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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 25 JUNE, 2018

AT 9.30AM

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

THE COMMISSIONER: Right. Ms Mitchelmore.

MS MITCHELMORE: Yes, Commissioner. This morning first thing is to complete the evidence of Ms Kocak.

THE COMMISSIONER: Yes. Oh, I'm sorry, Mr Drewett.

MR DREWETT: Yes, Commissioner. I just wanted to let you know that I'm back. I had someone in my stead on Friday and I seek leave again to
10 - - -

THE COMMISSIONER: Yes, we had Mr Wood. So welcome back. And Ms Kocak.

THE COMMISSIONER: And the direction I gave under section 38 of the Act still applies.---Thank you.

10 MS MITCHELMORE: Thank you, Commissioner. Ms Kocak, I wanted to ask you some questions about a site at 570-580 Canterbury Road. Can I show you firstly volume 20, page 194. It's part of Exhibit 69. And I just wanted to show you, it's up on the screen but the hard copy's been provided to you if you need it. I just wanted to start with an aerial of the site and orient it with Chelmsford Avenue. So the site comprised a prefabricated factory, is that right, or a showroom of some kind for carpet, is that right? ---I believe so, yes.

And then 576, 78 and 80 were residential properties. Is that right?---That's correct.

20 And then perpendicular to those properties you can see 2, 4, 6 Chelmsford Avenue. Is that right?---Yes.

Can you recall that 570-80 Canterbury Road was the subject of a process to amend the Local Environment Plan so as to increase the height limit of the site from 18 to 25 metres?---Yes, it was.

And that process was running in tandem with the proposal for 538 Canterbury Road. Is that right?---That's right.

30 And that proposal, the planning proposal was not something in which you were involved. Is that right?---That's correct.

Now, in December of 2014 there was a development application for 570-580 Canterbury Road for construction of a mixed-use six-storey development. Was that a development assessment in which you were involved?---No.

40 That development application went to IHAP in August of 2015. Again the preparation of the report to IHAP, was that a matter in which you were involved?---No.

All right. Now, that application was ultimately approved, and then in October of 2015 Statewide Planning lodged a further development application for two additional levels. Do you recall that?---Yes, I do.

And was that a development application in respect of which you had some involvement?---Yes.

All right. It's the case in relation to that development application in relation to adding two further levels that it was going to exceed the height limit of 18 metres. Is that right?---That's correct.

So a clause 4.6 exception was required under the LEP.---Yes.

And the submission was provided pursuant to clause 4.6 in that regard. Is that right?---Yes.

10 THE COMMISSIONER: I'm sorry, there's strange noises.

MS MITCHELMORE: Yes. We might just get that looked into, Commissioner.

THE COMMISSIONER: Yes.

MS MITCHELMORE: I'll continue and we'll get that looked at. Now, an external consultant was to be engaged in relation to the assessment of that site. Do you recall that?---Yes, I do.

20

Can I take you to volume 23 of Exhibit 69 and folder 20 can be returned. I want to take you, Ms Kocak, to page 68. Now, at the bottom of the page, this is a series of emails but the first one I wanted to take you to, Ms Kocak, is the bottom of page 68 and it's from you to Mr Brewer of Willana. That's right?---That's right.

30

Dated 8 February, 2016 at 9.56am. And is it the case, looking at the third paragraph, that you were inviting Mr Brewer to submit a quote for the assessment of the additional DA for the two storeys at 570-580 Canterbury Road?---That's right. I was seeing whether he would be interested in providing a quote.

All right. And he responded to you on the 8th indicating that they'd be happy to provide an estimate. Is that right?---That's right.

40

And asked for some additional documents. And just going then to page 67, at the bottom of the page there is a further email from you attaching some documents associated with the application, and you then say, "This assessment is urgent so I would greatly appreciate if you could get back to me this morning so I can get approval to proceed." Can you recall why the assessment was urgent?---I would have been advised by my seniors that it needed to go to an upcoming council meeting, so, but I can't recall specifically who said, who advised that it was going to be urgent.

So when you refer to your seniors, that would have been one of Mr Gouvatsos or Mr Stavis. Is that right?---That's right.

And you've said in the second or the sort of last sentence at the bottom of the page, "The report will need to be finalised by Friday." Does that assist your recollection as to why you've indicated that it was urgent?---It would have been needed by Friday because that would have been an internal deadline to make it to the upcoming agenda which would have probably been the March meeting.

10 I see. So by this stage it's the Monday, so it's required by the Friday. Is that a particularly tight turnaround in your experience for a report of this nature?---Yes, definitely.

But you can't recall as you say any reason for why it needed to be turned around that quickly. Is that right?---That's right.

20 All right. If I can then take you back to page 66, and we're just following this chain through chronologically, at about point 5 on the page, on 10 February, so this is now the Wednesday, you're given a follow-up email from Mr Brewer, is that right, "Was this project given the green light?" And then required some more basic information that the deadline was still, and confirmation the deadline was still Friday. And in response to that email Mr Stavis has sent you an email at the top of the page at 12.03pm on 10 February saying, "Mine, I know they're may be probity concerns but it might be easier to just get Michael to do it for this one. Up to you and George." What did you understand by Mr Stavis's reference to some probity, or sorry, "May be probity concerns?"---My understanding was that we didn't have another two quotations from other consultants, so to proceed on the basis of just one quotation may have been an issue. That was my understanding of what he said, and I guess the other aspect that I took on board was that it was up to George and myself.

30 Yes. And so is it the case that you discussed this issue with Mr Gouvatsos? ---I'd assume so.

Yes. And later that afternoon you provided three consultant quotes to Mr Gouvatsos. Do you recall that?---I don't know that it was to do with this site.

40 I see. All right. Well, perhaps if I can clarify then. If I can take you to page 72 of this volume.---Yes.

Now, there's an email from you to Mr Gouvatsos looking at the bottom email on the page saying, "Further to Spiro's email regarding this matter, please find attached three consultants' quotations for the assessment of the above applications. The quotation from Planning Ingenuity is the cheapest, however Willana has completed a similar assessment at the Harrisons Timber site at 548 Canterbury Road. Please advise which you would prefer." Are you indicating that from your previous answer that this email

doesn't relate to 570-580?---No, this relates to 418 and 424 Canterbury Road.

I see. All right. And so the response from Mr Stavis, "Given the time constraints and their experience," that related to time constraints involving 418-424 Canterbury Road. Is that right?---I'd say so, yes.

10 All right. Thank you. Can I then take you, Ms Kocak, to page 84 of volume 23. Again this is at the bottom of an email chain and the top of the chain is at page 83, if you just want to have a quick look at that for context, but on page 84 is an email from Mr Craig McGaffin to you at 4.56pm on 16 March, 2016, which attached a revised clause 4.6 objection in relation to this project. Now, obviously 16 March is well after the original deadline that you've advised Mr Brewer of, can you recall how the timing in relation to this development shifted or why it shifted?---I can't recall specifically but I can see that there probably wasn't sufficient information for us to proceed, and from that last email that we looked at where Mr Stavis's email said up to George and yourself, we would have taken that to mean whether we engage somebody or not and we, we chose not to engage a consultant and to proceed with the assessment internally. So I would have still been looking at this application so we hadn't engaged any consultants at that point and we didn't go and get any further quotations.

20 So a decision was made as between you and Mr Gouvatsos to assess it internally, so that was you doing the report. Is that right?---At this stage we were continuing with the assessment, yes, in March.

30 And over the page at page 83, just following this chain through chronologically, you've responded to Mr McGaffin on 21 March at 9.44am indicating that you'd in fact requested some further information at an earlier stage from a Mr Andrew Hanna. Did he work for Mr McGaffin, to your recollection?---I think he worked for Statewide Planning.

All right. So he was related, he was working for a party that was related to the application. That's right, yes.

40 And you indicated in the last line on page 83, "This information," so the information you'd requested from Mr Hanna, "Has not been lodged to date. The extended deadline for the completion of this report is today." So was it the case that you were preparing a report that was required by that day or is that referring to the information that you required, the deadline for that was 21 March?---The internal, I believe the internal deadline for the report that we were preparing internally would have been due that day.

So that was then to go to a council meeting perhaps the next month. Is that right?---That's right.

And Mr McGaffin has responded looking at about point 4 on the page, indicating that Mr Hanna hadn't seen the email but he'd send that information tomorrow, and your response was, sorry, you forwarded that to Mr Gouvatsos and Mr Stavis indicating that you hadn't received that information.---That's right.

10 And looking at the last sentence, "I don't think this application will make the 2.00pm cut-off today. I was going to talk to Chauntelle about an extension but she's out." Chauntelle worked within the secretariat for IHAP. Is that right?---That's right.

So the 2.00pm cut-off was in relation to a deadline that IHAP imposed for submission of reports to it. Is that right?---It was an internal deadline for us to get the report to the IHAP coordinator so that it could make the agenda and be sent out to the IHAP panel.

20 And can you recall why this application had to go to IHAP?---It would have, to, our knowledge at the time, it would have met that criteria that needed for IHAP to have a look at it. I don't recall specifically.

Thank you. Can I take you to page 85 of volume 23. Do you see that's an email from yourself to Mr Stavis, copy to Mr Gouvatsos on 22 March, 2016? So this is the day, the same day as you'd send the email at page 83. And you refer at the first line to "our meeting." So can you recall a meeting with Mr Stavis and Mr Gouvatsos, and/or Mr Gouvatsos on this day in relation to this development?---On 22 March?

Yes.---Yes.

30 And do you recall what was discussed at that meeting about this development?---That, my understanding was, well, Mr Gouvatsos and I were, were raising issues with Mr Stavis and, and at that meeting, this is essentially a note, all of the points that I raised in this email to Mr Stavis were pretty much a summary of what we discussed at that meeting.

Yes. You see there that in the first sentence you say that, "It includes a background to the lodgement of this application that can be forwarded to the GM." Do you see that?---Yes.

40 Do you recall why or what Mr Stavis said about the preparation of such material to be forwarded to the GM?---Not necessarily, no.

Do you know if the general manager was interested in this development?
---At this meeting I was told by Mr Stavis that he would need to update the general manager and some councillors about this application.

Did he identify which councillors?---I can't recall.

Was it the ordinary course for Mr Stavis to update the general manager about particular developments?---From what I gathered, yes.

Can I just take you to, there's three bullet points at the bottom of the page. The third-last bullet point is a reference to speaking to the assessing officer who advised she still had some concerns about the clause 4.6 submission not demonstrating a better environmental outcome and not sufficiently demonstrating why the development standard would be unnecessary or unreasonable. Are you able to tell me who the assessing officer is that you're referring to there?---Myself.

So when you say, "With which I agree," you agree with yourself there. Is that - - -?---No. I prepared this so that essentially Mr Stavis could cut and paste it into his email to the general manager.

THE COMMISSIONER: Oh, okay. Right.

MS MITCHELMORE: Okay.---That probably makes a bit more sense.

No, that makes more sense.---I should have explained that.

So when it says, "With which I agree," you had intended that Mr Stavis would say to, that would be part of his email to the general manager saying with which I, Mr Stavis, agree.---That's right. From our meeting that's what I gathered. I made some notes about what we had discussed and this was the notes that I would send over to Mr Stavis so that he could then cut and paste it into his own email and to his own words so that he can forward on to the general manager.

Okay. That makes sense. Thank you. So in the course of the meeting Mr Stavis had indicated that he agreed with your assessment of the compliance of the 4.6 submission with the requirements of clause 4.6. Is that right? ---Yes.

And the second-last bullet point refers to the planning proposal and so that's the planning proposal that was working its way through the process about increasing the height limit of that particular site to 25 metres.---Yes.

But that had no material weight because it hadn't been approved by the department so therefore one had to fall back on clause 4.6. Is that right? ---That's correct.

And the last bullet point indicates, "I note that we're still waiting on verification statement under the current version of SEPP 65 which we requested on 7 March, 2016." Are you able to tell the Commission what a verification statement under SEPP 65 is?---SEPP 65 changed from the Residential Flat Design Code to the ADG, so we were after a compliance table from their architect or from their consultants demonstrating how they

now comply with the ADG requirements, because there was no savings provision in that, in the SEPP, so that's essentially what we were after.

