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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 MONDAY 1 APRIL, 2019

AT 10.00AM

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

THE COMMISSIONER: All right.

MR BUCHANAN: Commissioner, before we resume my examination of Mr Azzi, there's one substantial administrative matter. If I could, the proposal is that I tender a series of items, mostly documents, as Exhibits 260 through to 269 as per the sheet that I have provided, Your Honour. The proposal is that they be tendered electronically and that copies will go up on the Commission's public website.

10 THE COMMISSIONER: All right. So everybody's receiving a copy of this at the moment.

MR BUCHANAN: And it might be convenient, instead of me reading onto the record the contents of the list, if, Commissioner, you were to mark for identification this list.

THE COMMISSIONER: All right. Can I just check, proposed Exhibit 261, the three statements, are they statements of Mr Lakos?

20 MR BUCHANAN: No. They're statements of officers with assumed identities of the Commission as to surveillance duties they performed. This proposed Exhibit 264 is to provide the Commission with evidence of the results of the September 2012 election, and in particular as to the wards from which the respective successful candidates were elected. Item 265 is an additional statement by Brian Robson, and items referred to in Exhibits 266 and 267 are matters that pertain to the subject matters of Mr Robson's further statement of 13 March this year.

30 THE COMMISSIONER: Can I just check, with Exhibit 262, the section 112 revocation order, I'm just unclear, has that been made or - - -

MR BUCHANAN: (No Audible Reply)

THE COMMISSIONER: It has been made, good.

MR BUCHANAN: I am told it has.

THE COMMISSIONER: All right. Oh, sorry, Mr Buchanan.

40 MR BUCHANAN: My notes, I got reminded, show that it was revoked by you, Commissioner, on 1 August, 2018.

THE COMMISSIONER: Oh, thank you.

MR BUCHANAN: Yes. The item that is proposed Exhibit 263, the series of items are IHAP reports by council to the department for the years 2013-2017, and I can indicate for the record that these were referred to in the evidence of Mr Stavis, transcript pages 3871 to 3872, and at that time we

informed you, Commissioner, that the information we provided at that point would be supported by documentary evidence at a later stage. This is that documentary evidence.

THE COMMISSIONER: All right. Everybody has now got a copy of the schedule of proposed exhibits. Is there any objection to the tender of any of these exhibits? All right. Oh, Mr Andronos.

10 MR ANDRONOS: Oh, no, Commissioner. It's just we haven't seen the documents so how could we possibly object even if we had an objection?

THE COMMISSIONER: I didn't realise that. Before allowing these into evidence, Mr Buchanan - - -

MR BUCHANAN: Perhaps they could all be put on the restricted website, would that be a - they could all be put on the restricted website and the parties could consider them overnight with a view to us revisiting the tender tomorrow morning?

20 THE COMMISSIONER: Yes. That's what we'll do. So, sorry, Mr Andronos. I see a couple of them have been on the restricted website for a while but others haven't, but what I'll, what I propose to do is, as outlined by Mr Buchanan, he's foreshadowed that these will be tendered. We'll get the ones that aren't on the restricted website on it and if everybody can review it overnight and, if there are objections, raise them first thing tomorrow morning.

MR ANDRONOS: Yes, thank you, Commissioner.

30 THE COMMISSIONER: In the meantime, should I mark this for identification?

MR BUCHANAN: That might be convenient, Commissioner. I'm afraid I can't remember the last MFI number.

THE COMMISSIONER: I was going to suggest 4.

MR BUCHANAN: People are nodding.

40 THE COMMISSIONER: Everybody's nodding, good. All right. The proposed additional exhibits and the schedule which sets out proposed Exhibit 260 through to 269 will be marked for identification 4.

#MFI-04 – PROPOSED ADDITIONAL EXHIBITS AND THE SCHEDULE THAT SETS OUT PROPOSED EXHIBITS EXH-260 TO EXH-269

MR BUCHANAN: Commissioner, whilst I am placing material before you for use in the enquiry, can I put on the record the date when the Commission executed search warrants on premises in relation to this enquiry, because that date itself might have minor forensic significance later?

THE COMMISSIONER: Ah hmm.

10 MR BUCHANAN: The premises on which the search warrants were executed were the council chambers of Canterbury Council, the residence of Mr Hawatt and the office of Mr Hawatt, and the office at Haldon Street, Lakemba, and Ray White Real Estate, Earlwood, and the date on which they were executed was the morning of 22 June, 2016. Commissioner, can I make an exception to reserving the tender of the items which are prospectively Exhibits 260-269 to tomorrow, and that exception is in respect of the further statement of Brian Robson, dated 13 March, 2019? I do wish to refer to it today in my examination of Mr Azzi. It has been on the restricted website, and so the parties have had access to it. And my
20 respectful suggestion would be that if you are minded to accede to the tender, that it be given the exhibit number, that it's proposed that it be given in MFI 4, just not to throw things out.

THE COMMISSIONER: Any objections to the statement of Brian Robson dated 13 March, 2019?

MR PULLINGER: No objections to the tender of the exhibit, thank you, Commissioner.

30 THE COMMISSIONER: Thank you. All right, the - - -

MR ANDRONOS: Oh, well, the - - -

THE COMMISSIONER: I'm sorry, Mr Andronos.

MR ANDRONOS: Commissioner, I'm not sure if there are – if it's just the statement, hopefully there might be some copies available? There certainly wasn't on the restricted website last we looked, and - - -

40 THE COMMISSIONER: It wasn't, sorry?

MR ANDRONOS: Last we looked on the restricted website, it wasn't there. And I think the Commission's website was upgraded over the weekend, and had been shut down for a period, and our log-ins no longer work.

THE COMMISSIONER: You should have been – I hope you were notified that we were revamping the website.

MR ANDRONOS: Yes, yes.

THE COMMISSIONER: Good. Look, what I propose – sorry, I’ll start again. Are there copies in the hearing room of the statement?

MR BUCHANAN: We’ll make arrangements to have some produced. I can indicate on my instructions that the document has been on the restricted website since 19 March.

10 THE COMMISSIONER: Yes, that’s the date on MFI 4. Mr Andronos, what I propose to do is admit the statement into evidence as Exhibit 265. But once you’ve read it, if there is some objection you want to make, we can revisit it.

MR ANDRONOS: Thank you, Commissioner.

THE COMMISSIONER: The statement of Brian Robson dated 13 March, 2019, will be Exhibit 265.

20

#EXH-265 – STATEMENT OF BRIAN ROBSON DATED 13 MARCH 2019

MR BUCHANAN: That is all that I think I have, Commissioner, for administrative matters. Thank you.

THE COMMISSIONER: Ready to resume the evidence of Mr Azzi?

30 MR BUCHANAN: If that’s convenient.

THE COMMISSIONER: Mr Azzi.

MR AZZI: Good morning.

THE COMMISSIONER: Good morning. We’ll administer the oath again.

MR BUCHANAN: Mr Azzi, can I take you to some evidence that you gave on 31 January this year, transcript pages 6058 through to 6062, and I was asking you there about any involvement that you might have had in relation to the Harrison's site, Mr Demian's development site at 548-568 Canterbury Road, Campsie, and also 570-580 Canterbury Road, Campsie, also known as the carpet shop site on the western side of the Harrison's site. Can I just ask you, at page 660 of the transcript, I asked you about the Harrison's site.

MALE SPEAKER: 660?

MR BUCHANAN: 6060, thank you.

MALE SPEAKER: Thank you.

MR BUCHANAN: I asked you about the Harrison's site in about the middle of the page and a DA for two additional storeys and an accompanying section 96 application, and I asked you whether that assisted you in recalling that you had meetings from time to time with the council officers and Mr Demian and Mr Hawatt to progress Mr Demian's applications, and you said, "No, no, no, I didn't get involved with that one, I don't, I have no idea what, I never discuss it." And then can I take you to page 6062 at around, going back to page 6061 going over to page 6062, I asked you about a series of text messages which were about a meeting to be had. Mr Hawatt was communicating with Mr Stavis and Mr Montague and he talked about you coming along to the meeting, and you said at line 40 on page 6062, I'll take you to the beginning of your answer, "Yeah, but I can't recall I attend this meeting, me and Stavis and Demian. It's only one meeting between me and Stavis and Demian and the rest between Demian and Spiro. I don't, I don't get into it. It's what involved in the Harrison's site, I was involved in it just about the laneway, that's all, and the design." You see that evidence?--Yes.

And when you were saying at line 38, "It's only one meeting between me and Stavis and Demian, the rest between Demian and Spiro," you were referring to your evidence that there had been a meeting at your house with Mr Stavis and Mr Demian and you had told us that the purpose of that meeting was to pursue your idea or your goal of having the design for the project changed so as to incorporate a laneway at the back parallel to Canterbury Road?--Yes, yes.

So can I take you back, please, to the evidence in Exhibit 69, volume 19, page 161, and the text message concerned is on the screen in front of you and you can see that it's, you'll recall, extracted from Mr Hawatt's mobile phone. So therefore, when it says to, t-o, it's Mr Hawatt texting in this case Mr Stavis on 20 June, 2015 at 4.35pm and you can see that the message

read, "Hi Jim/Spiro. Can we meet with myself, Pierre and Charlie Demian on Tuesday to discuss Charlie's developments along Canterbury Road. Please let me know. Thanks, Michael Hawatt." You recall I showed you that before?---Yes, yes.

