?

Talking to somebody.---Like, I don't understand the question. Relationship become like - - -

40

I don't mean were you married to him. I'm asking did you have any friendship with him, perhaps?---No.

What was the nature of the relationship you had with Mr Demian, I do apologise, Mr Maroun in the period 2014-2016?---It's a normal, normal relationship.

Yes, but how would you describe it?---As a professional friend.

A professional friend.

Sensitive

THE COMMISSIONER: Sorry, what do you mean by professional friend?
---Look, our, can you let me to explain something to you, madam.

I'd like you to answer my question, which is what do you mean – you've used this term a number of times – what do you mean by a professional friend?---Professional friend, like, he has, we talk if he has something, any issue like to discuss any business related to the council, he want something, he want to call, I have to help him with this. It's, it's professional, the
10 relationship, we haven't got friendship, like, like, we're, you explain it in the, like, a family friendship or anything like this. Like, in our, in our culture, like, explain to you, like, the Aussie, I call every day, everybody in and out of my taxi, my mate, mate, mate, mate. In our culture we call everybody, "Hey, friend. Hey, friend," in, in Arabic. But when you explain to me, I call people friends in Arabic doesn't mean I have relationship with him. Like a mate, that's what I'm, explain myself.

But Mr Azzi, you have been the person who first used the term professional friend.---Yeah, this mean, I have no relationship with him or friendship like
20 what's mean. It's, it's a friendship only on, start here, stops here. Like, like, (not transcribable) you know, limited.

Like what, sorry?---Like, like question and answer, limited friend. We call it limited friendship, if you have any issue, business stop here. Things done, it's not like a related relationship. I, I have, it mean when we call people friend, that doesn't mean I know them. I don't have any relationship, sir, with him, no.

MR BUCHANAN: Could you have a look, please, at Exhibit 169, if we
30 could put that on the screen, please. This is a series of call charge records which up the top at the title says for contact between Jimmy Maroun and Pierre Azzi.---Yes.

And do you see that again they've got numbers down the left-hand side, so referring to those numbers, the first contact identified in this table is a contact between you and Mr Maroun initiated by you on 18 July, 2013. Can you see that?---Yeah.

Where there was a conversation for more than 6 minutes.---Yes.
40

Can you see that there are a number, indeed numerous contacts throughout 2013, going down to item 42, so that means there's 41 between the two of you - - -?---Yes.

- - - in 2013. What were you talking about with Mr Maroun in that period?
---Oh, Mr Maroun since I've become here, first thing he tried to know me and always he got too many issues. I start in the council, he tried to, always

Sensitive

he got issue with the council, try to like, follow it up and try to ask me about council's things when I become a councillor.

Yes. What was the interest that he was expressing, was it related to a property or to properties?---Yeah. Mr Maroun used to have, what my understanding, used to have a few sites in Canterbury Council.

For development?---No, when he start talk to me he used to have one for, had planning proposal.

10

Well, in respect of the car wash site, 538 Canterbury Road, there was both a planning proposal and some DAs, weren't there?---Excuse me?

Thinking of the car wash site - - -?---Yeah.

- - - that was owned by Mr Maroun - - -?---Yeah.

20

- - - there was a planning proposal that affected it and there were DAs that Mr Maroun lodged in respect of it, weren't there?---It's, it's come late, you ask me when I start talking to him.

Yes.---Said before he had one and this.

Right.---And I'm a bit confused, Mr Buchanan. Now I was talking about the early start.

Fair enough.---Yes.

30

That's 2013, which is what I asked you about.---Yes, and now, yeah.

That's certainly correct.---I did answer that question.

Yes.---And is another one, what?

40

And why were you answering his calls in 2013, why were you making calls to him in 2013?---He, he must contacted me and I was a new councillor and I tried to return the calls for the resident. I didn't know what the cause of it. And that's what I started, you know, must be returning calls or any request by him or any, I'm returning calls.

Was Mr Maroun a resident in the Canterbury local government area?
---Yes.

Where did he live? Suburb will do. What suburb did he live in?
---Earlwood.

Thank you. But he was calling you about properties in which he had an interest in respect of their development, wasn't he?---Later on I found out,

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it's the start, started like this. You said when you start calling him, but later I did find out.