And so by ADG you're referring to the Apartment Design Guidelines. Is that right?---That's right, yeah.

And there was no transitional provision in relation to those two instruments, so this development had to satisfy the subsequent ADGs. Is that right?
---That's correct.

10

All right. Can I take you to your statement, Ms Kocak, if you have it there. Let me provide you with a copy. Can I just take you to paragraph 41, and it refers to a conversation that you had with Mr Gouvatsos and Mr Stavis. Can I ask, is that the conversation that you had with them on or around 22 March?---Yes.

20

Yes. Thank you. Can I take you now to page 147 of volume 23. This is an email, the top email is an email from Mr Stavis to you of 14 April, 2016 in relation to this development saying, "Hi, Mine. Info attached as discussed."
And if you go down the page he's forwarding an email from Mr Demian to Mr Stavis of 13 April which attaches a schedule of projects with agreed dates and also a marked-up set of plans incorporating a second lift and increasing setbacks from levels 5 to 8 and would endeavour to make the same for levels 1 to 4 if possible. You'll see, Ms Kocak, that there is a reference in the bottom email on page 147 to a meeting, "Can you please send through minutes and info as agreed at our meeting yesterday. I need ASAP if I'm going to work to the deadlines." Were you present at any meeting with Mr Demian and Mr Stavis on or around 11 April, 2016?
---No.

30

Did Mr Stavis tell you anything about what occurred at that meeting?---I recall that the meeting was held to discuss the last email that, or the last meeting we had, so 22 March, the contents of that and what is still outstanding.

Yes.---But beyond that I don't, I wasn't there but my understanding was that there was a communication of what council's issues are and some amended plans were forthcoming after that.

40

So if I can take you to page 149 of volume 23, is it the case that these are the plans that were attached to the email that Mr Stavis sent to you on 14 April?---Yes.

Yes. Do you recognise the handwriting on those plans?---Not necessarily, no.

No, not necessarily. Do you recognise it at all?---It may be Mr Stavis's but I don't know 100 per cent.

Thank you. All right. Can I take you then to page 201 of volume 23. If you'll see, Mr Kocak, that this is an email chain of 25 May, 2016, so this in fact post-dates the announcement of the amalgamation of Canterbury and Bankstown Councils. Is that right?---That's right, yeah.

Yes, being 12 May, 2016. Do you recall that?---I believe so, yes.

10 And you'll see at the bottom of the page there's an email from Mr Stavis to you at 10.57am on 24 May which says, "Please see below and attached. I suggest we give it to Michael Brewer for assessment." Do you see that?
---Yes.

20 And over the page at page 202 you'll see an email from Mr Demian to Mr Stavis attaching a set of plans "For the above project addressing the issues discussed in our last meeting." Can I just show you this document. There is a spare copy there for Ms Kocak's representatives and one for the Commissioner. Can I just ask you, Ms Kocak, to confirm if you can that the plans attached to the document I've just provided you with were the further plans that were received in late May of 2016, to your recollection?---They appear to be.

Yes. Commissioner, I tender that document.

THE COMMISSIONER: An email from Charlie Demian to Spiro Stavis dated 24 May, 2016 attaching a set of plans for 570 Canterbury Road will be Exhibit 82.

30 **#EXH-082 – EMAIL FROM CHARLIE DEMIAN TO SPIRO STAVIS
RE: 570-580 CANTERBURY RD CAMPSIE DATED 24 MAY 2016
WITH ATTACHED AMENDED PLANS**

MS MITCHELMORE: Mr Kocak, going back to page 201 of volume 23, you can see that you responded to Mr Stavis in relation to these plans the next day, 25 May at 9.37am commenting on the attached plans. Is that right?---That's correct.

40 And you'll see that Mr Stavis at the top of the page that same day but much later in the evening asked for you to arrange a meeting with Mr Gouvatsos to discuss ASAP. Can you recall whether that meeting occurred?---I'm pretty sure it did occur, but it would have occurred informally where I didn't set up a meeting time, when I saw this email I would have walked up to his room to make arrangements and received instructions onto what to do next.

And did you raise the concerns in your email with Mr Stavis directly at that meeting, can you recall?---I don't think I would have pushed any further

because I've already made a point in email and I think the meeting would have just been about instructions as to engaging an external consultant and I guess for me to disengage with the, with the assessment.

Do you recall Mr Stavis making any response to the comments that you raised in your email?---No.

By your answer do you mean that he didn't make a response or you can't recall?---I can't recall.

10

Is it the case that the amended plans were sent to Willana and Mr Brewer, can you recall?---I recall the assessment was then, yes, sent to Willana and the information I had to forward on to them.

So while you had been dealing with the assessment up to this point internally it was then sent externally to Willana. Is that right from this point?---That's correct.

20

But ultimately Willana were released from their obligations of assessment in relation to this development. Is that right?---That's correct.

And ultimately this development application was refused. Is that correct? ---Yes.

Yes. Commissioner, I don't have any further questions for Ms Kocak.

THE COMMISSIONER: Mr Neil?

30

MR NEIL: No questions, thank you, Commissioner.

THE COMMISSIONER: Mr Andronos?

MR ANDRONOS: No questions, Commissioner.

THE COMMISSIONER: Mr Doyon.

MR DOYON: Yes. No questions, Commissioner.

40

THE COMMISSIONER: Mr O'Gorman-Hughes?

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

THE COMMISSIONER: Mr Drewett.

MR DREWETT: I have no questions, Commissioner.

THE COMMISSIONER: Mr Pararajasingham.

MR PARARAJASINGHAM: No questions, Commissioner.

THE COMMISSIONER: Mr Moses.

MR MOSES: Yes, Commissioner, just a few questions. Ma'am I just wanted to ask you just a few matters in respect of the evidence you've given to the Commission through Counsel Assisting. With Mr Stavis, I think is this the position, that you observed that he was very involved in various planning applications?---Yes.

And that on your observations Mr Stavis as the new director predominantly involved himself in larger applications.---With the applications that I was involved in, yes.

That's 538, 548 and 570 Canterbury Road.---That's correct.

And is this also your observation, that Mr Stavis tended to favour engaging external urban designers to provide views on proposed developments, such as Willana?---Yes, but in a different context as well where we had, aside from these particular projects there were other instances where we would engage external consultants to provide comments about built form et cetera to potentially overcome issues.

And that generally when Mr Stavis was there as director there was an increased number of consultants being engaged to undertake development assessment work due to planning staff shortages?---I believe so, yes.

And is this the effect of it, that what you observed was when Mr Stavis came on as director there was an increased demand on turnaround of development applications, certain development applications to be done quickly which put demands on staff?---Yes.

And that meant that during that period staff were then required to work after-hours, taking work home in order to keep up with what were demands for quick turnaround times?---Yes, there were people taking work home, and 'cause there were very tight deadlines to make certain items make the agenda.

And in your professional experience, if there isn't sufficient time being given to people within the planning department of council to properly consider applications because of tight turnaround times, does that then lead to difficulties in terms of assessments?---Yes, it does, and it increases the scope for any errors or any oversights, so at that time people were putting in those extra hours to make sure that we covered everything.

Okay. Thank you. I have no further questions, thanks, Commissioner.

THE COMMISSIONER: Ms Mitchelmore?

MS MITCHELMORE: Commissioner, I have no further questions. If Ms Kocak could be excused.

THE COMMISSIONER: Thank you very much. You are excused.

THE WITNESS: Thank you.

10

THE WITNESS EXCUSED

[10.05am]

MR BUCHANAN: Commissioner, the next witness is George Vasil.

THE COMMISSIONER: We'll just wait for your solicitor. Hopefully he's got enough room there. Now, Mr Vasil, you're happy being called Mr Vasil?

20 MR VASIL: Yes, yes.

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

MR VASIL: An oath.

MR NEIL: Commissioner, I've explained the effect of section 38 to Mr Vasil. He would seek a certificate. Could I just indicate that he was briefly hospitalised on Saturday, he has some health issues, I won't go into the detail, he's taking some painkillers and some antibiotics but he's all right to give evidence but he might ask occasionally for a short break.

10 THE COMMISSIONER: Yes.

MR NEIL: Thanks.

THE COMMISSIONER: Mr Vasil, any time you want a short break just indicate either to myself or whoever is asking you questions and we'll take a break.

THE WITNESS: Thank you. Which microphone?

20 THE COMMISSIONER: I think that microphone might be better.

THE WITNESS: Okay, thank you.

THE COMMISSIONER: And, Mr Vasil, I'll make a direction under section 38. I think you've been here for some previous evidence. I always emphasise to witnesses there is an exception to the protection given by section 38, that is if you give false or misleading evidence to this public inquiry you could be prosecuted for that. It's a very serious offence and brings with it a maximum term of imprisonment.

30

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by this witness during the course of the witness's evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

40

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

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Commissioner.

Sir, your name is George Vasiliades. Is that right?---Yes.

10 But you are known as George Vasil. Is that right?---Yes.

Sir, you have connection with a real estate agency, Ray White Real Estate, Earlwood?---Yes.

What is that connection?---I'm the licensee of the office.

You're the licence holder?---The licensee, yes.

And the address of that agency's office is 202-204 Homer Street?---Correct.

20 Homer Street, Earlwood?---Yes.

You have a company, Vasil Bros, as in B-r-o-s, Sydney Pty Ltd?---Yes.

And is that the corporate vehicle through which you run the real estate agency?---Yes.

And whilst you are the licensee, you have a brother, Peter, is that right? ---Yes, yes.

30 He works in the real estate agency?---He looks after the sales. He is the sales manager.

Could you just keep your voice up a bit? It's not your fault, it's mine. I'm a bit hard of hearing.---He's the sales manager for sales, property sales, yes.

40 Thank you. And what is the, in 2014-15-16, what was the degree of your involvement in the operations of the real estate agency?---Okay, in property sales, virtually zero. In property management, virtually zero. Only when an issue may have come up I would get involved, but basically I was in the administration side of the - - -

I'm sorry, you were - - -?---In the administration side of the office.

Were you supervising the operations?---When you say supervising, I, I wasn't, I didn't know what sales were happening at any time and in, and the same with property management, I wasn't actually supervising, because my brother Peter, he is a licensee, so he, he was looking after it.

You had a son, Con Vasiliades?---Yes, yes.

He was a former councillor on Canterbury City Council?---Yes.

You were present when he gave evidence in the inquiry?---Yes.

You know Michael Hawatt?---Yes.

10 In 2014 to '16, he was councillor on Canterbury City Council but he'd been a councillor for many years before that?---Oh, I think since the mid-90s, yeah.

And when did you first meet Mr Hawatt?---I think may have met him when he was running against Tony Stewart in a state election. I think that's what - - -

And what is your best memory as to what the date or year was at that - - -? ---Oh, no, I can't, can't remember that. it would have been in the '90s.

20 So in the '90s?---In the '90s. I went helping out Tony Stewart. I think it was the first time, I think, I'm not sure about that, yes.

And for what electorate was that?---I think Tony was running for the seat of Lakemba.

THE COMMISSIONER: And you were helping out the opposition?---I was helping out Tony Stewart, yes.

30 MR BUCHANAN: And he was standing for which party?---With the Labor Party, yes.

And Michael Hawatt was running against Tony Stewart, was he?---That's correct, yes. I, I think it was about that time. Because that's - - -

40 Could you please describe the nature of your relationship with Michael Hawatt in the period 2014-2016?---Okay, we did become social friends. We were friends and just like, all the previous councillors, going back to the early '80s, occasionally he would ask an opinion on different planning issues, DCPs and things like that.

And did you have any other relationship with him?---Social, social friends. We used to be together in Arab Business Network. We used to go to Liberal functions. We used to go charity functions. Mainly social relationship, yes.

Did you have a business relationship with him?---I wouldn't say business relationship. Many years ago, I referred some clients to him in terms of

loans but he wasn't dealing with them. It was his offsider at the end with them.

I'm sorry, he wasn't dealing with - - -?---I used to send some clients, maybe less than half a dozen clients for loans but it wasn't him handling it. It was his offsider.

Right, and was this in relation to Michael Hawatt's mortgage broking business?---Yes, yes.