10 And then if I can take you to page 165 in volume 19. It's a text message on 21 June from Mr Stavis to Mr Hawatt, so it's the next day. This time it's at 7.12pm and it commences, "Hi Mike, just checked my messages," and then Mr Stavis gives Mr Hawatt some feedback on Mr Demian's jobs which, as you can see, are related to the corner of Chelmsford and Canterbury Road DA, that's 570, the carpet shop DA. And then he says, "Re the Harrison site," that's 548 Canterbury Road. He says, "We're waiting for the RMS as discussed," but he agreed to submit further supporting info. And then can I take you to another text message that I showed you last time, volume 19, page 167. The first one is the next day again, on 22 June to Mr Montague saying, "I have confirmed meeting on Thursday, 4.00pm with Charlie Demian at council. Pierre and I will be attending as well. Mr Hawatt." So you would, I take it, accept that you must have had a discussion with Mr Hawatt about you and he attending this meeting, apparently with Mr
20 Montague, and Charlie Demian at council?---I, it's possible, it could be, sir but I can't recall, yeah. It's a long time ago but last time we confirmed the meeting was, was held, was it?

Yes, that's right. If I can just show you as well, at page 169. The same text message was sent to Spiro Stavis, it's the top one on this page, at 7.28pm on 22 June. You can see where the cursor is on the right-hand side of the screen, that that is the same message that was sent to Mr Montague about the meeting and about your attendance. Now, Mr Hawatt, if I can take you to the third text message, 7.50pm, said to Mr Stavis, "He," meaning Mr
30 Demian, "has made changes but needs to discuss further. He is running out of time. His project is nearly three years of waiting." Can you see that?
---Yes.

And you were aware, weren't you, that the project that Mr Demian had in respect of the Harrison's site had been going for about three years at that stage?---Yeah, it has been going for a long time.

This is June 2015.---Since, I don't remember how long ago, but he, he put his, since I be, the first days of my council his project was in, when I was,
40 when I started in the council his project was in the council.

And you know that Mr Demian had a planning proposal to increase the height limit for the Harrison's site?---Well, I have no idea actually what he has, what he proposed to do, but Mr Demian was complaining all the time about the delaying.

Complaining to whom?---Delaying his, the process and - - -

But who, were you hearing him complain, how do you know he was complaining?---To the council, in the council, you know, it's always, especially when, he lodge a lot of complain when, when I did ask, when we did ask for about the want him to provide access, rear access in the laneway, he said, "You already cause me a lot of delays," and it's all about this, you know, he's been complain about the council been delaying my project for a lot of time and he was complaining.

10 But my question was, you knew that he had a planning proposal to change the planning control comprising the height limit for any building that was constructed on the site, to increase the height limit. You knew that, didn't you?---No, I, I, I knew anything about, I had no idea about the houses, I have, I have no knowledge about what he has to do to increase height. Only my interest about Demian and make like discussion with him, how is it possible to provide laneway access.

Yes, you keep saying that, but I'm not asking you about the laneway.
---That's the only thing.

20 Mr Azzi, could you focus on my question.---Yeah.

My question is, you knew that there was a planning proposal to change the planning control comprising the building height limit for that Harrison's site, didn't you?---I only know, if, if he can't provide this laneway access he has to change the height limit. That's what I know.

I see. When was the meeting with Mr Demian in which you tried to get him to agree to a laneway at the back?---I said we had a meeting at my place, me, him and - - -

30 Yes, but when, when, is my question.---I don't remember the date, sir.

What year?---I can't recall the date.

How long before council was sacked?---Oh, I can't remember months or year, I don't know, something like that.

40 If the witness could be shown Exhibit 52, volume 11, please, page 222. Can you see that this is the minutes of a meeting of council held on 2 October, 2014?---(No Audible Reply)

Can you see that that's, from the top, that header on the document?---2 October.

2 October, 2014, extraordinary meeting of council. Can you see that there's reference to a discussion of a motion and then an amendment was moved, so you can see from this that it's part of the minutes of the meeting of council held on that date. Do you see that?---Yeah.

Do you see, "Amendment Councillors Hawatt and Azzi"? That means you seconded this - - -?---Amend - - -

- - - motion to amend, didn't you?---Yeah.

Six dot points from the bottom is an item, and the cursor is next to it on the right-hand side, 548-568 Canterbury Road, Campsie, to increase the height limit to 25 metres.---Yeah.

10

So you knew that there was a planning proposal, didn't you, to increase the height limit for this site, because you seconded the motion for that to occur. ---Yeah, but we passed all, all this - - -

I'm sorry.--- - - - not only this site, all the sites, a lot of I, I can't remember, it's early days. When we passed this, it wasn't (not transcribable) didn't go through.

20

I'm sorry, if you could have a look at the next page, please. Can you see that it says resolved- - -?---Yes.

- - - that there be a separate vote taken on each bullet point, and then you'll find that there's one in relation to 548 Canterbury Road?

THE COMMISSIONER: I think it's page 225 to 226.

30

MR BUCHANAN: Thank you, Commissioner. It's at the bottom of the page on the screen in front of you. If we could just go over the page. Can you see that the vote was in favour?---Yes.

But all of them were approved, weren't they?---Yeah.

Every single one of these amendments was approved.---Yeah.

And then that became the motion, and the motion was passed, wasn't it? ---Yes.

40

So you were instrumental in getting the planning control changed to increase the building height limit for the Harrison's site, weren't you? ---It been passed, yeah.

No, no, you were instrumental in that process.---What do you mean, instrumental?

You were involved in the process - - -?---Yes.

- - - of ensuring that there was a planning proposal to increase the building height limit for the Harrison's site, weren't you?---Yeah.

Why did you second that motion? Why did you have 548 Canterbury Road included in that motion, as far as you were concerned?---It was, it was a lot of site involved in it.

That's not my question. We know that there was a lot of sites involved. We can see that. My question to you is, why, as far as you were concerned, was there to be, or should there have been a planning proposal to increase the building height limit for the Harrison's site? Why did you want that to happen?---Was no reason, I don't know.

Did you just do what Michael Hawatt told you to do?---No, it wasn't Michael on those days. It's been discussed, me and the mayor and everybody. I wasn't have a discussion with Michael Hawatt about it.

So had you forgotten that you were involved in the proposal to change the building height limit for the Harrison's site?---It's, oh, I haven't forgotten, maybe, oh, because it was a lot of sites involved in it. A bunch of submission was in it. I didn't concentrate about this site only.

Well, where did this list come from? If you didn't concentrate on the 548 Canterbury Road - - -?---It's, the - - -

- - - component of it, where did this list come from that you supported? ---This list was submitted before I've been a councillor. And when I first few days in the council (not transcribable) submission been before the previous council, and they brought them in, and into the council, for the new council to approve them and make changes. And I wasn't involved in the discussion because the mayor was discussing this with Michael Hawatt, not me, and I was under, in the early days have no, no clue what they consider, and they made explanation, I support it.

So are you saying that this list came from Mr Hawatt?---This list been in the council, sir.

Are you saying that the list of properties for which you seconded a motion that there be a planning proposal to change the planning controls came from Mr Hawatt?---I don't understand.

Where did this list come from?---It was in the council.

We know it was in the council, we can see it in the minutes. The question is, why did you support if you knew nothing about it? Someone gave it to you and you said, "Okay, I'll support that"?---No, no. It's been a lot of workshop happening in the council and I was consulting the mayor, it was negotiated with Mr Hawatt and the mayor is good for the changes, we have to support it and lot of the councillors agreed and I'm one of them.

Is it possible that Mr Demian had any contact with you about making sure that this planning proposal went through?---I didn't, I didn't know Mr Demian those times.

You didn't know Mr Demian at this time?---In the early days, no, I, I didn't know him.

10 And you can't give us any explanation as to why you supported a change to the planning control comprising the building height for that site apart from the fact that this list basically came from Mr Hawatt and some process beforehand?---Yeah, well, when I, I was, I was new councillor those days and my, always, my conversation with the, with the former mayor and he used to give me guidance and, like, we used to work together and discuss it and I did support the council, with the rest of the councillors and I didn't, like, concentrate on one item because is a lot of submission being, going through.

20 THE COMMISSIONER: When you said my conversation was with the former mayor and he would give me guidance, is the former mayor Mr Robson?---Yes.

MR BUCHANAN: Did he say anything to you about 548 Canterbury Road in this context?---Who?

Mr Robson.---Mr Robson was agreeing and I didn't have any, like, argument, this argument with him and he is the one was consulting with Mr Hawatt about this, not me. They used to work together.

30 THE COMMISSIONER: What do you mean they used to work together?
---Yeah. They, like, they used to be working together before, Mr Hawatt and Mr Robson. They used to sit and discuss everything together.

40 MR BUCHANAN: Can I ask you about those, if I can go back to those text messages around 22 June, 2015, for a meeting to be held at council between Mr Demian, Mr Montague, Mr Stavis, Mr Hawatt and yourself. Was the planning proposal for the Harrison's site mentioned at that meeting?
---What, I can't recall now and refresh my memory. I think that meeting was about, to discuss the delays and the process about these sites, why it's taking so long and he was, my presence was that I should, like, involvement with him, so, we weren't discussing how, if he, like, mostly about the laneway access at this meeting was me. Like, what I am involved in and I questioning that, him and the council how we can process this laneway access for everyone except he was complain about, he doesn't want to be delayed anymore, he want to go on and that's what I can remember from that meeting.