Yes, but what in that case were you and him talking about if it wasn't about his properties in 2013?---Yeah, he mentioned, he, he, at one stage he tried to tell me we have things and things and things, but I was like, just started at the, in the council and listening to people what they have, yes.

10 Wouldn't it be more accurate, instead of calling him a resident, to describe him as a developer?---I find out later on he's a developer.

When did you find that out?---After I start knowing him, what he's doing, I start hearing he's developing sites but not in Canterbury.

When did you first hear about him having development sites?---I don't remember when. It's way later.

Way later than 2013?---Yes.

20 So there are all these contacts in 2013 and you never knew that he had any sites for development in the Canterbury local government area?---Only that proposal.

A planning proposal?---Yeah, a planning proposal.

So you knew that he had a planning proposal to change the planning controls for the site at 538 Canterbury Road?---He got one, I don't know the number, which number. Not the car wash site.

30 Not the car, another site.---It's, yeah, another site.

And so that made him a developer, didn't it? He was trying to change the planning controls in respect of land in respect of which he had an interest. ---Yeah, he become a developer, yeah.

Well, what I'm trying to find out is the nature of your relationship. You're saying it was only business and the business would have been council business.---Council business.

40 And the council business must have related to planning and development. ---It's, it's finished.

And so how come you didn't discover he was a developer until a lot later than July 2013, when this record of your telephone contacts with Mr Maroun starts?---He wasn't building.

Yes?---He wasn't building.

Sensitive

Yes, but it takes a long time before a developer gets to actually build. First they have to have permission.---Yeah.

They have to have consent.---You have to have a site.

Yes. Was he talking to you about getting sites?---No.

10 So what was he talking to you about? If it was about business and not a friendship - - -?---No, when I, I can't remember the first talk with him, and the only one I, like, knew about it, the planning proposal, he said we had, his, like, inquiry about, he had a submission been before the council for two years or whatever, and we have, we have to find out what's going to happen and what's happened to it. (not transcribable) about the planning proposal.

20 You see, Mr Azzi, it's very difficult to accept that one of these two situations didn't apply from 2013 onwards. Either you had an existing friendship or you developed a friendship with Mr Maroun or you were contacting him and he was contacting you from July 2013 onwards about his business, namely the development of property.---That's what he, I remember he talk about it.

He talked to you about the development of property.---He talk to me about his planning proposal.

Right. And that was property in the Canterbury local government area. ---Yes.

30 And so from the beginning you knew you were talking to a developer. ---Yes.

There were a lot of contacts there in 2013. Can you see that? Some 41 or so. And admittedly some of them might have been leaving a message but there's a number of lengthy contacts.---Yes.

You were in regular contact from July '13 onwards according to this document, weren't you?---Yeah.

40 Now, item 43, sorry, my mistake, item 43 is the beginning of 2014 in this record. It's a call that he made to you on 3 January, line open for 1 minute and 45 seconds. And then over the page to page 2, can you see that down to item 82 there is a large number of telephone contacts between you and Mr Maroun in 2014?---Yeah.

Again you were talking to each other about his development aspirations, what he was trying to achieve with his properties in Canterbury Council. ---Can you go back? You said we have a lot of talk, but most of them we didn't get in contact.

Sensitive

How do you know?---Well, I can see it here.

Oh, I see. It's not because you've got a memory of it. It's your interpretation of the data, is it?---Yeah. I'm just looking what you, number, the, the conversation.

10 Yes. Mr Azzi, in June 2014, Mr Maroun lodged a development application with Canterbury Council for the construction of a seven storey mixed used development on 538-546 Canterbury Road, Campsie, namely the car wash site.---Yeah.

And so from certainly that time onwards, would it be right to say that the entries in here from number 72 onwards, were to discuss that DA?---It could be, sir. I can't remember.

20 And what was it, why were the two of you talking to each other about that DA?---Mr Maroun, he always call, call, call, call to find out what was going on but most of these calls, sometimes not connected. He kept calling, calling, calling until I answer the call or return the call. He must be enquiry about his DAs or his development.

And did you tell him that the planning department of council had staff who were perfectly capable of answering that question and not to bother you anymore?---Yeah, I told him but he kept calling and always, always people call, call, call. You have to answer.