10

And who was Michael Hawatt's offsider at that stage?---Oh, I think it was his nephew and he had a partner from what I remember. He had a partner. I wasn't involved with this, so - - -

A business partner?---A business partner, yes.

Did you have any other business relationship with Michael Hawatt in the period 2014-2016?---I'm sorry, you're referring to 2014-16?

20

Yes.---Yes, no, I didn't have any business relationship with him.

None at all?---No, no. I, I think it was before, before that time that I sent, I referred some clients.

So you didn't have any relationship with Michael Hawatt in the period 2014-2016 with a view to either of you making money?---Oh, no. But after, when he, after the amalgamation - - -

30

Yes, in May 2016.---Yes, there was some discussion about him getting into, getting into, I think, what's the word, getting into sales, commercial sales.

Commercial sales of what?---Properties.

And when you say there was some discussion, were you involved in that discussion?---Yes, I was, yes.

And was there any discussion with Michael Hawatt about him getting into commercial sales of property before amalgamation occurred in May 2016? ---Before that date he was involved in some, yes, some development in
40 Bankstown, Milperra, something like that.

Bankstown is a long way from Milperra.---Oh, is it? Okay.

Are you talking about two different properties?---In the Bankstown area, in Milperra. I think it was Milperra.

A development in Milperra?---Yes, something to do with a hospital, yeah.

Something to do with a hospital?---Yes, yes.

Might it have been a hospital at Revesby?---Revesby, yes, yes.

All right. And what did you know about that?---Okay. Can I explain what -
- -

I'm just simply asking what did you know about Michael Hawatt's
involvement before amalgamation in a commercial development or a
10 prospective commercial development in Revesby?---Yes. Okay. There was
a property that Michael was representing the owner of the property, and
there was a guy by the name of John Dabassis who had some sort of an
agreement with him.

Who did John Dabassis have the agreement with?---John Dabassis, between
John Dabassis and Michael Hawatt, that if they were to sell the property
then there was an agreement between them. But as I remember saying to
possibly both of them, it's not his property so how can he go into an
agreement with John to pay John commission? Because John supposedly
20 have to buy it.

When you say "he" are you talking about the owner?---Sorry.

Who are you talking about there?---No, there was, there was an agreement
between Michael Hawatt and John Dabassis.

John Dabassis. You've told us that.---Yes, yes.

Yes. You've told us that Michael Hawatt knew the owner.---Yes.
30

And you said something to both of them.---Yes.

What did you say to Michael Hawatt?---Okay, from memory what I said to
him, how could he get involved with that property - - -

Who is "he"?---Michael Hawatt.

Yes.---How could he get involved? He was not the owner. And I think
mentioned to John Dabassis if Michael is not the owner, how can he get his
40 commission? It just didn't make sense to me. That's - - -

You've never heard of a property owner making an agreement with
somebody with a view to that person being their agent for the purpose of
selling the property?---Yes. But since I don't know what the arrangements
were with Michael Hawatt and the owner, but how could John Dabassis
claim commission from Michael Hawatt? That was my question.

I thought you said that your question was to Michael Hawatt about how he could get involved.---Sorry, both, both of them.

Because he was not the owner.---Both. Both. Both.

Sorry, you've changed your story.---No, I'm sorry. I'm, I'm, it was, it was John Dabassis and Michael Hawatt.

10 Yes.---Yes. I put it to them. I thought that what they were organising didn't make sense to me. Sorry, yeah, just - - -

Was there any other discussion that you had with Michael Hawatt before amalgamation about making money?---I don't recall anything like that.

Is it possible that there was a discussion and you say that you've now forgotten?---Well, if I don't remember any such discussions, I don't remember.

20 Was there any other property in which there were discussions involving you and Michael Hawatt about the sale or the purchase of the property other than the property at Revesby?---Before amalgamation or afterwards?

Either.---After amalgamation as I mentioned, yes, there was.

Yes. What properties?---That was Charlie Demian's property.

30 Yes. Which property?---Oh, I don't know exactly which one it was because I was talking to John Dabassis, John Dabassis supposedly had a buyer, so I don't even know what numbers they were or anything like that.

When you say numbers, what do you mean?---Which properties it was. It was Harrisons site but I don't know which, which site it actually was.

So that was 548-560 Canterbury Road.---I don't know the numbers.

I'm sorry, 548-568. I stand corrected.---I don't know if it was just that or including the corner of Chelmsford Avenue and Canterbury Road, I don't know.

40 And what's your recollection as to the first time that you had a discussion with Michael Hawatt about a sale or purchase of the Harrisons property?
---Okay. Um - - -

No, no, no. What is your recollection as when? Sorry, my mistake, I should have framed my question more precisely.---Yes. Okay. I remember speaking to him about it in the middle of June. My recollection is middle of June.

Of 2016?---That's my recollection, yes.

And what enables you to say that it was the middle of June rather than say the middle of May or earlier?---Because I remember being on the phone with him because, what's his name, Laki Konistis was sending me messages all the time and making arrangements and all sorts of things.

Laki Konistis?---Konistis, yes.

- 10 Yes.---And I remember getting fed up with Laki doing all sorts of arrangements and, and I just rang Michael to find out what does he know about this thing, and I was really angry that day I remember because - - -

Why did you think Michael would have anything to tell you about what Laki Konistis was talking to you about in relation to the Harrison's property?---Oh, because Laki Konistis spoke to him from my recollection, Laki Konistis spoke to him, because after 12 May Michael wanted to get involved in the commercial sales, things like that. That's my recollection.

- 20 How do you know that Laki Konistis spoke to Michael Hawatt about the Harrisons property?---I think, from what I recall possibly Laki would have spoken to me about it.

And what did Michael Hawatt tell you when you first talked to him about a sale or purchase of the Harrison's property in about the middle of June?
---I don't recall the specific conversation.

What was the subject?---The subject?

- 30 Yes. What did you learn from him that you didn't previously know?---Oh, I don't, sorry, I don't understand the question. What do you mean?

Well, did you find out that Michael Hawatt had some involvement in a sale or the purchase or some commercial dealing in relation to the Harrison's property?---From what I remember he regarded John Dabassis and Lake Konistis as just people who were just making things up, didn't know what they were doing, and I don't think he took it seriously. That's my recollection.

- 40 Did Michael Hawatt indicate to you that he had been having dealings with John Dabassis and Laki Konistis in relation to the sale or purchase of the Harrison's property?---I don't specifically recall that, but I would make an assumption that he, he may have been speaking to them about it because he was speaking to them about the other site in Revesby.

Mr Vasil, I'll change the subject now, if I may. Can I ask you about, thinking now about before amalgamation and the period 2014-2016. What

was the extent, frequency of your contact with Michael Hawatt in that period?---Oh, very frequent, very often.

And why did you have frequent contact with him?---It was a social relationship.

I'm sorry?---It was a social relationship. We used to go out together, he just
- - -

10 Were you a member of a political party?---Yes, I was, yes.

In 2014-16 were you a member?---No, I was not.

And when you were a member, what party were you a member of?
---The Labor Party.

And when did your membership cease, as best as you can recall?---Yes, I think in the early '90s because I moved to Earlwood and I ceased to be a member of the Belmore branch.

20

THE COMMISSIONER: You said that when you were first asked about your relationship with Mr Hawatt you described yourself as social friends and that you would see him at charity functions and also Liberal Party functions.---Oh, yes, yes. I used to go to all those, yes, yes.

So, you'd go to Liberal functions even though you weren't a member of the Liberal Party?---That's correct, yes, yes.

30 MR BUCHANAN: Can I ask why you would go to Liberal Party functions, having been a Labor Party member?---Okay, I was a Labor Party member, I guess my political views changed somewhat and it was just going to the functions. It was a social thing more than anything else.

You didn't find association with either political party to be of assistance to you in conducting your business?---Not really, no, no, not really.

Did you attend those functions with a view to helping in conducting your business?---No. Because it mainly state functions, things like that. No, no.

40 I'm sorry?---No, no. I don't think it was, no. No, it couldn't have, it couldn't assist with me in any way I don't believe.

Is that an honest, frank answer, Mr Vasil?---Sir, going to a, a Liberal function held at you know, state, state elections and things like that, there was no business relationship there, no.

But the political parties were involved in filling positions, for example, as councillors on bodies that made decisions about development in the area in

which you were conducting your real estate business, didn't they?---My real estate business was in sales, it wasn't in development.

And if development succeeded in, say, the construction of a large building with, say, hundreds of residential units, then if you could get the agency to sell the units you would make money, wouldn't you?---You would make money, yes, but there, there was no, was not helping any developer, assisting any developer to develop so that we can sell the property.

10 The more blocks of flats that came onto the market in the area in which you were conducting, in the geographical area in which you were conducting business, the better the prospects of you making money?---With units, with new block of units, there was very minimal involvement with that, was not, it was not something that I would see a DA going up and I would chase the, the application or anything like that.

20 Are you saying you didn't ever become involved in attempts to obtain the rights to either buy or sell residential units?---Not myself. I was not involved in the, in any property sales or purchased. I wasn't involved in sales.

You weren't involved in any attempt to obtain the rights to buy or sell residential units. Is that your evidence?---I don't think I ever was. I don't think I ever was. I don't remember any of, any time when I was involved in attempting to list a property for sale in terms of, I don't remember anything like that because I'm not in sales.

30 You had been, in the period 2014-2016, to Michael Hawatt's residence, is that right?---Yes, of course, yes.

And he came to your office?---Yes.

Frequently?---Yes, yes.

40 And what happened when he came to your office frequently?---We used to, he used to come to the office. We used to go out occasionally and he would, very occasionally, he would ask a question on a DCP, just like all the other councillors before. Going back to the 1980s, I had many, many councillors coming to the office and asking me questions on DCP.

Are you trying to play down the true level of your involvement in the political activities of Michael Hawatt?---No, sir. No. I telling you what I believe. Michael Hawatt is a man, is his own man. Michael Hawatt doesn't need to be told what to do.

Isn't it the case that you had a substantial degree of involvement in Michael Hawatt's work that he did on various aspects that he was interested in at

Canterbury City Council?---Sorry, I don't understand the question. Which, which areas?

I'll reframe the question. Isn't it the case that you had substantial involvement in Michael Hawatt's political work on Canterbury Council?

---Not his political work, I don't believe I did.

10 Were meetings of councillors of Canterbury City Council held at your office?---Occasionally there were some meetings held by some of the councillors, yes.

And why did they take place at your office?---Okay, they couldn't take place at the council because from my understanding is that, some years back at council, other-than-council business was not to be held in the council building because of the cost, and it was a lady by the name of Barbara Coorey who stopped all that, because they used to have political meetings. Labor Party used to have meetings in, within the council chambers, and it was just convenient. And one of the reasons that I think was happening, there were very nice shops in Earlwood. They used to come there not for
20 long, then end up in the, in the pizza place.

Why of all the offices in the local government area for Canterbury were these meetings held at your office rather than someone else's office?---Just like now, if I could mention this, they want to have a political – sorry, the Liberal Party want to have a meeting and I have a place in Punchbowl. It's empty. They ring me up, "Can we use this for a meeting?" I said, "Yes, go and use it." There's no specific reason. Michael was a friend. It was basically central. He used to be going to his mother's place. There was
30 nothing sinister about it, I believe.

And did you take part in some of those meetings of councillors that were held at your office?---What do you mean by taking part? If they were discussing - - -

Did you take part in discussions during those meetings of councillors that were held at your office?---Okay. In terms of the - - -

Yes or no, sir?---Well, I will answer that, sorry.

40 No, no. Did you or did you not? Did you walk out of the room, close the door and wait for them all to leave? Or did they have meetings with you present, taking part in discussions? One or the other.---Okay. I was doing my work there, and if there was a question – I wasn't sitting down with them to discuss council business – if there was a question about something, they would ask me but I wasn't specifically sitting with them to discuss. From my recollection, I don't think I was, no. There was nothing to discuss.

Would it be fair to say that meetings – whether only with Michael Hawatt or whether with Michael Hawatt and other councillors – that took place in your office occurred there because you wanted to be involved in Canterbury City Council business?---Sir, definitely not, no.