So you do have a memory of the meeting now?---No, I can refresh my memory why I, what I discuss with him because he was complaining if he

want to move on and change all the design of his building, it's going to take him forever and he can't afford to, to just delay it anymore and it's like what I can remember, you know, bit and pieces of the meeting, about the speeding of the process and why he been delayed that much.

10 And so are you telling us that you now can recall a meeting at council involving those other gentlemen?---After I find out meeting was held, I was refreshing my memory and find out what was the meeting or what's happened and I can't recall, the only interest I have in Mr Demian's project, I want him to proceed and deliver this and I have no idea how, that's my concern, I want him to deliver laneway access, whatever anyway, that's my, my interest in his development, that's all I know I can say what I want from him.

20 Was it the case that Mr Demian, to your knowledge, had complained to Mr Hawatt about the length of time it was taking for the processing of the DA to add two storeys to the Harrison's site, the approved six storeys and the Harrison's site?---Well, what I can't remember, sir, Mr Demian was complaining a lot about the delays, he complained to everyone.

Why did you attend the meeting?---Because I want to ensure how he can, about the, because I had interest in it, I want him to deliver laneway access and - - -

There's nothing in Mr Hawatt's email, sorry, text messages to and from Mr Stavis about the details which suggests that laneways were on the agenda. ---It's my interest. I can't comment on Mr Hawatt, that's my interest with the council and with Mr Demian. I want him to provide a laneway.

30 Had Mr Demian contacted you and said he wanted you to assist in trying to progress his applications and planning proposal in this June 25 meeting? ---I can't recall (not transcribable) he know, he knows, Mr Demian, what I want and I was certain and I told everybody in the council and Mr Demian and the general manager and, and the director of city planning what my concern is and what I want to be achieved, and that's what my, that's all about my concern and that's all about, I have no idea about the process, how it's going to be, when, how it's going to be happening. That's my interest in Mr Demian and he knows.

40 When you told the Commission on 31 January that you didn't get involved in Demian's applications for the Harrison's site and specifically you said, "I was involved in just about the laneway, that's all, and the design," that wasn't correct, was it?---That's what I'm saying, sir. I said my involvements, I want to deliver, I want him to deliver the laneway access, nothing else. I don't care how, it's not my job.

Why then did you second the motion and ultimately move the motion which was passed for the planning proposal to change the building height limit on

that, amongst other, sites?---It's been way before and I explained why. It's been a discussion and workshop and all the councillor agreed and, and it's been agreed between most of the councillors and the mayor was in it and they discussed it and they all agreed and somebody had to second the motion. Anyone could be.

10 I'd like to take you back now to some evidence that you gave earlier this year in relation to Mr Maroun. I was showing you a series of call charge records for contacts between your mobile phone and, or phones, and Mr Maroun. Do you remember that?---Yes.

If you'll excuse me a moment. And Exhibit 169, I think. Yes, if we could just show you Exhibit 169 again. This is the first page of the set of call charge records that I was showing you on 1 February, 2019 and in particular I was taking you to the – I think we counted them, there was some 41-odd contacts in 2013 between you and Mr Maroun that are itemised there. Do you see that? They run from July 2013, through to December 2013. You remember I was asking you questions about those?---Ah hmm.

20 And page 6154, you said that you went to meetings with Mr Maroun which were held sometimes at his place. Do you recall saying that?---(No Audible Reply)

His place was in Earlwood, was that right?---Correct.

When did you first go to Mr Maroun's house in Earlwood?---I can't recall the date. Early days of my council career.

30 Could you have been to Mr Maroun's house before the first of these contacts that's listed on Exhibit 169 on 18 July, 2013?---I didn't know Mr Maroun before I been a councillor.

Yes, but you were a councillor from September 2012 onwards, weren't you?---Yeah.

Could you have been to Mr Maroun's house before 18 July, 2013 is what I'm asking you?---I don't remember, sir.

40 What were the circumstances in which you first went to Mr Maroun's house?---Yeah, first, I said Mr Maroun, he made a contact to me. I have no idea when, after being a councillor. He said that he got planning proposal and I said, yeah, and he tried to explain to me what was going on and I said I wasn't aware about anything and I did refer it to Mr Robson and I said I receive a call about this, what I have to do, what we can do because it's been, like, I'm a new councillor, I have no idea and I said this person contacted me and he wants my, to discuss it with, discuss with me planning or rezoning of planning proposal. I was aware about what was all about and

the mayor said, "Yeah, all right," that's what I can remember now when I seen, yeah, I went to his place with him.

When you've seen Mr Robson's new statement. Exhibit 265?---Yes. Because I, I was aware and Mr Robson said, "Yeah, we'll go and see him. I'll talk to him," because I have no idea what was going on. And, that I think the first time, we discuss with Mr Maroun.

And that was the first time?---I think so.

10

The first time that you had been to his house or the first time you had a discussion with Mr Maroun about a planning proposal or development?---I, I don't remember, Mr Buchanan, I've been his house before because I don't know, I didn't know Mr Maroun. I heard about him before I've been a councillor.

You heard about what?---Mr Maroun.

You heard about Mr Maroun?---Yeah, I heard about him.

20

And had you no dealings with him personally before you became a councillor?---Never.

Not even as a taxi driver?---No. When, when I start in the taxi business he left taxi business. I heard he was director in the company before.

So tell us about the first contact you had with Mr Maroun. He contacted you, did he?---I, I, I don't understand if he did contact me straight or through some person or he called me, I have no idea, but when I received his request I forward it to the, to the, to the mayor at the time.

30

And when you say you forwarded it, was it a document?---No, no, just request.

And what was the request that was made to you, what was said to you by Mr Maroun?---That's what I said to you, he said, "I've got a proposal in the council and rezoning." I said, "I have no idea what talking about, I'll discuss it with the people I know," and I used to be good friends with the mayor and I discuss it with him and he said, "All right. I'll go, I will talk to the person, see what he's got."

40

Yes. And did you go to see Mr Robson?---Pardon?

Did you go and see Mr Robson?---Yeah, I spoke with Mr Robson and I told him.

How did you speak to him?---I can't remember if I met in the council or I called him or, but I discuss it with him.

Yes. And what happened next?---And yeah, we went and we met with Mr Maroun.

Why was it necessary to meet with Mr Maroun?---Is a request from him and I have no idea, I've been a councillor for like, nearly a few weeks and the mayor, he, he had, he knows more than me and he said, "All right. We'll meet with him." That means there's no why shouldn't be meeting if the mayor say yes.

10

Mr Robson says in his statement that this meeting occurred in mid-2013. ---I don't remember when was the date, sir.

But that is long after you had become a councillor. It's not just weeks after. ---I have no idea when the meeting happened but I - - -

Does this mean that if you had only been a councillor for a few weeks you had a meeting with Mr Maroun in September/October of 2012 about a planning proposal?---I don't remember had a meeting with him by myself, sir.

20

Tell us about the first meeting you had with Mr Maroun about any property. ---That's the first time we discussed.

And what happened?---I don't know. The mayor, Mr Robson was the only one who was talking to him and discuss it with him because I had no knowledge about what they're talking about.

30

The site that Mr Maroun was interested in having the controls loosened for, the building height limit changed, was the Robbo's Retail site at 453-459 Canterbury Road, Campsie. Is that right?---(No Audible Reply)

You have to say something, sir.---Me?

Yes, you have to say yes or no or I don't know.---I know it's Robbo, I don't know the number but I know the Robbo's site one.

Did you understand that it was called 445 Canterbury Road by council? ---I can't recall the number, sir.

40

So you've seen that Mr Robson says that in about mid-2013 you told Mr Robson that you had a friend who was an important man in Earlwood. ---It wasn't my friend, sir, I didn't know him before.

But is it right that you told Mr Robson about Mr Maroun and you described him as "an important man in Earlwood"?---How it would be important, I don't understand.

And did you tell Mr Robson that this friend of yours had invited Mr Robson to a barbecue?---Mmm, no, it wasn't at barbecue.

Did you convey to Mr Robson an invitation from Mr Maroun to go to Mr Maroun's place for a barbecue?---No, but I - - -

But you did go to Mr Maroun's place, is that right?---Yeah, with Mr Robson, yeah, with Mr Robson.

10 Did you just turn up unannounced, or had Mr Maroun invited you?---No, I can't remember what the circumstances, Mr Maroun asked me, and of course we have to contact him, said we're coming, on that day, it must be.

Had Mr Maroun said, "I want to meet Mr Robson"?---Oh, I don't know what he said. He, Mr Maroun, I can't remember, I can't remember what he said, because I have no knowledge, I have no idea. When I have a request from any resident or any applicant, and I discussed it with the mayor at the time then to find out what the circumstances would be. And when the, Mr Robson said, "Okay, we're going to meet with him," I had no, and he, he's, he's the boss.
20

Why did you want Mr Robson to meet Mr Maroun?---I didn't want him to meet Mr Maroun. I discussed the issue with Mr Robson, the request of Mr Maroun, and what he's was talking about, and the decision being made by the, the boss. We used to call him the boss at the time. Yeah, we can meet with him. And when he agreed, I'm a, I'm a councillor, he's the mayor, and I'll go.