30 You might have to answer but you can fob them off, can't you? You can tell them, not my job, talk to the staff who look after this, can't you?
---When I answer the phone, I always direct him, if you have any issue, just you can call the council and you can deal with it but I have to answer the call to just tell him these words. If I can help him, I can help him.

I can inform you that Mr Maroun's DA for the construction of seven storey development on that site was amended, he changed his plans and reduced it to six storeys, and on 4 December, 2014, the City Development Committee approved the DA.---Yes.

Did you vote on that?---I think so.

40 Did you declare that you knew Mr Maroun?---I knew him.

Did you declare that?---No.

Did you declare any interest in that DA?---I don't have any interest.

Then on 14 May, 2015, the City Development Committee resolved that a planning proposal be prepared to increase the maximum permissible building height on that site from 18 metres to 25 metres. It wasn't just that

Sensitive

site, I have to hasten to add, it was also Mr Demian's carpet shop site, both sites. Do you remember voting in favour of that?---I can't remember what, if it - - -

But you assume you did, can't you? We can have a look.---If it's been recommended, yeah. I assume.

10 This is an extract from the minutes of the meeting of the City Development Committee of 14 May, 2015 and can you see that agenda item 3, in respect of 538-570 Canterbury Road, was a development application and that was resolved, moved Hawatt, seconded you, that that planning proposal be prepared to increase the maximum permissible building height for those two sites.---Yeah.

You didn't declare an interest in either of those matters, did you?---No.

Even though Mr Demian was your friend.---He's not my friend.

20 And you certainly knew Mr Maroun well by May 2015, didn't you?
---But he's not my friend. I, I knew him but, but as a resident.

Did you have a relationship with Mr Maroun at this stage whereby you were doing whatever he asked you to do?---No.

Did he ask you to do things?---Like for him?

Yes.---Except ask me to do things like council matters or outside council matters?

30 Well, you tell us.---He never asked me to do anything for him, only he inquiry. I did nothing to him.

And what were the sort of inquiries he made?---It's always inquiry about his issues in the council. When he called me I said, show him to the right direction as a councillor.

40 You should have declared an interest in that planning proposal, shouldn't you, namely the relationship you had with Mr Maroun of helping him with his DAs and planning proposals?---I didn't help him, I did my job.

You gave him as much assistance as you could.---As a councillor.

And then on 9 June, 2015, Mr Maroun lodged a section 96 application to change the approved development, the six-storey one?---Yes.

And to, he lodged another application to construct an additional two floors on the approved development at 538 Canterbury Road.---Yes.

Sensitive

Excuse me a moment.

And if I can just inform you so that you have a picture, on 10 March, 2016, the City Development Committee approved that section 96 application and that DA.---Yes.

So the section 96 application and the DA were before council in the sense of being assessed with a view to being determined between 9 June, 2015 and 10 March, 2016. Do you understand?---Yes.

10

Did you have any discussions with Mr Hawatt about having contacts with Mr Maroun?---Could be, yes.

What discussions did you have?---I don't remember what the circumstances is and what the request or what the issues was.

What was the subject matter of your contact with Mr Hawatt about his contacts with Mr Maroun?---It has to be a reason to discuss any issue or any matters.

20

Yes.---When he will discuss it with me.

Yes.---But, yeah, we discuss this section once. This is the section 96 application.

Did you understand that Mr Hawatt was getting these calls from Mr Maroun making inquiries the same way as he was making calls to you?---I believe, yeah, he, he used to call Mr Hawatt, yeah.

30

And what was your understanding as to, why would he call Hawatt rather than you? Or why would he call you rather than Hawatt?---At one stage I can't give him, I, I don't know. I have no idea. It was maybe I couldn't get, give him the answer or anything, or maybe he doesn't like. I don't know why he didn't call me. He always called. I had no idea.

Was it your understanding that both Mr Hawatt and you were providing assistance to Mr Maroun in respect of these applications for 538 Canterbury Road?---We gave Mr Maroun assistance. Yeah, we helped at one stage.

40

And what was that assistance?---Oh, he had, like, I, I didn't, it's about that section 96. I can't remember. Mr Hawatt asked me to. At one stage when he had a problem with a section 96 with the council, I believe, I can't remember what Mr Hawatt said to me. Like, said that he claiming that, that application, it's been in the council for the last two or three months and hasn't been assessed. And I believe I did inquiry on behalf of Mr Hawatt about this.