You enjoyed being involved in Canterbury City Council business, didn't you?---I enjoyed finding all the problems within the DCP, all the loopholes that were there, and from time to time I would ring up the council offices and bring it to their attention. And there was one issue with - - -

10

No, no, no, no.---Sorry.

No need to tell us a story.---Okay, okay, yeah.

You attended meetings of the council, didn't you?---Yes, I did.

Frequently.---Frequently, yes.

20

Would it be right to say there weren't many meetings you missed?---Oh, it would be 50/50, I would think.

And you attended meetings of the City Development Committee of council when they occurred?---Yes. Yes, yes. Yes.

30

So you were deeply interested in the business of council, particularly so far as it concerned development, weren't you?---I wouldn't say that. I was more interested in the DCPs, the way that the thing was being constructed, the way it read. I wasn't particularly interested in what developments went up or anything like that.

You weren't interested in the business of council so far as it concerned the staffing at council?---What do you mean by that?

People who occupied positions on the staff of council.---I don't think I was, no. I don't think so.

Did you know Pierre Azzi?---Yes, I did.

40

And in the period 2014-16 you knew he was a councillor then?---Yes.

Did you meet him?---Yes.

Did he come to your place?---Occasionally, yes.

I'm sorry, when I say your place I mean your office.---Yes, occasionally, yes.

And did you go to his place?---Yes.

How frequently did you go to his place in the period 2014-16?---Oh, I couldn't say how frequently. I couldn't say, wouldn't say frequently. Occasionally.

Would it be fair to say that there were sufficiently numerous number of times but you can't remember how many?---I can't remember how many but used to go there, if I say often, you know - - -

10 More than half a dozen times?---Yes, of course.

Now, did you know Mr Azzi before he was elected as councillor?---No, I don't but he did tell me that he remembers buying his house through our office many years ago.

And after he was elected in 2012, did you develop a friendship with him?
---Yes.

20 And did you, during the period 2014-16, have dealings with him from time to time?---What type of dealings?

In relation to the affairs of council, the business of the council?---I, I, I would not, okay, on one occasion he asked me a question. I remember that clearly. On one occasion he asked me a question about a particular - - -

30 Apart from that are you saying you never had any dealings with him in relation to the business or affairs of council?---I don't remember discussing with him business of council as such, you know, DAs and things like that. I don't remember that. Maybe general discussions but there's nothing specific that I could remember. Perhaps amalgamation. They were talking about amalgamations, things like that.

Yes. When you say perhaps amalgamation, they were talking about things like amalgamation, what do you mean?---Oh, there was a lot of discussion about whether they should amalgamate or not amalgamate and, yes, he asked my view and things like that, yes.

40 Was there any discussion with him about organising tactics to deal with the issue of amalgamation after it had been announced that amalgamation was going to occur?---No. Not with, they had already made up their minds so I wasn't getting involved with that.

When you say "they", you mean the government?---No, no, no. Sorry. Michael Hawatt, Pierre Azzi, Jim Montague, the council generally. They'd made up their mind they wanted to amalgamate, so I wasn't getting involved in that.

THE COMMISSIONER: Sorry, they wanted to amalgamate?---Yes, yes, yes.

MR BUCHANAN: With whom?---With Bankstown.

And the announcement was made by the State Government of an intention to amalgamate back in 2015. Is that your recollection?---I don't remember when it was.

10 My question was, did you get involved with Pierre Azzi in relation to the tactics to be adopted to deal with amalgamation?---No, I don't think so, no. No, I don't think so.

Can I ask you, once the announcement was made the State Government of an intention for councils to amalgamate, what was your opinion about that? ---In terms of whether they should amalgamate or not amalgamate, I don't really think I had an opinion about it (not transcribable)

20 I'll ask a slightly different question.---Yes. Yes, yes, yes.

Did you have an opinion in the period 2014-16 about whether Canterbury Council should be amalgamated with any other council?---Oh, there was some discussion they should amalgamate with Hurstville but I didn't express, from my recollection I didn't express any view to anybody.

THE COMMISSIONER: That wasn't your question.---Sorry.

30 It was whether you actually personally had an opinion.---Not really. Not really. I thought, yes, in terms of opinion, my personal opinion, which I did not discuss with, with anybody.

No, but what was your personal opinion?---I think it should have been with Hurstville.

It should have been with Hurstville?---Yes, because there's more, more, more common things with Hurstville, I think, yes.

40 MR BUCHANAN: Do you recall it being suggested that an amalgamation would occur instead of Bankstown Council with Canterbury Council?---I heard of that, of course, yes.

And did you hold an opinion about whether that would be a good thing or not?---It really didn't make any difference to me whether it amalgamated with Bankstown or stayed by itself. The rates were going to be the same. It was, it didn't make any difference. In fact the rates were going up.

Thinking again about the period 2014-16 - - -?---Yes, yes.

I'm going to ask you a question about Councillor Hawatt now, Michael Hawatt?---Yes, yes, yes.

In 2014-16 Councillor Hawatt was highly influential on Canterbury Council, wasn't he?---When you say highly influential - - -

10 Highly influential in decision-making on Canterbury Council?---Decisions had to be made by a majority of people. Maybe he had opinions but without, without the Labor Party there was no, you couldn't get anything through.

You knew, didn't you, in 2014-16 that Councillor Hawatt was highly influential in decision-making at Canterbury Council?---I don't know what you mean by that statement, sir. When you say influential, you know, he wasn't breaking anybody's arm to, you know.

20 That his opinion prevailed and that the other councillors voted the same way as he wanted to vote.---Well, I don't know how they make decisions. I wasn't involved in how they made the decisions, I wasn't involved in the caucus decisions or anything like that so I can't say.

You knew exactly how council made decisions, Mr Vasil, didn't you? ---Sorry, what do you mean by that, sir?

You knew exactly what the processes were in local government for a council to make decisions, didn't you?---The process? I'm not understanding the question. I've got to answer the question correctly, I'm not understanding that.

30 You frequently attended council meetings?---Yes.

Frequently attended City Development Committee meetings?---Yes.

And you're asserting, do you, that you don't know what I mean about processes of decision-making on council?---Well, processes - - -

40 Is that what you say?---There's a recommendation from the officer, somebody gets up, moved it, somebody seconds it and then they have to vote on it. I wasn't getting involved in the decision-making as such.

You knew in 2014-16 that apart from a short period in late 2014/early 2015 that Councillor Hawatt was highly influential with Jim Montague, the general manager, didn't you?---No, no, I, you can't tell the general manager what to do, no.

You knew in 2014-16 that Councillor Hawatt was highly influential in decision-making in Canterbury Council when he was working together with

Pierre Azzi, didn't you?---Highly influential, again without numbers, they had an opinion, they had an opinion but I can't say that - - -

And you knew they had the numbers, didn't you?---With the numbers, there was Mark Adler, nobody can twist Mark Adler's arm to - - -

10 Are you saying you didn't know they had the numbers or you did know they had the numbers? Which one is it?---Okay. They had the numbers to do what, sir? Because a lot of the decisions, everybody was unanimous, everybody voted on, on, on decisions.

THE COMMISSIONER: So you're saying you didn't know they had the numbers. Is that your answer to the question?---I don't understand what that means, if they had the numbers or not had the numbers.

MR BUCHANAN: It means they get the councillors to vote the same way as they want to vote.---I hadn't been keeping track of what they were voting on, what decisions they were making.

20 But you saw the votes, you were present when the votes occurred and you're telling us you didn't keep track of the voting patterns?---I wasn't keeping track of the voting patterns. I was there, we used to go, after that we used to go to the club, used to go to Frappe in Earlwood, you know, I wasn't keeping tabs on what they were doing.

Mmm.---I wasn't a councillor.

Now, your son was a councillor you've told us?---Yes, yes.

30 You know that Con Vasiliades voted the way he was told to vote by either Michael Hawatt or Jim Montague, don't you?---No, I don't, because I was not present when they were making decisions amongst themselves.

You discussed, I take it, council business with your son, your son, Con? ---Whenever he had a question to ask about DCPs, things like that, I would give an answer.

40 Did you make any suggestions as to what opinions he should have about different issues that came before council?---No, I don't remember giving an opinion as to specific matters.

Well, you would remember, wouldn't you, if you had been suggesting to your son how he should vote or what opinion he should hold on matters before council, wouldn't you?---Sir - - -

You'd remember that?---I would remember that.

Yes.---And, and I have never ever told my son, from my memory, from what I recollect have never told him how to vote on a council DA.

And is that - - -?---That's my recollection.

I'm sorry.---Yes.

And is that because you knew that he voted the way Michael Hawatt told him to vote?---No, I don't know how they voted.

10

You could see how your son voted when you were present at the council meetings and the City Development Committee meetings, couldn't you?
---I could see a lot of the developments, if you look at all the developments and all the council, all of the councillors were voting on, on issues. I wasn't specifically looking at the, who was voting with who.

And you, you went to the public website of the council and had a look at the business papers for meetings of council, didn't you?---Yes, I did, yes.

20

And you had a look at the minutes of meetings of council?---Yes.

And the City Development Committee, didn't you?---Yes, yes.

So you knew exactly what the patterns were of voting on those two bodies, didn't you?---No, because I wasn't looking at specific developments, how specific developments were, were being voted on, I was looking at different issues, different items.

30

Now, you knew Jim Montague?---Yes, yes.

How long had you known Jim Montague for?---Oh, from the first few weeks that he got into - - -

From the first few weeks?---From the first couple of weeks that he got into council.

That he got into council?---Yes, that he came general, back then it was - - -

40

Town clerk?---Town clerk, yes, yes.

Right. So by 2014-16 you'd known him for about 20 years?---Well, no, it would have been like 30 years I think.

More like 30 years I'm told.---30 years, yes, yes, 30 years.

More like 30 years.---30 years, correct, yes.

And how did you come to – I withdraw that. What sort of relationship did you have with Jim Montague in 2014-16, could you tell us?---Professional relationship.

In what way?---Oh, in what way, if I saw, you know, an issue that was of concern I would send him a message or give him a call or send him an email.

And did he ever consult you?---I think so, I think so.

10

How frequently did that occur in 2014-16?---Not very regularly, not, not very regularly.

Did Councillor Hawatt talk with you about the views of Mr Montague on any particular issue?---I don't think so. I can't recall him discussing any particular issue that he discussed with the general manager, I don't think so, can't remember that.

20

Was Councillor Hawatt a person you could talk to, to try to influence Jim Montague's thinking?---Absolutely not. If I had an issue I'd ring Jim Montague direct.

But you knew that Councillor Hawatt had a significant influence over Jim Montague, didn't you?---No, I don't think anybody had any influence over the general manager. I have never known anybody to tell the general manager what to do.

30

And you knew that Pierre Azzi had influence with the general manager, didn't you?---No, no, no, I didn't. I never saw that, I never saw that they had influence with the general manager.

But you were aware that they did, weren't you?---No, no, the general manager was his own man, he, I don't think anybody had any influence over the general manager. I have never known the general manager to be influenced by anybody.

40

And you didn't gather from any contact you had with Michael Hawatt or Pierre Azzi that they had influence over the general manager?---No, no, I do not recall anything like that. I have never known them to - - -

Did you have any dealings with Marcelo Occhiuzzi when he was director of city planning at Canterbury Council?---Yes, I did, yes, yes.

And what was the extent of your dealings with him whilst he was DCP? ---Okay. While he was DCP I remember there was a particular issue in the DCP which gave developers - - -

Sorry, while he was director of city planning you remember there was an issue with the Development Control Plan?---Yes, yes.

Right. Apart from that - - -?---Yes.

- - - did you have any other dealings with Mr Occhiuzzi?---I would occasionally have discussed issues in relation to the DCP.

10 Anything else?---I think I did discuss with him on one occasion about, but I think you mentioned that, the development in Canterbury Road which I had a, I'm not sure which one came first, and approval for some commercial and residential and then an inquiry from one of the large companies to have a service station and I basically mentioned to him I was lodging another but not for the, not to vary the same development, it's just an additional.

Were you talking there, in what you just said, about a development in which you had an interest?---Yes, yes.

20 Which development was that?---That was on 777 Canterbury Road, Belmore.

And when was that?---It would have been, I think they lodged the DA towards the end of, early 2011, and it took about two and a half years to get approved.