30 You're telling us that the mayor agreed to a meeting?---Of course. Well, either way, he wouldn't go.

Well, that means that a meeting was proposed, doesn't it?---Pardon?

That means that a meeting was proposed by somebody.---What I said before, there must be a request from Mr Maroun. And I - - -

40 So you conveyed a request from Mr Maroun for Mr Robson to meet him, Mr Maroun, is that right?---Oh, no, Mr Maroun, he must contact me to discuss this issue, and I have normally, and I have to, no idea what I have to do. I discuss it with Mr Robson, and Mr Robson must agree on that day, yeah, we'll meet with him. I didn't invite Mr Robson, or I forced him to meet Mr Maroun or - I discussed the situation with him and we said, yeah, we go and see what he wants.

So the meeting did occur?---Yes.

Did it occur in the daytime or the night-time?---Oh. Oh, it must be the, the afternoon, after work.

Was there anything provided by way of food?---Mmm, I don't remember.

You've seen Mr Robson describes it as a barbecue.---Yes. It wasn't a barbecue, sir.

No, you deny that, do you?---I didn't have, I do not remember we had the barbecue.

10 Did Mr Maroun provide hospitality at the meeting?---Like, as usual. Like, the normal, drinks, soft drink, and that's it. Mmm.

Did Mr Robson pick you up from your house along with a friend of yours in his mayoral car?---Mmm, Mr Buchanan, well, I can't, I can't recall what, how it's happened, but it could be, be picked up by him, or I - - -

Was there a friend of yours at this meeting?---I have no idea, and I would have no, I don't know what you mean (not transcribable)

20 Was there a friend of yours at this function with Mr Maroun?---I don't remember we have anyone, I don't know what, what you mean by a friend of mine.

So did Mr Robson drive you to Mr Maroun's house at Earlwood?---If that what he said, could be.

And is it right that there was no-one else there, it's just you, Mr Maroun, Mr Robson, and someone that you had with you at your house, who came with you?---I don't recall or remember we have anyone with us, a friend.

30 Thinking of the meeting with Mr Maroun, was there anyone else there apart from Mr Robson and yourself and Mr Maroun?---I don't remember anybody else.

And what happened at the meeting?---Oh, I don't know actually what's happened on that day or what, it's only discussion, and it's most of the talk between him and Mr Robson, because I have no knowledge about what he, they are talking about, or what they're discussing, or what the proposal made mean, and what, and I can't remember what's happened in that day.

40 But most of the little talk was between him and both of them.

You didn't have an interest in what Mr Maroun was asking about?---I have no interest about it, sir. Just I'm the councillor and he's the applicant. I was listening, I have interest at all.

During the evening, did Mr Maroun ask Mr Robson whether he could get the Robbo's Retail site rezoned or how he could go about doing it?---Well, well, that's the meeting all about but I can't remember what, piece by piece

or word by word what is said. The meeting was about he wants to discuss his proposal and of course it must be discussed in the - - -

And what was the proposal?---Well, I can't believe it's been, it had, his proposal being in those bunch of, it's, those ones include in, it's been, his proposal been in the council before I've been a councillor. It was in the bunch of those rezoning changes.

10 It wasn't in the Residential Development Strategy.---No, it's, it's about rezoning the site. I don't know, rezoning he site was, yeah.

And what was the change that Mr Maroun wanted made, what changes that he wanted made to the planning controls?---I don't remember what was, what his, his zoning was before.

I'm not asking you that. I'm asking you, what were the changes that he wanted made to the zoning, the planning controls?---Well, he want to change the zoning but that, the zoning.

20 Anything about the building height limit?---No, I, I don't recall but he said he want to change the zoning from R something to R4.

B something?---B or R or I don't know. Just, it, it was submitted in to the council way before and the proposal was in the early days.

You see, I want to suggest to you that what this episode shows is that you tried to help Mr Maroun advance his plans for the Robbo's Retail site, didn't you?---Help him?

30 Yes.---No. Just listening to him.

You were trying to help Mr Maroun with his site, weren't you?---I didn't offer him any help. I was listening to him and that's all.

40 And given that we know that there were numerous contacts between you and Mr Maroun in 2013, in this instance shortly after mid-2013, is it possible that at this stage Mr Maroun was your friend?---Mr Maroun just only, it's a relationship between me and him as a councillor and he is a, is an applicant and that's all. No relationship between us except business relationship.

See, it just seems – I'll give you an opportunity to respond to this. It seems strange that you would go to the trouble, on Mr Robson's account, of arranging for Mr Robson to meet with Mr Maroun, you having described him to Mr Robson as an important man in Earlwood, and then go to the meeting and, on Mr Robson's account, Mr Maroun took the opportunity of lobbying Mr Robson with a view to changing the planning controls, that this would occur with him just being a resident, a constituent of yours.

MR PULLINGER: I object to that. He doesn't accept the proposition as put by Mr Robson as being correct and the question now put is based on his accepting Robson's version.

MR BUCHANAN: It is, Commissioner, I'll reframe the question if I may. I just want to put to you, you've read the statement of Mr Robson, haven't you?---Yeah.

10 His account is correct, isn't it?---No.

What's the bit, as you recall it, that is incorrect?---Mr Buchanan, I didn't invite Mr Robson or arrange for a meeting. My, I did explain it before. I discussed the situation with Mr Robson, asked him how, what we can do, what, how this going to be, can meet with this guy, we can talk to him, we can discuss, I was discussing it, not asking him to come, I was discussing it and said to him, "This guy wants to meet and discuss this issue."

20 And did you say to Mr Robson that Mr Maroun wanted to meet him?
---No, I didn't ask Mr Maroun want to, I will discuss it with Mr Robson what we can do, what I can do.

But why did you need to do that at all? Why did you need to do that?
---Mr Buchanan, I'm a councillor and it's an applicant request to discuss issue and we must discuss it with him and find out what he wants, and I said to the mayor, and if, what we can do in this situation and he had more experience than me – he's the mayor, I'm a councillor – and I was discussing it like between councillor and the mayor about this situation, what we can do. If any issue, any problem we can make, the mayor should
30 tell me, Councillor Azzi, we shouldn't go and meet with this guy, not said I will go out with you and we'll meet with him. And I was discussing it with him.

I do need to suggest to you that your version is improbable.---I don't understand this.

It's not likely to be true.---Yeah, it's true, I didn't force the mayor to go with me. He's the boss, I'm a, I'm a councillor.

40 Mr Robson's account shows that you had a different relationship with Mr Maroun to the one that you've told us about, about a councillor and a resident.---No.

Doesn't it?---What do you mean, different? I don't understand.

It shows that you were advocating on behalf of a person that you thought was an important person - - -?---No.

- - - in your area and you wanted, or you were conveying Mr Maroun's desire to get Mr Robson's help in advancing Mr Maroun's development project.---That's not correct.

Did you go to Mr Maroun's house again after that occasion?---Yeah, I went, but I can't recall how many times, yeah, I went after.

Well, just can you give us your best estimate, please.---I can't, I can't recall.

10 You're the person who went to his house.---Yeah, but it was a long time - - -

How many times?---Oh, not too many, sir.

Are you talking five - - -?---Two or three times.

- - - 10, 15, 20 times?---No, no. Between two or three times or five times, that's all.

20 When was the next time that you went to Mr Maroun's house?---I can't remember, sir. It's a long - - -

What can you remember about any subsequent visit to Mr Maroun's house, what can you tell us about it?---It's a, I can't recall any visit, any important one, just I can't remember, you know.

Why did you go to this house after this occasion?---Mr Maroun, he called me too many times and just to inquiry, that's all.

30 THE COMMISSIONER: Sorry, he called you to inquire?---Yeah, to inquire about what's going on, what's happening, why the delay, what - - -

MR BUCHANAN: Yes. Why did that mean that you should go to his house?---I don't remember why, what the, the situation was when I went to his place.

40 THE COMMISSIONER: But you raised that he would call you to inquire what was happening, why the delay. Does that suggest that when you did go to his house it was to discuss what was happening with some of his proposals and why there was a delay?---Yeah, sometimes, yeah, about it.

MR BUCHANAN: Why did you need to, though, go to his house to do that?---Just sometimes he, he ask if we can possible meet and see you, and, yeah, I went.

And you're not able to give us any sort of sensible reason as to why you responded by going?---Just all about, you know, he wants to talk and inquiry, inquire about what was going on.

And how did you find out that he wanted to talk and inquire about what was going on?---Can you repeat that?

Yes. How did you find out that that was what he wanted?---No, I said sometimes he called me and said I want to see you and talk to you, but I never respond to, all the time for his requests. Most of the time he want to inquire and see what was going on.

10 Were there times when Mr Maroun – I do apologise – when Mr Hawatt told you that Mr Maroun had called and wanted to see him or you or both of you?---Yeah, sometimes he called, Mr Hawatt, later on.

And what did Mr Hawatt tell you on those occasions?---Said Mr Maroun called. He want to see us to discuss, he want to meet, and, and he always used to call him and we don't respond to every made, call made, because he always called, called and inquiry and, yeah, that's all, inquiry about his proposal.