Did you have any meetings with Mr Maroun?---Yes.

Sensitive

How many?---Few times.

How many?---Well, what I can remember, three, four times, five times, something like that.

10 And were they all about his business with council in respect of the car wash site?---It's, it's always could be, yeah, a reason he called and we assist. We, like, we, sometimes we discuss another things, like nothing related to the council, and most of the time he ask because he always kept asking, asking Mr Maroun.

Where were these meetings held?---Sometimes at his place.

In Earlwood?---Yes. And I believe in, at the, and some, some of them at the gym, café outside the gym in Earlwood.

The gym at his place?---Gym. Gym. The gym, gym.

20 G-y-m.---The gym - - -

Gymnasium.---Yeah, yeah, Con Vasil's gym.

Oh, Con Vasil's gym?---Yes.

I see. But he, Mr Maroun, had a gym at his place, didn't he?---He got, like, weightlifting, he got some weightlifting, treadmill - - -

30 Equipment?---Equipment.

THE COMMISSIONER: But when you said you met at the gym with the café - - -?---Yeah (not transcribable)

- - - you previously gave evidence - - -?---Yeah.

- - - that that would mean you'd have a coffee at the café.---It's a gym and attached to the coffee.

40 And you'd meet in the coffee place?---Yeah, outside, the coffee place.

MR BUCHANAN: And why did you have meetings with him if all he was doing was making enquiries of you that, as far as you were concerned, could be answered by staff?---Because always he, he always ask, ask, ask and he want to, I'd always request for a meeting. I sometimes - - -

Yes, but why did you go? It was your decision, why did you go?---Yeah, well, I, it's very hard. Sometimes you have to go, I like to go to find out what's going on and - - -

Sensitive

Why do you have to go to find out what's going on?---Because I want to understand if, especially when, if another councillor's going and I like to hear by myself what's going on and what, is he telling the right thing because he's always complaining about the council.

And did you understand that Mr Hawatt had meetings with Mr Maroun?
---It's, it's could be, yeah.

10 Well, when you say could be, you know that happened, don't you?---It happened when I, when I be there, Mr Hawatt be there.

And you know that Mr Hawatt had meetings on his own with Mr Maroun, don't you?---Sometime, yeah.

Because you and Mr Hawatt talked about that, didn't you, on the phone?
---Yeah, he told me, yeah.

I note the time, Commissioner. This will be a convenient time to adjourn.
20

MR PULLINGER: You don't want me talking - - -

MR BUCHANAN: There's just one matter before we rise.

THE COMMISSIONER: Oh, yes.

MR BUCHANAN: I don't know that Mr Azzi needs to remain in the witness box if you're prepared to adjourn at this stage, Commissioner.

30 THE COMMISSIONER: Look, I'm sorry, Mr Pullinger, you want to raise something with me?

MR PULLINGER: It's a matter that I've raised with Counsel Assisting.

THE COMMISSIONER: All right. Hold on for a sec. Mr Azzi, we will resume on 1 April, so you have to be back here 1 April before 10 o'clock. So if you want to leave the witness box, that's fine.

THE WITNESS: I can leave or (not transcribable)
40

THE COMMISSIONER: You can go now.

THE WITNESS: All right.

THE WITNESS STOOD DOWN

[4.02pm]

Sensitive

MR PULLINGER: It's just a matter of taking an opportunity to confer with Mr Azzi, but I've indicated to Counsel Assisting that rather than risk the possibility of any adverse comment I will not during the interval between now and April in fact confer with Mr Azzi.

THE COMMISSIONER: All right. Thank you for that, Mr Pullinger.

MR BUCHANAN: I have to indicate that was me indicating my preference to Mr Pullinger.

10

THE COMMISSIONER: Yes. No, thank you for that indication. You raised with me first thing this morning about an opportunity to confer with Mr Azzi. I'll take that on board. Maybe on 1 April when we see how long Mr Buchanan is that day and then we've got some other people who will probably want to ask Mr Azzi some questions as well, but you've raised that and we will revisit that back on probably 1 April.

MR PULLINGER: Thank you, Commissioner.

20

THE COMMISSIONER: All right, everybody. Any other issues? All right. We are now adjourned and we will resume on 1 April at 10.00am.

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

Sensitive