And was that the only development in which you had an interest while Mr Occhiuzzi was director of city planning?---I think that was the only development, yes, yes, I think so.

30 Did you subsequently have an interest in a development in the Canterbury local government area?---Yes, yes.

And how many properties?---Actual DAs, you mean?

How many properties did you have an interest on the development of on the Canterbury local government area?---From which period, sir?

40 '14-'16.---'14-'16, I lodged a DA for 86-92 Kingsgrove Road, yes. And in terms of interest, with my son and my nephew, is that what you mean?

No, no. You.---Yes, yes, just, just that one.

Just that one, no other property?---I don't think so, no.

When you say, "I don't think so," how could you possibly forget an interest in a property development, your own interest we're talking about now?
---Okay, there's another property which sold and the applicant lodged an application but I didn't have any direct contact with that. That's - - -

Right. Was there some financial interest that you had in that property?
---Well, we sold the property, we have an option to somebody. We gave an option to somebody.

Which property was that?---Oh, it was in Waverly, Weyland, I think it was Weyland Street. Weyland Street in Punchbowl.

10 In what period? In the 2014-16 period we've been talking about?---I think it was that period, yes, yes. Yes. Somebody took an option, they wanted a DA but I wasn't involved with that.

Any other property in the Canterbury local government area in which you had a pecuniary interest, a financial interest, an interest in making money in the '14-'16 period?---And actually lodging a DA?

No, no, no, no. Just in which you had a financial interest.---Oh, in Canterbury Council, yes. Within the Canterbury area, yes, yes.

20 Tell us, please, what property or properties?---I don't know which properties they are, you know? There's a few, quite a few properties.

In which you were going to make money?---No. The, the, the properties were there. We were, sorry, what is the question? I - - -

30 What I'm trying to find out is, in the period of 2014-'16, what the properties were in which you had financial interest and them being developed in the Canterbury area?---Being, property capable of being developed, is that what you mean?

Yes.---Right, okay.

Or that had just been developed, whichever.---Oh, right. No, no. There's the property in Constable Road, which was there when Marcelo was there.

And what number is that?---777 Canterbury Road.

40 Thank you.--- And there was a property on the corner of Homer Street and Wardell Road which we – when I say we, the family – got approval for the corner site and then next door there was another approval. That's the time of Robert Davidson and possibly Marcelo, I think. Was Marcelo? I'm not sure which day, which period it was. Yes. But in terms of DAs, DAs lodged, that's what I mean. DAs lodged, there was just the one in Kingsgrove Road.

What about planning proposals? Did you have an interest in any council planning proposal or rezoning in the Canterbury local area in the period of 2014-'16?---Any of my properties that I was interested in?

Any property in which you had a financial interest, which you had something to financially gain from the rezoning occurring?---Yes. There was one on Canterbury Road, 777 Canterbury Road.

Any other?---In that area, next door as well, the, the super fund has a couple of properties, yes.

10 THE COMMISSIONER: Sorry, next door to 777?---Yes, yes, yes, yes.
The whole block was being proposed to be rezoned.

And your superannuation fund had an interest in the adjoining property?
---Yes. But that was a whole block, the whole - - -

20 MR BUCHANAN: So, did you have a financial interest in the rezoning of 15-23 Homer Street, Mr Faker's property?---When you say financial interest, no, no. I, I can't say there's financial, direct financial interest. We sold part of the property to him some time back, I don't know exactly when. I wasn't involved with that.

2010-2011.---I, I don't know when it was.

Yes. And that was your brother, Peter, who sold that?---That's right, yes, yes.

You were present when Mr Faker gave his evidence?---Yes, yes, I was. And that was (not transcribable) yep.

30 So, just in terms of your own financial interests in properties, it appears that you had, can I describe it as, a substantial interest in the planning decisions that were made at Canterbury Council in the period 2014-'6?---I wouldn't say substantial because I'm not a developer, a property investor more, yeah.

And then on top of that you had an interest because the more properties that were developed, the better the chances that your business would gain business from that development?---Not necessarily. No. Because I wasn't going, chasing properties that were, they got DAs approved. We were not chasing those properties, no.

40 That's not what I asked you, I'm simply asking you this, the more development that occurred in the area in which you're conducting your real estate business, the better the chances that you would make money out of the operations of your real estate business?---Well, I guess that would stand to logic, that the more properties there are for sale, there's more opportunity to lease properties, that's, that's a given, I guess.

Can I just ask this, were you involved in the making of the Canterbury Local Environmental Plan that was made in 2012?---Was I involved in that?

Yes.---Okay.

Yes or no, sir?---No, no. Well, I have to answer that because there's, there's two parts to it, if I can, please. All right. Before the LEP came into effect, I had absolutely no involvement with it. After it came into effect, there was a councillor there by the name of Bill Kritharas who discussed some issues.

10 Bill Kritharas?---Bill Kritharas, discussed some issues with me in terms of the LEP, when it was on exhibition.

But this is before 2014-'16, obviously?---Yes, it was. In the LEP, that was right. The, the LEP was made in 2012.

Now, you obviously acquired, over a period of time, a detailed knowledge of planning law and requirements, is that fair to say?---That is fair to say and again, with the assistance of Bill Kritharas, because I mean, he was heavily involved, he was my mentor in respect of all those things.

20 And I right to say that Bill Kritharas was not elected in 2012 when that election occurred?---Oh, no, it was before, before that.

It was before that.---Before that. So, that's when I started, he was the one who introduced me to AustLII. I didn't know anything about AustLII back then.

But you yourself had no formal planning qualifications. Is that fair to say? ---No, no. That's correct, yeah.

30 In 2014-'16 did people pay you for information that you were able to provide about how the planning laws operated in the Canterbury local area? ---No, no.

Now, if you'd just excuse me a moment. Can I ask you about Mr Bechara Khouri?---Yes, yes.

You were present in the inquiry when he gave evidence?---Yes.

40 You knew Mr Khouri?---I, I did get to know him I think. I think it was after 2012.

And in the period of 2014-'16, you had dealing with Mr Khouri from time to time?---Not necessarily business dealings, but would come to the office occasionally. Yes.

Yes. And why would he come to the office occasionally?---Okay, one of the main things he was coming to the office, he wants to get a real estate licence, so assisting him with that.

Anything else?---He would occasionally come there and he would discuss DCP issues, things like that. He would, occasionally he came with his someone a couple of times.

10 He came with his son?---With his son. His son in a town planner and just, I think he just finished uni or he was just finishing uni and I think on one occasion he may have discussed with me if I could be a, a, a buyer's agent for some property in Parramatta and I, I said, no, we couldn't be buyer's agent, but I know somebody who could act in that role and I referred him to him. So, there were some discussions.

And what was your understanding in 2014/16 as to how Mr Khouri made a living?---Okay.

How did he derive an income?---Okay. I understood he was a consultant. That's what I understood.

20 To whom?---Development consultant. He said development consultant, that's what I understood.

And can you tell us the names of any of the developers to whom he consulted or to whom he provided consultancy services in 2014/16?---No, I don't, I don't know who he was consulting with, to or anything like that.

Have you ever heard of a man called Charlie Demian?---Yes, of course. Yes.

30 Did you, in 2014/16, understand that Bechara Khouri had a relationship, consultancy relationship with Mr Demian?---No, I don't think I understood that.

You didn't know that?---No. I wasn't getting into his business, I wasn't finding out who he was dealing with or anything like that.

40 Well - - - ?---I knew he knew him but I didn't know what relationship, I didn't, I didn't know what financial relationship he had, I don't think so. I don't believe so, I don't remember anything like that now. Perhaps he may have mentioned it, I don't remember.

You heard Mr Khouri give evidence in this inquiry about - - - ?---Yes.

- - - his, his consultancy relationship with Mr Demian?---Yes. Yes.

Was that evidence a surprise to you?---Not really because as I said, I knew he knew him, he knew him or knew of him. To my recollection I don't think I, I don't think I was aware that he was, as you said he was a, receiving a, what do you say, a bonus or something like that.

You weren't aware that there was any financial relationship?---I don't think so, no.

So, when you found out in this inquiry - - - ?---Yes.

- - - that there was a financial relationship - - - ?---Yes.

- - - between Mr Khouri and Mr Demian - - - ?---Yeah.

10

- - - that came to you as a surprise?---Not really.

Is that what you tell us?---Because that's what he was doing, he was a consultant. It didn't come as a - - -

You've, you heard Mr Khouri say that he was also doing work for Ziad and Marwan Chanine?---Yes. Yes.

20

Did you know those names before Mr Khouri mentioned them?---Yes I did. Yes.

And who, in 2014/16, had you had dealings with either of those gentlemen? ---Okay. I met them occasionally at, at functions and at possibly council and some time back, I think it was maybe two, three years, we were selling a property on the corner of Canterbury Road and Billy Street, and it was up for auction and they made inquiries about that property. That's the only dealing that I remember that, had with them.

30

And did you have any dealings with Charlie Demian in 2014/16?---Only with that development on Canterbury Road.

And which development was that, sir?---That was the Harrison site.

Harrison site.---Yes, yes, yes.

Any other property?---Not that I can recall, no. I don't think so.

40

And what dealings do you have with Mr Demian in relation to the Harrison site?---Okay. There was this guy by the name of John Dabassis, one day we were sitting in the coffee shop in Earlwood and he - - -

I actually didn't ask you to tell us a story.---Right.

I might later.---Yes.

But just at the moment, my question is can you just tell us, put it into a box. ---Yes.

Dealings I had with Charlie Demian in 2014/16.---Right.

What dealings did you have with them?---In relationship to John Dabassis, this site and, and, and Laki Konistis, the site in, on Canterbury Road.

And did you meet Charlie Demian - - - ?---Yes.

- - - in relation to that site?---Well, I've met him before.

10 I'm sorry?---I have met him before that.

Yes. But did you have dealings in 2014/16 with Mr Demian in relation to the Harrison site?---In relation, twice.

Twice.---Twice, yes.

20 And the, when were those, when was the first of those dealings?---That's, I went with, with John Dabassis to his office, I don't recall the date, and then at a later date I went to his office to pick up an agency agreement that he was signing between himself or his company and John Dabassis.

And when you went to Mr Demian's office with John Dabassis the first time - - - ?---Yes.

- - - was there anyone else present?---No, not that I recall. No.

When you went the second time - - - ?---Sorry, when you say anyone else present there may have been his worker there, John.

30 Yes.---But I don't remember names or anything like that.

Was any person from Canterbury Council - - - ?---No.

- - - there?---No, not that I remember. I don't remember anybody there at the time, no.

And when you went the second time to collect an agency agreement - - - ? ---Yes.

40 - - - did you go by yourself?---Yes. I think I went by myself.

And you met Mr Demian on that occasion?---Yes, I did.

Was there anyone else there apart from perhaps the staff member of Mr Demian?---The staff members, no, no, no, just went by myself. That's my recollection.

And that agency agreement, were you a party to that agency agreement?
---No, I was not.

Was that an agency agreement between Dabassis and Demian?---That's correct, yes.

I'll come back to that later.---Yes, yes.

10 Did Mr Khouri, going back to Bechara Khouri, did, was he present at any meetings that councillors had at your office?---Okay. People coming in and going, I don't specifically remember him being present when councillors were there, no, I can't recall that. But it's, it's possible, it is possible but I can't specifically recall an incident when he was there when councillors were there.

Was Bechara Khouri in your office at the same time as Michael Hawatt?---I don't recall anything like that. Again, it's possible, I don't, don't recall any specific meetings.

20 Now, can I just ask you what will sound like a personal question, but I'm just trying to ascertain what you can talk about.---Mmm hmm.

In late 2014 to early 2015, did you go on an overseas holiday?---Yes, I did. Yes. Yes.

And what's your best recollection as to when you left and when you came back?---I had a look at my passport, it was the 6th of November.

30 Yes.---Came back on the 2nd of December.

December.---Yes. Yes. Sorry, the 2nd, 2nd of December, yes.

2nd of - - - ?---December.

December.---That's, that's my recollection.