20 So were there times when, as you understood it, Mr Hawatt went to Mr Maroun's house but you didn't?---I can't remember. I don't know if he used to go by himself. Maybe yes, maybe no.

Did you used to go by yourself?---I went only I think once by myself. Twice. I can't remember how many times.

Did you receive anything from him on any occasion that you went to his house?---Receive?

30 Yes.---Receive what?

Did he give you, well, I'm asking you. You tell us. Did he give you anything when you went to his house?---No.

Nothing at all?---No.

To your knowledge, did he give anything to Mr Hawatt when Mr Hawatt went to Mr Maroun's house?---No idea, no, I, no idea.

40 Did Mr Hawatt ever indicate anything to you to indicate that he'd received anything from Mr Maroun?---No.

Could we have a look, please, at volume 17 in Exhibit 69, page 304. I'm going to be showing you some text messages extracted from Mr Hawatt's telephone. This is a page of some of these extractions. And if you have a look at item 81 for 25 August, 2015 at 8.12am, you can see it's a text message from Mr Maroun to Mr Hawatt which reads, "Hello, Michael. If possible I need to see you at gym today. Thank you." Do you see that?---Yes.

And Mr Hawatt responded, this is message number 82, at 8.33am, "I will be at Earlwood just before 2.00pm today if you're free." And Mr Maroun responded, text message 83, that he was free. Do you see that?---Yes.

As you understood it, why did Mr Maroun indicate to Michael Hawatt that he, Mr Maroun, needed to see Mr Hawatt?---I don't know, sir.

You had no idea at all?---Not about this, I don't know what.

10

If I can take you to item 84 on this page, the date I think is 16 September, 2015 at 6.08pm. Mr Maroun texts Mr Hawatt, "Hello, Michael. Need to see you at gym if possible. Thank you." Do you see that?---Yeah.

To which Mr Hawatt responded, this is message number 85 at 6.09pm, "I'm at the Bardwell Park RSL if you want to come there." Did Mr Hawatt indicate to you at any stage around this time that he'd received a payment from Mr Maroun?---Payment?

20

Payment. Money.---No.

Mr Azzi, the Commission has material available to it that indicates that on 24 September, 2015, Mr Hawatt was at council chambers in the late afternoon/evening. Excuse me a moment. And that a bit after 8 o'clock in the evening, you and Mr Hawatt and George Vasil were seen standing at the entrance to the underground car park of council chambers. There's an underground car park there?---Yes.

30

And that you walked from the entrance of the underground car park and got into a black Toyota RAV4.---It's mine.

Were you driving a black Toyota RAV4 at that time?---Grey.

Grey, thank you. And do you recall its registration number?---No.

██████████ 8-9-N?---Yeah.

40

And the material that the Commission has available to it shows that your vehicle, Mr Hawatt's vehicle and Mr Vasil's vehicle all travelled out of the rear car park of the Canterbury City Council offices around 18 minutes past 8.00 and, 18 minutes past 10.00, I do apologise, 18 minutes past 10.00 in the evening, and that around 10.40pm a number of vehicles were seen at an address at Prince Edward Avenue in Earlwood. Is that where Mr Maroun lived?---He lived in Earlwood. Prince Edward?

Prince Edward Avenue.---Maybe it Prince Edward.

██████████ Prince Edward Avenue, Earlwood.---I, I don't know the number.

It does sound familiar to you as Mr Maroun's address though?---He live in Earlwood. Maybe in Prince Edward but I have no idea of number he lives in.

And Mr Hawatt was seen to arrive in his vehicle at that address and walked towards the front of it and your vehicle was already there out the front of this address.---I can't remember what - - -

- 10 Can you assist us with why your vehicle was outside that address late at night on this particular occasion?---I don't remember, sir, what was the occasion.

Was there ever an occasion when you went to a meeting at council that Mr Hawatt attended that you met up, the pair of you met up with George Vasil after the meeting just outside of the car park and then you and Mr Hawatt separately drove to Mr Maroun's house?---I don't remember, sir, but it was 10.30 after a council meeting?

- 20 Yes.---I can't recall.

And did you ever go to Mr Maroun's house after a council meeting or a meeting at council, arriving there, you know, 10.30 or so?---I don't remember, sir.

You don't remember.---I might.

Is it you might have?---I don't know. I don't remember.

- 30 Why would you have been there?---I don't remember.

Yes, I understand you don't remember but can you assist us? You know about your relationship with Mr Maroun, you know about your relationship with Mr Hawatt. What was happening as at 24 September, 2015 to cause you and Mr Hawatt to do to Mr Maroun's house so late at night?---I don't know. I can't remember any of this time.

- 40 How many times did you go to Mr Maroun's house late at night, now, say after 9 o'clock in the evening?---How many times?

THE COMMISSIONER: Sorry?---Only, how many times you say?

MR BUCHANAN: Yes. How often did you go there late at night with Mr Hawatt albeit in separate vehicles?---I don't know. I have no idea. Only I went to Mr Maroun's not, not too many times.

Did you or Mr Hawatt, on an occasion that was in late September 2015, later at night, go to Mr Maroun's house and one or other of you receive a payment from Mr Maroun?---No, sir. I didn't receive anything.

Excuse me a moment. Commissioner, can I make an application to vary a non-publication order made on 2 December, 2016 in respect of evidence given by this witness. Page 721-722, line 40.

THE COMMISSIONER: Sorry, which page are we starting on?

10

MR BUCHANAN: I'm sorry. Page 721 at line 40.

THE COMMISSIONER: Yes. And through to - - -

MR BUCHANAN: Page 722, line 13.

THE COMMISSIONER: The non-publication order under section 112 of the Independent Commission Against Corruption Act is amended to exclude the evidence of Mr Azzi given on 2 December, 2016, as recorded at the transcript page 721, line 40, and finishing at page 722, line 13.

20

THE NON-PUBLICATION ORDER UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT IS AMENDED TO EXCLUDE THE EVIDENCE OF MR AZZI GIVEN ON 2 DECEMBER, 2016, AS RECORDED AT THE TRANSCRIPT PAGE 721, LINE 40, AND FINISHING AT PAGE 722, LINE 13.

30 MR BUCHANAN: Mr Azzi, I'm going to read to you from the transcript of evidence that you gave to the Commission on 2 December, 2016. I'd like you to listen to the evidence, please, as I read it out and then I'll ask you some questions about it. Question, "Did Mr Hawatt ever ask you to meet with Mr Maroun?" Answer, "He ask us to go and have a meeting. I think we proposed one at the council. We arranged one at the council." Question, "Did you ever meet Mr Maroun outside the council?" Answer, "Yeah, yeah, to his place." Question, "Mr Maroun's place? Where was that?" Answer, "At the birthday." Question, "At a birthday?" Answer, "His daughter, the daughter." Question, "Was that the only occasion you've been to Mr Maroun's place?" Answer, "That's the only one." Question, "Where is Maroun's place?" Answer, "Earlwood." Question, "Why did you go to his daughter's birthday?" Answer, "They invited my daughter." Question, "He invited your daughter?" Answer, "And my wife." Question, "Is he a family friend?" Answer, "Well, he try to be maybe family friend. He invited us. I attended the birthday with my family." Do you hear me read that evidence to you?---(No Audible Reply)

40

When was the birthday party of Mr Maroun's daughter that you and your wife and your daughter attended?---When was, date?

Yes. Yes, please.---The date?

Yes, please.---I don't remember a date, sir.

The year?---Mmm?

10 The year? Can you remember the year?---No.

Was it early in your time as a councillor, in the middle of your time as a councillor, towards the end of your time as a councillor?---No, I think I was a councillor (not transcribable) when I was a councillor. I don't know what, what date.

Well, certainly by the time you went to that birthday party you were a family friend of Mr Maroun, weren't you?---No, try to be a family friend. He invited my daughter and he invited my wife because my daughter know his daughter from school.
20

And how did you find out that your daughter knew his daughter?---I said, from the school.

THE COMMISSIONER: And how old was his daughter?---I don't know.

Primary school, high school?---My daughter was in high school.

So they were in high school?---Yes.
30

And they attended the same high school, did they?---I don't know if they attend the same school but they go to the same church and the same school.

MR BUCHANAN: And you took your wife as well to this birthday party? ---Yeah, my wife was there.

Why did your wife attend?---With my daughter.

The evidence that you gave to the Commission was, question, "Was that the only occasion you've been to Mr Maroun's place?" Answer, "That's the only one."---(not transcribable) occasion, that's what I could remember, the only one. Like, attending his house. But it was (not transcribable) maybe after (not transcribable) but before I couldn't remember we been, me and Mr Robson. I can't, I couldn't remember how many times I been because I didn't take any interest about (not transcribable). I didn't remember, you know.
40

You didn't remember at the time you were giving evidence in December 2016 that you had been to Mr Maroun's house firstly with the mayor - - -? ---Yeah, that's the only - - -

- - - and secondly, on more than one occasion, with Mr Hawatt?---Maybe after this. After. Maybe after the birthday. I don't remember.

10 Why does it matter whether it was after?---I don't remember, sir, when it was. You know, I, I don't keep record of, because I have no (not transcribable) I didn't take any interest of attending or being at his place, and I don't recall, I don't recall for every one I visited.