Okay. So, I was wrong to say earlier 2015, if that was just November to early December of 2014. Is that right?---That's correct. That's correct.

40 And when you were overseas you were on the other side of the world in Cyprus in Europe. Is that right?---That's correct, yes. Yes.

You became aware at some stage, I take it, that Mr Occhiuzzi was leaving his position as director of city planning at Canterbury Council.---Yes, yes.

Do you remember that he left in about October, November?---I, I don't recall when he, it was that he left.

Now, the position of director of city planning was a very important position as far as you were concerned and your business was concerned, wasn't it?
---It's got nothing to do with my business. There's no - - -

Your business, I should be more - - - ?---Yes.

- - - careful, a more precise question. The director of city planning was very important to your financial interests.---No, sir.

10 The director of city planning, you understood, was the person who signed off on reports to council.---I understand the director of city planning is the person who ensures that all evaluations are done under section 79C. That's what I understand and that's what I've always done, I've never done anything other than that.

You haven't understood. Is that what you're telling us?---Sorry?

20 You didn't understand that the director of city planning was the person who signed off on reports to council about planning matters?---Of course the director of city planning signs off reports.

Why couldn't you have said that when I asked you the first time?---I didn't understand what you meant.

Now, the reports of the director of city planning to council, and the City Development Committee - - - ?---Yes.

30 - - - were very important to the decisions that were made about planning in the Canterbury local area, weren't they?---Sorry, what? I'm trying to understand.

Decisions that were made by council and the City Development Committee about planning and development in the Canterbury local area, weren't they?
---Yes. Well, yes, yes, yes.

The reports made recommendations to the council and to the City Planning Committee, didn't they?---Yes.

40 And so there was a fair chance that if the recommendations appeared to make sense that the council would adopt them.---My understanding, all recommendations had to be assessed under 79C. That's how I always worked. I don't know how they assessed the applications but they had a checklist and that's how I - - -

Are you trying to tell us that you never opened up the browser on the Canterbury Council website and looked at reports of the director of city planning to council or the City Development Committee?---What I looked

at and had discussions with other planners is this 4.6, how it worked, because that's something - - -

Well, the answer is you aren't trying to tell us that. You did look up director of city planning's reports to council and City Development Committee. Is that your answer?---I don't remember looking at any specific development in terms of going through it and understanding it and reading it. No, I don't think, I don't believe that I did that, no.

- 10 You, I suggest to you, regularly followed the business papers of council and the City Development Committee to see what was happening in relation to development proposals and planning proposals, didn't you?---In respect of that I have to say, from my recollection, no, because all these developments that are here now, I had no idea about then. I never looked at any of them, how they were approved or anything like that.

Despite your interest in development in the - - -?---My interest?

- 20 - - - Canterbury local area, you couldn't care less? Is that what you want to tell us?---My interest was in the DCP provisions, not in specific development applications.

Mr Vasil, you're not that naïve, can I respectfully suggest. You're a very intelligent man and you've been deeply involved in the affairs of Canterbury City Council so far as they extend to planning and development in the Canterbury local area, particularly in 2014-16, haven't you?---Not specific development applications. It was not my interest. I wasn't interested in this.

- 30 And the business papers for council and the City Development Committee were a prime source of information to you about what was likely to happen or what was being proposed or what might happen in relation to planning and development in the Canterbury local area, weren't they?---Do you mean in actual DAs being approved or the actual LEP and DCP requirements, provisions?

You understand my question, don't you, Mr Vasil?---Sir?

- 40 The business papers of the council and the City Development Committee were a prime source of information to you about planning and development in the Canterbury local area, weren't they?---I was not - - -

THE COMMISSIONER: Do you agree with that or not?---Sorry. I was not interested in the individual - - -

MR BUCHANAN: No, no, no, no, no.---Yes.

They were a prime source of information, weren't they? The next question will be "and you consulted them". The first question is, just as a matter of logic, the business papers of those two bodies were a prime source of information about development and planning in the Canterbury local area, weren't they?---I was only interested in the DCP and LEP provisions and changes. That's what, I was not interested in the specific developments that were going through.

10 THE COMMISSIONER: Can I just, when you were asked about following the business papers, you said no. And then you answered something along the lines, "Because all of these developments I've only heard of here." When you referred to "all of these developments" are they the developments that have been just – sorry, are they the developments that evidence has been led about in this public inquiry? Is that what you were referring to? ---Yes. I was not involved with any of those developments. I never followed any of them up. In fact if I could say, yes - - -

20 All right. So you didn't follow those?---In fact if I could say something here. I remember once there was this lady, her name's Barbara Coorey - - -

MR BUCHANAN: No, sorry. I'm going to interrupt you. I'm not interested in an anecdote.

THE COMMISSIONER: We're not interested in Mrs Coorey.---Okay. No, no, no.

MR BUCHANAN: Not interested in anecdotes.---No, in terms of asking a question. That's all I'm saying. Okay.

30 You know that this inquiry is interested in the progressing of the development applications and planning proposals in respect of 548-568 Canterbury Road, Harrison's, don't you?---Yes, yes, yes, I'm aware of that, yes.

And you weren't interested in the progress of those applications, is that what you tell us?---Absolutely not. Absolutely not.

40 Now, when did you first become aware of the existence of Spiro Stavis? ---It's when the Nick Katris rang me up one day.

Nick Katris, yes.---Katris, yes. And he said to me there was a person and he gave me the name. Never heard of that name before, and in fact that name is not even, it's not Greek. It's an abbreviation of something. I don't know what it is. And he basically said to me he's applying, going to apply for the job and would I mind assisting him, giving him some information in terms of where council, you know, generally things about where council is up to with planning issues and planning matters and things like that.

And when did that phone call occur?---It would have been sometime in October.

Of 2014?---Yes, yes.

And, sorry, you might have said this, but what did you say to Mr Katris?
---Well, I said, yeah, he can send him over. He asked me if I could send him, if he, if he could give my number to him so that I can just give him some information about issues relating to planning and things like that.

10

And did you give him your number?---No, Nick Katris gave him my number.

Nick Katris gave you Mr Stavis's number?---No, no, no, no. Nick Katris - -
-

I apologise.---If he could give Spiro Stavis my number.

And what happened next in respect to Mr Stavis?---Okay. I don't know. He
20 could have rang me up – I don't know exactly when he rang me up – and he spoke to me about it and I guess made a time and we met at the coffee shop in Earlwood.

When you say “could have rung you up”, it sounds as if you mean he did.
---Yes, no, he would have rung me up. He did. Of course he did. Would have rung me up, yes. I, I don't know exactly when he rang me up, yes.

And what happened next?---Well, I remember being in a coffee shop in
30 Earlwood.

Which café?---Oh, I think it's, it's changed now but I think it was Salvatores then.

Salvatores then?---Yes. Yes, yes.

And is that in Homer Street?---Yes, correct, yes.

Yes.---And it's, it's a restaurant, yes.

40 Yes. And that was the next thing that happened. That is to say Mr Stavis rang you?---Yes.

You made an appointment with him to meet at Salvatores on a particular day?---Made a time, yes, yes.

Anything else happen?---That day?

Well, in relation to Mr Stavis?---Well, in terms of that meeting, you mean?
Or - - -

No, that day, whenever. What was the next thing that happened in respect of Mr Stavis?---Well, he was at a coffee shop. Bechara Khouri was there. A friend of mine was there. And just introduced himself.

Mr Stavis did?---Yes, yes.

10 And what happened?---We just had a general discussion, you know, where he worked and that sort of thing.

Yes. What was the purpose of meeting him as far as you were concerned?
---As far as I was concerned it's just to filling in, filled him in on the issues that Nick Katris had raised.

And - - -?---Just, just where council is.

20 I'm sorry. And Mr Khouri was there as well?---Yes, yes, he was.

And how come he was there?---He was coming there occasionally. I don't know whether, he may, may have asked before. I may have told him before. I don't recall. They have mentioned Stavis before, I don't know.

Was it a surprise to you to see Mr Khouri there?---No, Mr Khouri was coming there all the time, from what I remember now.

30 You met Mr Khouri at Salvatores?---I think that's what happened. I think we walked across the road. It was so long ago. We ended up at Salvatores.
It's - - -

THE COMMISSIONER: Sorry, when you say "we walked across the road", you and - - -?---And I think it was me and Khouri, yes.

MR BUCHANAN: Had you been to Salvatores before with Mr Khouri?
---Yes, yes.

40 How many times?---Oh, in fact I think, possibly think that's when I met him. He used to go there occasionally, very often.

Yes. There's a bit of a difference between occasionally and very often, Mr Vasil.---Okay. With me, I used to go there occasionally with him, but before I got to meet him I used to see him there often.

Okay. So, you only met him there, he, Mr Khouri, occasionally. Is that what your evidence is?---Yes, yes, yes, occasionally. Yeah.

Did you meet Mr Khouri at other cafes?---Yes. In Earlwood, opposite, opposite Coles.

What was the name of that café?---Oh, it's closed down now, it's one of those franchises, I can't remember the name of it but it's, it's next to a fish shop there.

10 Any other coffee shops that you met Mr Khouri at?---Possibly, possibly and I don't recall this but other coffee shops would've been Frappe in Earlwood.

Frappe.---Yes. That's where everybody used to go, that was our meeting place.

And why were you meeting Mr Khouri on these occasions?---As I said, he used to, other than helping him out with his licence, he used to come in, he used to discuss these are the issues, he had that issue with the Parramatta want us to act as an agent and I think in fact the meeting, I think the meeting opposite Coles was in relation to that and I made it very clear to him that we can't act as an agent, as a buyer's agent. We can't act as a buyer's agent,
20 and he just dropped in occasionally, socially. It's not, that's my recollection of all these things.

Now, can I go back to the meeting at Salvatores with Mr Stavis and Mr Khouri?---Mmm hmm.

Did Mr Khouri say anything during the meeting?---He was talking to Spiro, I don't remember exactly what he was - - -

30 Well, you were present, weren't you?---I was present but I was having coffee with my friend Joe after I spoke to, after I spoke to Spiro about some things which I regarded as issues. Nothing else to talk about.

What did Mr Stavis talk about at that meeting?---I remember him talking about, he, he was at Botany Council and he was involved in some court case, I think it was one of the large companies where council wanted them to have units, 75 square metres and it, something to that effect, and the company wanted to have them at 70 square metres and he was involved in some court case and in the end they ended up getting 70 square metres. It was about that. I spoke to him about situation where when you lodge a DA
40 there's obviously environmental planning and assessment, I think, is the schedules. There's a list of the requirements needed in a DA, there's a list of requirements need in a CC and Canterbury Council was asking basically for all of them, and that's - - -

And did you think that Mr Stavis was unaware of what the job was of a director of city planning?---No, I was just telling him what they're doing, what they're, what council was doing was not correct because I remember

having a little bit at the breakfast meeting where Frank Sartor was the minister at the time and I raised that issue with him, and I remember - - -

I'm not after what you spoke to Frank Sartor about.---Okay. Yes.

What I'm trying to ascertain is what happened at this meeting with Mr Khouri and Mr Stavis.---Yes. Yes.

10 Was there any discussion about his, Mr Stavis's, attitude to development?
---No, I don't remember anything like that. No. No. It was just the first meeting.

How, is it possible that Mr Khouri came to that meeting by arrangement with you?---I don't remember anything like that but it is possible.

And if it was with, by arrangement with you, why would you have made that arrangement?---Well, I don't remember that it was an arrangement.

20 Well, if it was possible - - - ?---Yes, it was possible.

- - - why would you have made an arrangement with Mr Khouri to come to a meeting between you and Mr Stavis at the coffee shop?---Well, if I don't remember it was an arrangement I can't say it was an arrangement.

30 Why is it possible then that there was such an arrangement?---It was possible that I may have discussed it with Bechara Khouri because he was coming there to the office all the time and I could've said, look, there's this guy that Nick Katris spoke to me about and, yeah. There was nothing that I could - - -

There was nothing that, what?---Well, I, I couldn't answer that because I don't remember having any arrangements with him to meet Stavis. It's possible because I was talking to Bechara Khouri all the time.

Can I just ask you this? Did Mr Katris, thinking back now to the telephone conversation you had with him - - - ?---Yes, yes.

40 - - - say anything as to what he thought as to Mr Stavis's suitability for appointment as director of city planning at Canterbury?---He mentioned to me that he was in private practice and that he was, was working at council, that's where he met him. I think it was through Botany.

Did he indicate anything as to whether he thought Mr Stavis would be an appropriate or a suitable appointment?---He may have indicated that because of his experience.

Not suggesting he did, I'm just asking.---Yes, I don't recall. I don't recall that.

When you sat down with Mr Stavis and Mr Khouri, essentially, you and Mr Khouri conducted a job interview of Spiro Stavis.---No, sir.

Didn't you?---That's not correct. No, that's not correct. I don't even give a job interview to the staff that work in the office, I don't know how to give a job interview.

You, so far as you were concerned - - - ?---Yes.

10

- - - were trying to ascertain whether this man would be suitable for appointment as far as you were concerned. Isn't that right?---I don't make decisions about that, it's the general manager, somebody lodges the application, I have absolutely no, no control of that.

And would it be right to say that Mr Khouri was asking questions during this meeting of Mr Stavis that seemed to be designed to ascertain whether, so far as Mr Khouri was concerned, Mr Stavis would be the suitable appointment?---No, I don't remember anything like that. No.

20

Before, I withdraw that. You know that at a certain stage, Mr Stavis was offered the job of director of city planning?---I previously believed that he, he was given the job when I was overseas but now from all the evidence I'm hearing, he was probably offered the job towards the end of November, is that November? Yes. That's what I understand, yes.

So, were you in Australia?---No, I wasn't.

30 Were you present in Sydney at that time?---No, I was not. No, I was not. No.

Did you have any discussions with any councillors on Canterbury City Council before Mr Stavis was appointed about Mr Stavis?---Before he was appointed?

Yes.---I don't recall having discussions but again, it's possible.

40 Why is it possible?---Because it's not something that I would've, the only person that is, appoints the director of planning or the senior directors is the general manager and I never spoke to the general manager about it so I don't recall discussing but it's possible, yes.

My question is why is it possible that you did speak to a councillor or councillors about Stavis before he was appointed?---Because I speak, I speak to them all the time.

Yeah.---I was speaking to them all the time.

You were speaking to Michael Hawatt all the time.---Yes, yes.

Weren't you?---Yes, yes.

He's the councillor to whom you spoke about - - - ?---Yes.

10 - - - Spiro Stavis, isn't it?---It's possible, it is possible. I don't remember discussing that with Michael Hawatt, all right. I, I was in a, at the time I was going to go overseas and I was, you know, getting ready and prepared for that, so - - -

Before Mr Stavis was offered the job of director of city planning did you speak to Councillor Azzi about Mr Stavis at all?---Sorry, when you say before he was offered the job, before he actually got the job, or before he was - - -

No, before he was offered the job.---Well, I was overseas when he was offered the job.

20 Yes, I know you were.---Yes.

But before you went overseas did you speak to Councillor Azzi about Spiro Stavis?---It is possible, again, it is possible.

And is that because you were in occasional, regular communication, whichever it was, with Councillor Azzi?---Yes, yes, yes.

30 And why would you have spoken to either Michael Hawatt or Pierre Azzi about Mr Stavis at all?---Because I, I remember there was a, just before the, it must've been late September, maybe early October, there was a Mayoral function at Bankstown Council.

I'm sorry, a what function?---Bankstown Council, Bankstown Council.

THE COMMISSIONER: It was Mayoral.---Mayoral.

40 MR BUCHANAN: Mayoral, yes.---Mayoral function, and I think that's when I first learned that Marcelo was leaving and they spoke about getting a new director and things like that.

THE COMMISSIONER: Did you raise Mr Stavis at that - - - ?---No, I didn't even know him at that time. They were talking about it, that Marcelo left and they were going to be looking for a new director.

MR BUCHANAN: I note the time, Commissioner.

THE COMMISSIONER: Yes. We'll adjourn for morning tea for 15 minutes.

SHORT ADJOURNMENT

[11.30am]

MR BUCHANAN: Excuse me a moment. Thank you, Commissioner. I apologise for that delay. Could Mr Vasil be recalled, please.

THE COMMISSIONER: Yes. Mr Vasil.

10

MR BUCHANAN: Mr Vasil, just thinking back to the meeting at Salvatores with Mr Stavis and Mr Khouri. After that meeting was over and Mr Stavis had parted ways with you and Mr Khouri, did you and Mr Khouri have any discussion about Mr Stavis?---I don't recall having any discussions in the coffee shop after he left, no.

Did you have a discussion with Mr Khouri after you left the coffee shop about Mr Stavis ?---We may have but there was no reason to because, I didn't see any reason but we may have. I don't remember.

20

Wasn't there a reason to in this sense, that you wanted to determine whether Mr Stavis would be a suitable candidate so far as you were concerned for appointment as director of city planning?---No, sir. No.

And as far as you could see so did Mr Khouri?---No.

He wanted to determine that as well?---No. I don't know what he wanted to determine.

30

And is it possible that the two of you decided that yes, this man would be suitable for appointment as director of city planning?---No, because we had absolutely no control who was going to be the director of city planning.

Was the issue discussed at all during this meeting at Salvatores of whether Mr Stavis was or would be a solutions kind of guy?---No, absolutely not.

40

You know what I mean by a solutions kind of guy don't you?---Sir, I don't know how a planner could be a solutions type of guy. They have to, there's a list of criteria that have to be implemented for any decision made by, any recommendation. That's all I understand.

Didn't Mr Stavis in fact during that meeting with you at Salvatores indicate to you and Mr Khouri that he would be or already was a solutions kind of guy?---I don't think so. I don't remember anything like that.

Didn't he indicate to you that he wasn't interested in strictly applying development controls. He was interested in the developers who made submissions or who made development applications getting a result?

---Absolutely not.

And if there was a conflict with development controls Mr Stavis indicated that he was interested in doing what he could to cobble together a solution to that apparent conflict?---Absolutely, absolutely not because the word solution is in 79C, coming up with alternative reasonable solutions to, to, as long as the objectives are met. There's no - - -

10 You deny don't you that Mr Stavis indicated that to you at any stage?---I do not remember anything like that. I do not remember anything like that.

Don't your remember being satisfied with Mr Stavis after the meeting with him and Mr Khouri?---Absolutely not. He was a guy just lodging a DA. Had no control. A DA, an application. Had absolutely no control.

You know that that's a nonsense don't you, Mr Vasil?---No, sir.

20 Why are you giving nonsensical evidence?---No, I don't know that. Absolutely not.

We've already been through this.---Yes.

The director of city planning - - -?---Yes.

- - - signs off on the recommendations that are made to the body that does make those decisions. Correct?---And those recommendations are made - - -

30 Correct, you know that?---Sorry.

You know that?---Sorry, do I know what?

You knew that at the time and you know now that the director of city planning signed off on the recommendations that were made to the body that made the decisions?---That's always the case with the directors, any director of planning.

40 And you knew that at the time when you were meeting with this man? ---That's what all directors do. They sign off. They make recommendations.

And so you knew that if a person was appointed who was interested in achieving the developers' goals that that would be to the advantage of developers and the advantage of development in the local government area didn't you?---No, because I have no interest in developers and developments. I'm only an investor and sometimes I lodge a DA every few years. It's of no interest to me.

After that meeting you had contact with Mr Stavis again?---Yes, yes.

How many times?---I can't remember how many times but there may have been some phone calls backwards and forwards.

Before you went overseas on your holiday, how many times did you have contact with Mr Stavis between the meeting and the time you departed?---A physical meeting or - - -

10 I'm asking you.---Okay. Contact. What I remember is telephone calls. He would ring me and I would ring him back. That's what I remember.

So he was ringing you between the time of the meeting and the time you departed for overseas. Is that right?---I think that's what happened what happened. Yes, I think that's what happened.

And how many times did he ring you?---I can't remember. Maybe half a dozen times.

20 And what was being discussed when he rang you?---I think it was follow up of what discussions we had in terms of him trying to understand what was going on. That's what I remember.

And what were you telling him?---I was just giving him information in terms of the floors with the DCP, floors with possibly, there was one very large issue that I had a concern about.

No, no, no. Thank you very much.---Yes.

30 We know you have an interest in the DCP.---Yes, yes.

But just leaving that aside my question was what information did you give Mr Stavis when he rang you between the time of the meeting at Salvatores and the time you went overseas?---Right. I have no recollection. I have no recollection of that.

It is possible he met you again, is that right, before you went overseas?---It is possible. It is possible.

40 That he came to your office?---It is possible. It is possible.

And what happened at those meetings?---I have no recollection.

Did you meet with any other candidate for the position of DCP at Canterbury?---The director of planning?

Yes.---Yes. I spoke to a couple of other people about it. I said look, the position is open. Are you, are you lodging a DA, are you lodging an application?

10 Right. Who did you meet with by way of candidates for the position apart from Mr Stavis?---No, no, I didn't meet with any, I was in an architect's office and there was a planner there who used to work with one of the councils and I just said to him are you lodging a, you know, an application. That's just a casual thing. There was no, I wasn't going around looking for directors.

So Mr Stavis was a candidate for the position.---Yes.

And you were providing him with information that you believed might assist him in being appointed?---I don't know how - - -

20 Is that right?---No. I don't know how you would have used that information. I mean I don't think it would have been appropriate for him to go, you know, and tell somebody that, you know, your DCPs are all wrong.

Did you provide similar information to any other person who you understood to be a candidate for the appointment as director of city planning?---I, I didn't know any other candidate. No.

Now, can I just ask you, excuse me a moment. Could the witness be shown Exhibit 60, please? Mr Vasil, have you seen this table or a copy of it before?---Yes, I have. Yes.

30 And have you had a chance to look through it?---Well, I've had a glance at it. Yes.

And have you noticed the pattern of telephone calls between you and various people?---Which ones in particular, I mean - - -

Well, did you pay attention to what the records showed so far as whom you were contacting and who was contacting you?---Yes, yes.

And I just want to say one, give you one caveat, if I can.---Yes.

40 This particular exhibit has got two rows that are highlighted - - - ?---Sorry, sir.

No, more than that, a number - - - ?---Sorry - - -

- - - of rows are highlighted on different pages. Just ignore those highlighted - - - ?---I'm sorry, what do you mean by caveat? I didn't understand that.

I'm just telling you, sorry.---Yes.

In respect of this document - - - ?---Yes.

- - - it's got a number of highlightings on it.---Right, yes. Right.

Unless I say so, don't worry about the highlightings.---Yes.

Okay?---Yes, yes, yes, yes.

10

Thank you. Now, you see that the first entries are, I withdraw that. You understand how this table works?---Yes, sir. Yes.

It's called a call charge record.---Yes.

Or, it contains a series of call charge records.---Yes.

That is to say it contains data about calls that were made from identified telephones.---Yes.

20

Do you understand that?---Yes, yes, yes.

And do you understand that we can go through them by start date?---Yes.

So the column almost in the middle, slightly to the right of the middle, they're headed "start date" and it's in chronological order. Do you appreciate that?---Yes.

30

So, in this table you can see that there were, in the first instance, a call by Michael Hawatt to you on the 25th of October, 2014, starting at 10.14.---I'm sorry, I haven't got that here. It's - - -

Do you see the first row of data?

THE COMMISSIONER: Is that the first page?---I've got the first page.

Yes, you've got to be on the first page.

40

MR BUCHANAN: I'm sorry. Yes, I should've said page one, the top of page one and do you see that the first row of data is for the 25th of October, 2014?---Yes, yes, yes.

For a call commencing at 10.14?---Yes, I see that.

Between Michael Hawatt and you?---Mmm hmm.

And according to the record, the line was open for 47 seconds.---Yes.

That's the column on the, that's second from the right.---Yes.

Do you understand that?---Yes, yes.

And then shortly after that, you rang Michael Hawatt and the line was open for nine seconds.---Yes.

And then at the, on the same day but at 12.24, Spiro Stavis rang you.---Yes.

10 Do you see that?---Yes.

And the line was only open for six seconds and then he rang you a minute later.---Yes.

The line was open for about 19 seconds.---Yes, correct.