On your evidence, you had been – before you gave this evidence in December 2016 – to Mr Maroun's place with different people in relation to Mr Maroun's property development business, hadn't you?---Can you repeat the question, please?

20 Yes. You knew – when you gave that evidence that you had only been to Mr Maroun's place for his daughter's birthday party – that you had in fact been there on multiple occasions with different people, all in relation to Mr Maroun's property development business, didn't you?---No, I didn't remember that day.

But those were the other occasions, weren't they? They were in relation to Mr Maroun's property development business, weren't they?---That's what we went through before. That's what I can't remember. I didn't remember all of them. What I could remember, I can say it. I never deny if I haven't been.

30 You see, a question might occur to the Commission, why, given that it is obvious that Mr Azzi would have known that he had been to Mr Maroun's house in relation to Mr Maroun's property development business, why had he tried to conceal that from the Commission? And that's what I want to give you an opportunity of responding to.---Can you, can you repeat - - -

40 Yes. I want to suggest that when you gave evidence to the Commission on 2 December, 2016 and said you'd only been to Mr Maroun's place for his daughter's birthday party, you were concealing, you were trying to conceal from the Commission the fact that you had this relationship with Mr Maroun in relation to his property development business that involved visiting his house.---Well, I didn't remember about we had a meeting, me and the mayor, with him before, otherwise I could say it. I didn't mean to hide. But I can't recall. When I see the evidence, I been, because I didn't recall. I don't remember it. But I have no intention to hide any information or I mean to, to hide any information because what I can recall, I can say it. I have no other reason to hide any information, so - - -

Commissioner, I note the time. I've gone a bit over time.

THE COMMISSIONER: Yes. All right. We'll have the morning tea adjournment and resume at 12.00pm.

SHORT ADJOURNMENT

[11.40am]

10 MR BUCHANAN: Mr Azzi, I would like to ask you about an event in December 2015 in relation to Mr Maroun. If I can just set the scene for you though. The evidence before the Commission shows that in October 2015 the company that was doing the design work for Mr Maroun on the car wash site provided amended plans to council in respect of the development application for the car wash site, and in November 2015 a planning proposal that had been resolved by council to increase the maximum permissible building height for that site, and also Mr Demian's site at the carpet shop on the other side of Harrison's, was sent to the Department of Planning.---Yes.

20 What I would like you to do, if you wouldn't mind, please, is to listen to an audio recording that we'll play for you and the transcript for it will appear on the screen. Part of it is in Arabic, the part of it that is in Arabic has been translated into English and appears inside of square brackets in the transcript. So I ask for the transcript for LII 002 recorded on 10 December, 2015, commencing at 4.00pm to be played, please. And if you could listen to it carefully.

AUDIO RECORDING PLAYED

[12.16pm]

30 MR BUCHANAN: Now, did you recognise the voices of Mr Hawatt and Mr Maroun in that conversation?---Yes.

And did you hear Mr Hawatt say that after he had been told by Mr Maroun that he was at home, he would, "Come to you now, pick up the stuff"?
---Yes.

40 Can you assist us as to what do you understand Mr Hawatt was referring to when he said to Mr Maroun that he would come to him now, come to see him now, "pick up the stuff"?--I don't know what the stuff is.

Could it have been a reference to money?---I don't know.

Sorry, I might not have identified the exhibit number, that is Exhibit 150. Thank you. Can we play, please, another audio file. This is for LII 059, recorded on 11 December, 2015, so this is the next day, commencing at 3.50pm. And again the transcript will appear on the screen in front of you.

AUDIO RECORDING PLAYED

[12.18pm]

MR BUCHANAN: Commissioner, I tender the audio file and transcript of that recording, and I'm reminded that it will need to be numbered after the last one on that MFI 3.

10 THE COMMISSIONER: I was minded to mark it Exhibit 270

MR BUCHANAN: Thank you, Commissioner.

THE COMMISSIONER: The audio file and transcript of LII 059 recorded on 11 December, 2015 at 3.50pm will be Exhibit 270.

#EXH-270 – TRANSCRIPT SESSION 00059

20 MR BUCHANAN: Mr Azzi, did you recognise the voices of yourself and Mr Hawatt in that recording?---Yes.

Do you recall that occasion when you had that conversation on the telephone with Mr Hawatt?---I can't recall but I can see it here.

You said to Mr Hawatt you were sitting with Marwan at that time. That would be Marwan Chanine?---Could be.

30 How many Marwan's did you know at that time?---I know a few Marwan but could be Marwan, Marwan Chanine maybe

Marwan Chanine was a friend of yours?---Person I know.

I'm sorry?---Not a friend.

Not a friend?---He's a person I know from the council.

40 THE COMMISSIONER: Sorry, a person you know?---From the council.
From the council.

MR BUCHANAN: Why would you have been sitting with him on 11 December, 2015?---I have no idea what the occasion was, sir.

Would you have been having coffee with him, perhaps?---Always if he comes to my place, maybe we having coffee.

Now, when Mr Hawatt said that – I withdraw that. When Mr Hawatt said that he was in Riverwood, he was just at the bank and he would be there soon, it indicated that you and he had an arrangement for him to be with you on that occasion?---Could be, sir. No idea what it was, the contact.

You see, Mr Hawatt said to you a bit below halfway down the page of the transcription, “Did they come over to you or not yet?” So was there a meeting at this stage that was meant to occur involving Mr Hawatt, Mr Chanine and perhaps another person?---Could be possible.

10

Now, when Mr Hawatt said that he was at the bank and he’d be there soon, you said, “Yeah, bring the money and come in the bank.”---Well, yeah, because said it is the bank, said to him, “Get the money from the bank. Get the money from a bank.” What else can say?

See, had there been to your knowledge at that time, this is on 11 December, 2015, a payment made by Mr Maroun that had been received by Mr Hawatt?---No. I don't remember that. Everybody say you in the bank, get the money. That’s why I did ask him, “What you been doing in the bank?” I have no idea to go into the bank.

20

And both you and Mr Hawatt laughed when he said that he had to pay his mortgage.---He is paying his mortgage, he is doing a payment, what we can do, laugh.

Did you know that – I withdraw that. At that time, as you understood it, was Mr Hawatt paying his mortgage from funds he’d received from Mr Maroun?---No idea, sir. I have no idea what he was doing at the bank, actually.

30

Could we play, please, another recording. This time two days later on 13 December, 2015, commencing at 8.25pm. LII 00123.

AUDIO RECORDING PLAYED

[12.25pm]

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

40

THE COMMISSIONER: The audio file and transcript of recording LII 00123, recorded on 13 December, 2015, at 8.25pm, will be Exhibit 271.

#EXH-271 – TRANSCRIPT SESSION 00123

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

And you recognised the voices of yourself and Mr Hawatt, is that right?
---Yeah.

You and Mr Hawatt were speaking about Jimmy Maroun in that conversation, weren't you?---Possible, yeah, could be.

10 Can you give us any assistance as to whether it's possible that it was about anyone other than Mr Maroun?---No idea, sir.

So as far as you're concerned, you're content for us to proceed on the basis that you were referring to Mr Maroun?---Possible.

When you say "possible", you see that you, on page 2 of the transcript, refer to him as "that idiot". Do you see that?---Yes.

20 And you heard – you used that language in Arabic in that recording of the conversation you were having with Mr Hawatt.---Oh (not transcribable) that translation from where I said in Arabic, it's not like really "an idiot". It's - - -

What it is like?---It's, it's like someone nagging, you know, someone - - -

I'm sorry?---Like, nag all the time.

Nags all the time?---Yeah, that's mean nuisance, like a, little bit of a nuisance. Like a nuisance, like, you know, make noise.

30 You in fact did think that Jimmy Maroun was an idiot, didn't you?---Not an idiot (not transcribable) translate, when you translate it, it's a different, when you say it in Arabic, doesn't mean "idiot" what I said in Arabic. I said like - - -

But you did think he was an idiot, didn't you?---Oh, not an idiot, no, I didn't. I can't talk people are idiots. Like, in Arabic, it's different translation. It's like "noisy".

40 Now, you and Mr Hawatt had this discussion, which is recorded in the transcript, pages 2-3, about how it was necessary to see Mr Maroun.
---But what I said, Mr Maroun, he makes a lot of calls and like what I said (not transcribable) calls, calls, calls, and asks to meet, to meet, to meet, always, always delay, delay, delay and at certain time you have to, to see him and see what he wants, you know, to, to hear what he wants, that's all.

Why?---Why?

Yes, why?---He, he has got lot of complaint. He always, when every time used to see him always complaining the council is not processing his

application, delaying it, and why, why, why, why, and every time we have to tell him it's not, nothing we can do, it's a, it's a process.

So why did you bother going to see him or arranging with Mr Hawatt for him to see him?---Because he always call.

Yes.---And as you as a councillor, I respond to, you have to respond as a councillor.

10 But you don't respond if you're being nagged by a nuisance and you end up saying to him only the same thing that you say each time, that you don't know or you can't help him. What's, what's the point - - -?---Mr Buchanan
- - -

- - - of going after once or maybe twice?---It's to answer, that's all, to answer. If, if, I respond to every made, call made and to have to answer. Doesn't matter what the answer's going to be, I have to give answer to people who calls, you have to answer them and it satisfies them or doesn't satisfy them.

20

Can I just point out to you that in this conversation there's no suggestion in the conversation by you or Mr Hawatt that you're responding to Mr Maroun, instead you introduce the subject of, "Did you see that idiot," you say, "Nagger at all?" And then Mr Hawatt said, "We must see this one, we must. We must see him." You said, top of page 3, "We have to talk to him."---We have to talk to him to tell him - - -

30 To tell him what?---To tell him there's nothing we can do because he keeps calling and if we have the answer, could give him the answer, if, if you don't answer people they keep calling, they keep calling and accusing us like delaying, especially Mr Maroun was accusing the council is delaying and doing it by purpose.

But why couldn't you just simply ignore this nagger in that case?---It's not my, you can't ignore people all the time, Mr Buchanan, you have to answer.

You can't ignore people if they're paying you, can you?---Paying you?

40 Yes.---No, I'm a councillor. I represent the public.

Yes.---I'm a public servant. I have to respond to every call, it's a nagger, if it's good or bad, you have to tell him what you have to tell them. I have to answer. I don't ignore people all the time.

You had a relationship with Mr Maroun at this time where you felt you were under an obligation to service him whenever he called or wanted to see you or Mr Hawatt or both of you.---No, sir. My obligation is I'm a councillor,

he's a representative, he's a resident and he got business in the council, we have to answer his calls, doesn't matter which way.

All right. Having answered his call, why is there a need to go and see him?
---Because, I don't know what the circumstances he is, you have to tell him sometimes face to face what the consequences are, what - - -

Why?---How you, just to tell him.

- 10 You see you've given us an account which indicates there was no good reason to see this man, to go and see him, at all, to the contrary, that there was every reason to ignore him. That's the account you've given us.
---I don't - - -

But instead what this evidence shows is that certainly so far as you and Mr Hawatt were concerned, you felt obliged to go and see him.---No, it's not obliged, it's our duty when it's possible to see people, we'll see them. We don't work for anyone, we work for all the people of Canterbury.

- 20 By why do you go and see him? Why can't you just answer his enquiry over the phone, "I don't know what the reason is for the delay, stop ringing me, please. Put down the phone"?---Oh, we did it too many times.

So why in that case did you ever go and see him?--- I have no, I don't, I, I have no idea what was the circumstances that day.

Well, the explanation is that you had a sense of obligation to him.---Not really.

- 30 That he had put you under obligation.---No.

Put you and Mr Hawatt under obligation.---No, sir.

Because he was paying you.---No, sir.

- 40 Can I take you, please, to Exhibit 151, and I'm going to see if we can just do it by looking at the transcription, but if you want to hear the telephone conversation, please just say so. If we could see Exhibit 151 on the screen, please. Thank you. And you can see that's a transcript of a telephone conversation between Mr Hawatt and Mr Maroun on 14 December, 2015, commencing at 1.39pm, in which Mr Hawatt initiated the call, asks Mr Maroun how he's going, asks him whether he is in the gym. Maroun says he'll be there in about 20 minutes and then Hawatt says, "20 minutes. Okay. Because Pierre in the, the area so he just wanted to drop in and I thought I'll drop in with him in half an hour. All right. So I'll meet you there in half an hour, all right." And Maroun says, "I'll see you soon." Can you see that?---Yes.

Are you able to assist us as to why Mr Hawatt would have arranged for you and him to drop in on Mr Maroun on this occasion?---I can't remember what was the occasion, sir, but could be, as usual, like, I don't know what Mr Maroun wants that day.

But it doesn't indicate that Mr Maroun wanted anything. What it indicates is that Mr Hawatt wanted for you and him to drop in on Mr Maroun at his place.---I have no idea, sir, what was the purpose of that.

10 Can you assist us as to what is the possible purpose or the likely purpose? Given the relationship with Mr Maroun that you've described to us, this doesn't fit with that relationship, does it?---I don't know what was the purpose of that meeting, why.

Was it to collect a payment from Mr Maroun?---No, we never collect money from Mr Maroun.

20 Did Mr Hawatt collect money from Mr Maroun on that occasion?---I don't. I haven't, I don't know. I, I can't answer. Myself, I never collect money from him and I don't collect money from anybody.

Can I play another audio recording, Commissioner. LII 0377, recorded on 16 December, 2015, commencing at 1.25pm. Now, Mr Azzi, this recording has got irrelevant material in it which had been taken out, cut out and so it is an extract and the extract that you're going to be played and that you can see the transcript of on the screen commences after the beginning of the conversation.

30 **AUDIO RECORDING PLAYED** **[12.40pm]**

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

THE COMMISSIONER: The audio recording and transcript of – sorry. The extract from the audio recording and transcript of LII 0377, recorded on 16 December, 2015 at 1.25pm will be Exhibit 272.

40 **#EXH-272 – TRANSCRIPT SESSION 00377**

MR BUCHANAN: Mr Azzi, you've heard that recording or extract being played?---Yeah.

You recognise the voice of yourself and Mr Hawatt?---Yeah.

This is on 16 December, 2015. It sounded as if Mr Hawatt had received a message or you had received a message that Mr Maroun wanted to see you, you or Mr Hawatt or both of you.---I have no idea. Mr Maroun - - -

Well, if you can go to - - -?---Mr Maroun or somebody else.

10 If we can go to the last page, please. Do you see where, on the fourth last line, Mr Hawatt says, “Oh, I’ll leave it to you really, see what he wants, all right.”---What was, I have no idea who it was we have to meet with. I can’t remember who I was meeting that day at the gym.

But you agreed on Mr Hawatt’s request to meet with Mr Maroun.---I have no, it was Mr Maroun meeting. I don’t know if it was meeting with Mr Maroun.

20 Well, it’s with a person in a gym at his home and he whinges a lot. Who do you think it was about?---There’s too many whingers in the council, sir. All I can, I can tell, I can’t remember about that meeting. Normally I see people at the gym in Burwood but I have no idea what, if it was Mr Maroun or somebody else.

Well, you were the one who suggested that the gym was at home, if we can look at page 2 of the transcript, where the cursor is at the moment, just above halfway down the page. How many people did you visit who had a gym at their home who whinged a lot?---Could be possible, could be him.

Anyone else?---I can’t recall, mate. I can’t recall.

30 There’s no-one else, is there? It’s obviously Jimmy Maroun.---Possible.

And this telephone conversation between you and Mr Hawatt makes it sound as if you have, the two of you have a relationship with Mr Maroun of servitude, of being his servant.---No. His, we’re not his servants.

But you treated the need to go and see him as being an obligation that you weren’t voluntarily undertaking.---I don’t understand, Mr Buchanan.

40 Sorry, I’ll rephrase it. This conversation, and the others that we’ve seen, show that you were treating the task of going to see Mr Maroun as something that you wouldn’t do unless you had to.---If we have to go and see him, we have to see him, but not like, maybe he’s been calling, calling for so many times. At the end, we have to answer his call.

He’s a property developer?---Hmm?

He is a property – he was the only property developer?---He had application in the council.

And you knew that he had applications before council?---Yes.

At the time?---Yeah.

Why was it necessary for you to do something that you didn't want to have to do, which was to go and see him and see what he wanted on this occasion?---Oh, what I said before, Mr Maroun always accusing the council for delaying, and always calling, calling and ask, and sometime we have to go and face him and tell him, it's not correct.

10

Why did you have to go and see him? What made it different about those sometimes that you had to go and see him?---If I have time, I'll go see everyone who request or have any issue with the council. I'll see everyone and answer every call. Not only Mr Maroun.

But you had a low opinion of Mr Maroun, didn't you?---Mmm, a little bit.

20 So it doesn't make sense, the explanation you're giving us, as to why you would go out of your way more than once to go and see him to see what he wanted.---He request to see, and (not transcribable) and tell him I have no idea what was the, the issue and the purpose of the meeting. But sometime you have to go and face the people and tell them what, what's, they has, you have to tell them.

But it was, could only be about his applications before council or that were with council at the time.---He had one application at the time, and (not transcribable) he always, he always enquiry about this application.

30 And why couldn't you tell him then on the phone as at 16 December, 2015? ---My, I never, like, I only spoke with him on the phone once or twice. He normally made the request, he doesn't talk to me too many times on the phone. And I always tell him, and, and he kept going. I always tell him.

40 Can I show you, please, Exhibit 152, which is a transcript of a telephone conversation recorded on the same day, 16 December, 2015, this time at 1.28pm, so shortly after that call that you'd had with Mr Hawatt commencing at 1.25, and the transcript's on the screen in front of you. You can see that it's a telephone conversation between Mr Hawatt and Mr Maroun. Mr Hawatt is recorded as saying, "Good, very good. I spoke to what's his name yesterday. He said you, you had some ideas you wanted to talk about." Maroun said, "Yeah, whenever you're free." Then Maroun made arrangements for Hawatt to meet him at the pub. You see that? ---Yeah.

Was it you who Mr Hawatt was referring to?---No.

Who do you think Mr Hawatt was referring to?---I have no idea, sir.

Was there anyone else who conveyed messages to you or Mr Hawatt about Mr Maroun's business other than Mr Maroun himself?---I don't understand.

Sure.---Can you repeat the question, please.

You got messages from time to time that Mr Maroun wanted to see you and Mr Hawatt. Correct?---Message from who?

10 Well, that's my question. That's my next question.---I don't receive messages from anyone.

Except from Mr Maroun from time to time?---I don't receive messages from Mr Maroun. I don't remember if he made a call or messaged me once but normally he doesn't request to meet with me Mr Maroun all the time. Some, on some occasion.

20 And when Mr Maroun made the arrangement to meet with Mr Hawatt at the pub, you would have understood that to be the Earlwood pub?---I don't know.

Earlwood Hotel?---I have no idea.

Did you ever meet Mr Maroun in a pub?---I don't remember I met him in any pub.

30 Can I take you to another telephone conversation, please, this time a few days later on 23 December, 2015. Exhibit 153. And again I'll show you a transcript if I can, please. This is a recording of a conversation between Mr Hawatt and Mr Maroun commencing at 12.21pm on 23 December, 2015 in which Mr Hawatt asks, Mr Hawatt initiates the call and asks Mr Maroun, "Are you still around? Are you, you're still around or you're gone?" Do you see that?---Yes.

And Maroun tells him, "I'm at the gym." And Hawatt says, "Okay. I'll see you soon, all right." Do you see that?---Yes.

40 Can you assist us as to why Mr Hawatt would have been making that arrangement to see Mr Maroun?---I have no idea, sir. Mr Hawatt never told me what he, what he does all the time.

But you knew the nature of the relationship, that you and Mr Hawatt had with Mr Maroun?---I know my nature I have, my relationship with Mr Maroun about issues in the council matter and that's it. Not, not else.

But you were talking to Mr Hawatt regularly about Mr Maroun, weren't you?---Not regularly. When he had an issue to discuss he'll discuss it with me, that's all, but we discuss what we can be able to do, that's all, or what

we can, what we can do, nothing else, or what can be done. Simple as that. That's all.

Why would Mr Hawatt as you understand it have wanted to see Mr Maroun on this occasion, 23 December, 2015?---I have no idea, sir.

Can I ask that we look at Exhibit 153. That was 153. I apologise. Can we go to – excuse me a moment. Can we play, please, an audio recording LII 0986 recorded on 23 December, 2015 commencing at 12.24pm.

10

AUDIO RECORDING PLAYED

[12.54pm]

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

THE COMMISSIONER: The audio file and transcription of LII 0986, recorded on 23 December, 2015 at 12.24pm will be Exhibit 273.

20

#EXH-273 – TRANSCRIPT SESSION 00986

MR BUCHANAN: Mr Azzi, you recognise the voices of yourself and Mr Hawatt in that recording?---Yes.

On this occasion – excuse me a moment. This is shortly after the meet-up at the gym which Mr Hawatt had instigated with Mr Maroun that you saw in the transcript that was previously in front of you, Exhibit 153. This is a few minutes later, three minutes later and Mr Hawatt is talking to you.---Three minutes later, yeah.

30

Mr Hawatt initiated the call and Mr Hawatt said, “How about if I meet you at Earlwood?” Do you see that?---Yeah.

And there was then a discussion between you and him as to where, and Mr Hawatt indicated at the gym and you said, “At the gym?” Hawatt said, “Earlwood. You know where, where we spoke.” You responded, “Yeah. At the gym, not at the club,” and Hawatt said, “Same place,” and you said, “All right, yeah, yeah. Yeah, yeah, okay.” Now, can you help us as to what that meeting was to be about?---I don't know what it's all about. I don't know what was all about.

40

But Mr Hawatt didn't indicate to you that there had been a call from Mr Maroun.---He didn't. I don't know.

You didn't indicate to him that there had been a call from Mr Maroun.---I don't know what it meant, the call before, and why we have to meet at the, in the gym. I can't recall what was the meeting.

Well, you can see that Mr Hawatt had arranged it, he tells you, "Okay, he's there now waiting for you."---Where?

10 This is where the cursor is on the second page of the transcript. "Okay, he's there now waiting for you," and you said, "Okay, all right. He's waiting now?" That's a question and Mr Hawatt said, "Yeah."---You said it's happened after three minutes?

After the conversation between Hawatt and Maroun in which Hawatt arranged to meet Maroun at the gym. So the question is why is it, given that there's no reference to any request, no reference to any query, no reference to any whinging, why is it that you agreed to meet Mr Hawatt at Mr Maroun's Gym that day?---Okay, you said Mr Hawatt was meeting with Mr Maroun at the, at the, at the club?

20 Well, we can go back if you like but you remember that we have looked at a transcript where Mr Hawatt arranged to meet with Mr Maroun at his place and then three minutes later, Hawatt, in this transcript here, Exhibit 273, arranges for you to meet as well.---I don't know what was the case, I have no idea. I can't remember.

Well, you say that but it's plain that you understand at the time you were talking to Mr Maroun what the purpose would be, didn't you?

30 THE COMMISSIONER: I think it's Mr Hawatt.

MR BUCHANAN: I do apologise, Mr Hawatt. You understood what the purpose would be because you didn't ask Mr Hawatt what is this about? ---At the time, I don't know what he was talking about.

So why did you agree to meet Hawatt at Mr Maroun's place?---I don't know if we going to meet at this Maroun's place. He mentioned a gym at Earlwood. Sometime we meet at the, Vasil's gym. I have no idea what this, what - - -

40 But you saw the transcript of the arrangement of the meeting between Hawatt and Maroun so we know that the meeting was with Maroun at Maroun's place.---No, my - - -

We know that, you know that.---I never met, I mentioned the gym or the club, that's been never arranged with Mr Maroun because I never met Mr Maroun at any club and we don't go to the club with Mr Maroun. I have no idea where we're talking about.

Please, please, please, Mr Azzi. Apologise if I have confused you with my question. I'll put it again. You have seen a transcript, Exhibit 153, where a meeting was arranged in the first place between Hawatt and Maroun and Hawatt arranged it. That was on 23 December, 2015, at 12.21.---Yes.

Now, three minutes later, Exhibit 273, Hawatt arranges for you, with you to come to the meeting.---Well, I'm, I'm a bit confused. You said they already meeting and three minute - - -

10 No, they have arranged a meeting.---And they say they still waiting, what I can see here.

Yes. Maroun is waiting because he is told Hawatt will be there.---Yes, but I'm the one who's going to meet with him and how he can arrange to meet with him in three minutes' time and at the gym?

No, no, no, no. Not at three minutes' time, he's talking to you three minutes later, arranging for you to come to that meeting.---He said he's going to meet me at the gym but the meeting somewhere else.

20

No, we know they're meeting at the gym, Mr Azzi because Mr Maroun and Mr Hawatt arranged that. That's Exhibit 153, the conversation three minutes earlier. So we know that it's at Mr Maroun's gym. We know what gym means. It means Mr Maroun's gym at his place. So when the two of you are talking, when Hawatt says, Exhibit 263, "Earlwood, you know where, where we spoke." You knew because you said, "Yeah, at the gym, not at the club." Hawatt said, "Same place." You said, "All right. Yeah, yeah, yeah." So you knew what Hawatt was talking about.---Yeah, but not, I don't mean he was, I'm going, was going to meet with Mr Maroun because I never, I can't remember, I never met Mr Maroun. I can't recall it, mate, or, because I mentioned club. Normally he goes to my club and we meet with Mr Hawatt.

30

Mr Azzi, you are deliberately trying to avoid the question, aren't you?---I'm not, sir. I am bit confused. Three minutes between it was meeting.

What confuses you?---He was meeting with him and I never - - -

40 No, no, no. He wasn't meeting, he was arranging the meeting three minutes earlier. He arranged the meeting at Mr Maroun's gym and then - - -?---And him and Mr Maroun - - -

And then he puts down the phone and then rings you and arranges with you to meet at the gym and you understand what he's talking about.---Yeah, I, I don't know if it was the case to meet him with Mr Maroun, me or somebody else. I can't remember.

And Mr Hawatt says, "Okay. He is there now waiting for you." You said, "Okay, all right. He is waiting now?" And Hawatt said, "Yeah," and you said, "All right." So you had no difficulty understanding Mr Hawatt during this conversation, did you? You knew what Mr Hawatt was talking about. ---At the time, must be, yeah.

Yes. You knew that he was talking about you and him meeting Mr Maroun at his place.---I don't know if it was going to meet with Mr Maroun. I have no idea but at the time, I would - - -

10

Please, please - - -?--- - - - I know what he was talking about.

You can see that Mr Hawatt said, "I'll meet you there."---Yeah.

So Hawatt was arranging to meet you at Mr Maroun's gym. "I'll meet you there," on the second page. And there's no reference to any request. There's no reference to any enquiry. It's just the two of you going over, for some reason, unspecified, to Mr Maroun's place, you understanding exactly what Mr Hawatt means when he says, meeting him at the gym in Earlwood.

20

---Well - - -

What's this about?---I don't know, sir. I can't recall all this, I can't remember all this. You know, I can see it now. I have nothing, like, anything just to recall what's all the meetings for. Nothing. Serious.

Did you and Mr Hawatt collect a payment from Mr Maroun on this occasion?---No, sir.

30

Commissioner, I note the time. I haven't finished with this topic. I'll come to it if I may after lunch.

THE COMMISSIONER: We'll adjourn for lunch and resume at 2.00pm.

LUNCHEON ADJOURNMENT

[1.06pm]