Do you see that?---Yep.

20 And then very shortly after those communications or those contacts between Spiro Stavis's telephone and your telephone - - - ?---Yes.

- - - you rang Bechara Khouri.---Yes, I see that.

And the line was open for five minutes and nine seconds.---Yes.

30 What did you talk to Bechara Khouri about, about three minutes, less than three minutes after you'd been speaking to Spiro Stavis?---Okay. I have absolutely no recollection of this and I certainly would not have been talking to him about Spiro Stavis for five minutes. I always had, always had communication with all these guys. So, I can't recall what the call was about.

You see, Bechara Khouri - - - ?---Yes.

- - - was a colleague of yours and a friend of yours. Isn't that right?---Well, I wouldn't say a colleague, you know, more of an acquaintance than a friend and colleague.

40 Well he was an acquaintance with whom you had quite a few communications if this call charge record is anything to go by.---Yes, yes, correct. Correct, correct.

Shortly after - - - ?---Yes.

- - - firstly a few minutes.---Yes.

And then a matter of days after Stavis spoke to you.---Yes, yes.

And didn't you speak with Khouri about how Spiro Stavis had fallen into your hands, a very suitable candidate for appointment as director of city planning had fallen into your hands?---I wouldn't, would not have used any of those words. As I said - - -

Or any words to that effect, Mr Vasil.---Okay, as I said I do not remember, I said it's possible, it's possible I spoke to him. I don't remember specific calls as I said, the discussions were there, they were looking for planners. They could've asked me, do I know a planner, you know, that's - - -

10

Bechara Khouri could've asked you that?---He could've asked me that. As I said, we were at the Mayoral ball and they were there and we were talking about - - -

No, that wasn't, that wasn't on the 25th of October, 2014.---No, it wasn't, it wasn't.

Was it?---It wasn't. So, I could've said to him, look, an ordinary planner, you know, there's no, there was no scheme to get Spiro Stavis in the job, absolutely not.

20

All right. And in that case you would deny, would you, that you essentially passed this man, Spiro Stavis, candidate as you knew, for the job of director of city planning, over to Bechara Khouri?---I can't say passing on. Bechara Khouri hasn't got the authority or power to appoint a director.

But he has information, doesn't he?---Well, he knows the guy, he does.

And had time.---Sorry?

30

He had information and he had time that he could devote to tutoring up Spiro Stavis to be a candidate who would have a better chance of appointment after he'd been tutored than before he'd been tutored.---I don't know what connections Bechara Khouri may have had with Spiro Stavis in terms of what you just said. I don't know these things.

Now, can I just ask you about other things that are indicated in this table?
---Yes, yes.

40

There are some days when there seem to be an awful lot of communications between you and Michael Hawatt. Did you notice that when you read it?---I've always been in communications with Michael Hawatt.

Well - - - ?---I'm not denying that.

- - - could you turn to page 2, for example?---Yes.

Now, can you see that there's a date of the 30th of October and that against the time as it reads there, 1943, 7.43pm - - - ?---I'm sorry.

- - - Spiro Stavis is recorded as talking, sorry, as communicating with you - - -

THE COMMISSIONER: Hold on, Mr Buchanan. It's on page 2, have you got page 2?---Yes, what date?

10 MR BUCHANAN: And have you got the date, the 30th of October?

THE COMMISSIONER: Can you see the start date?

MR BUCHANAN: It's about a third of the way down.---It's not highlighted, that's why.

No, that's why I ignored you to ignore the highlightings.---Yes, yes, yes.

THE COMMISSIONER: That's page 2.---Yes, 30th.

20

MR BUCHANAN: Can I just, Mr Vasil.---Yes.

I forgot that we have a, this on the screen, and this page is now - - - ?---Yes.

- - - up in front of you on the screen.---Right. Right, okay.

And can you see the cursor - - - ?---Yes.

- - - that's on the left hand margin of it?---Yes, yes, yes, yes.

30

Okay. So, what the cursor is doing is just moving slightly back and forward against a record of Spiro Stavis's phone.---Yes.

And your phone, having their lines open between them on the 30th of October, 2014 for what's recorded here as one minute and 22 seconds. ---Yes, I see that. Yes.

Now, the next day, if you just look at the - - - ?---Yes.

40 - - - degree of communication - - - ?---Yes.

- - - there is an awful lot of entries for the 31st of October, 2014. Can you see that?---Yes.

First of all, Michael Hawatt rings you.---Yes.

At 2.48pm. Can you see that?---Yes.

And then there's communication between Pierre Azzi and Michael Hawatt.
---Yes. Yes.

And I'll just jump a couple of lines. At the time of 7.24, it reads as 19.24?
---Yes.

Have you got that?---Yes, yes.

10 There's then a string of communications between Michael Hawatt and
Pierre Azzi.---Yes.

And then below that on 1 November - - -?---Yes.

- - - there's a series of communications involving you and Michael Hawatt
and Bechara Khouri.---Yes.

20 What was it that you and Michael Hawatt and Bechara Khouri were talking
about on those occasions?---I can't recall any of this. I don't know what I
was talking about.

Well, what I want to suggest is that you discussed with Bechara Khouri and
Michael Hawatt the progressing of Mr Stavis's application for appointment
as director of city planning.---I can't see how that could possibly happen
because they're not the ones appointing the director, it's the general
manager.

You learnt at some stage that - - -?---Yes.

30 - - - Michael Hawatt and Pierre Azzi were going to sit on the interview
panel for the job of director of city planning, didn't you?---I knew that after,
after the appointment when I got back.

And you say do you that you had no idea about that beforehand?---No, no,
no, before that I knew that there was going to be some sort of a panel setup
and all the political parties within the council were going to be on that.

40 Where did you learn that from?---I don't know. Look, it could have been
from the general manager was talking about it, could have been from
Michael, could have been from Pierre, I don't know.

Is it possible that Michael Hawatt indicated to you that he was going to
ensure that he and Pierre Azzi were on the panel?---I can't recall that, I can't
recall, but what I remember is that there was going to be a person from each
of the political parties. It may be, it may be but I can't recall it, yeah.
Sitting here I can't comment.

You know that Michael Hawatt wouldn't have been the slightest bit
interested in Ms Eisler being involved in anything that he did, don't you?

She was the Greens representative.---Well, on occasions he supported her, her votes on occasions so - - -

He wouldn't have been the slightest bit interested in her being on the panel to interview the candidates for appointment as director of city planning, would he?---Well, to set up a panel for councillors to be on an interview panel, I would have assumed that it had to be approved by council, because it's not councillors who appoint officers, it's the general manager and other officers within the council, so I don't understand how that could have been.

10

Didn't you understand that Jim Montague was the person who made the appointment?---Jim Montague's the person who makes the appointments.

And therefore he's the person who sets up the processes by which that appointment is to be made. You understood that, didn't you, at the time? ---Yes, but he can't delegate that authority.

No, you understood that at the time, didn't you?---Sorry, understood what, sir, understood what?

20

That he was in charge of setting up the processes for the selection of the person who would be appointed as director of city planning.---I didn't know exactly what the process was going to be or - - -

That's not what I asked you.---It's - - -

You knew at the time that he was in charge of setting up the processes for the selection of the person who would be appointed as director of city planning, didn't you?---No, I don't know what processes, sir, you're referring to, no. I wasn't involved with that.

30

You came back to Australia, I think you've told us, from your holiday on - - -?---Around the 2nd, yes.

THE COMMISSIONER: 2 December.---Yes, yes, yes.

MR BUCHANAN: And if I tell you that the date on which Mr Montague offered Mr Stavis the job of director of city planning was 8 December, then you were here for a six-day period between your return and the time when the offer of appointment was made.---From what I understand now he actually offered it to Spiro Stavis on the 5th, offered the job on the 5th.

40

And did you have any discussions with Michael Hawatt about – I'm sorry. On your return to Australia from your holiday did you have any discussions with Michael Hawatt about what was happening with the appointment of the director of city planning?---It is possible, it is possible.

And what did Michael Hawatt tell you?---I can't remember what he would have told me. Oh, at that time, do you mean before he was appointed or after?

Between the time that the offer of appointment was made - - -?---Yes.

- - - on 8 December - - -?---Yes.

- - - and the time you arrived back, going backwards, six days.---Yes.

10

What conversations did you have with Michael Hawatt about what was happening with the director of city planning's position being filled?

---Oh, about that time I don't recall having discussions with him in respect of - - -

Did you learn from Michael, sorry, did you ask Michael Hawatt how the interview panel had gone?---At about that time I don't think so because I don't think there was, I didn't know about the interview panel at the time.

20

Did you talk to Bechara Khouri about how the interview panel had gone?

---Again I don't remember about that but, you know, it's possible but I don't recall.

Well, you were distinctly interested, weren't you, in what had happened to Mr Stavis's candidature for appointment?---Not necessarily, no.

He was the only candidate with whom you had had dealings, but you'd had multiple dealings including meetings.---Yes.

30

And you weren't interested in how his candidature was going?---The reason I was not interested, they have to go through a selection process. It's not, it's something outside my control. I didn't know what was going on.

That's not a logical answer.---Sir - - -

You're giving a nonsensical answer, Mr Vasil.---Okay.

The question I asked you is, weren't you interested in how it was going?

---No, I was not interested.

40

You couldn't care less. Is that your evidence?---It doesn't matter who the director is, it wasn't necessary to be to be interested or not be interested.

You knew very much, didn't you, that it was in your interests for Mr Stavis to be appointed?---Absolutely not, it was not in my interests.

And you believed it was also in the interests of Mr Hawatt for Mr Stavis to be appointed, didn't you?---No, no, no, no, no, and it was not in my interests.

I'm sorry.---Yes.

10 Mr Stavis was the person that you and Michael Hawatt and Bechara Khouri and as far as you knew, Pierre Azzi, were all working to ensure was appointed as director of city planning, weren't you?---No, I don't agree with that because they have absolutely no power to appoint the director of city planning.

That's all – oh, I'm sorry. Now, can I just put these statistics to you. That table in front of you are call charge records - - -?---Yes, yes, yes.

- - - which is just an extract, it's only between 25 October - - -?---Yes.

- - - and going to the last page, 20 November, 2014.---Yes, yes.

20 So it's not a very long period, you understand that?---Yes.

On my counting, between you and Michael Hawatt there were 40 telephone calls or attempted calls or voicemail messages in that time.---Sorry, sorry, which time is it?

Between 25 October - - -?---Yes.

- - - and 5 November, 2014.

30 THE COMMISSIONER: Is it the 5th or the 20th?

THE WITNESS: 5th of November? I don't think so.

MR BUCHANAN: I do apologise, the 20th. But can I just - - -?---Sorry - - -

- - - indicate actually my question is about 5 November. Yes, all I'm doing is focussing on 5 November.---Yes.

40 So the period 25 October - - -?---Yes.

- - - to 5 November - - -?---Yes.

- - - there were 40 telephone calls or attempted calls or text messages between you and Michael Hawatt.---I don't recall that. I don't know about that.

Well, just assume that that's the case.---Yes.

That's what this shows. Is that typical of the degree of communication that you and Michael Hawatt had?---Before that and after that I think that would be generally typical. That's what I think.

That's multiple telephone calls and attempts to contact each day.---I don't remember what it was but before that I was in contact with Michael all the time.

10 It seems strange – I withdraw that. On the account you've given - - -?
---Yes.

- - - of your dealings with Michael Hawatt - - -?---Yes.

- - - that doesn't explain why you would have been in such frequent communication with him.---I don't see why not.

You weren't interested in political machinations going on in council, you've told us.---Sorry, within council?

20 You told us you weren't interested in the political machinations going on in council.---I don't know what you mean by the, those, sorry.

Events, political events, people trying to achieve things, people trying to stop other people achieving things. You weren't interested in those sorts of things?---I don't think so. My recollection is not that, no.

30 Why were you communicating then with Michael Hawatt so frequently?
---He was a friend, he was a friend, we used to go out together. I don't know what ah - - -

These are calls made during business hours as well as out of business hours?---Yes, yes.

Between 25 October, 2014 and 5 November, 2014, this table in Exhibit 60 shows that there were between you and Bechara Khouri 20 telephone calls or attempted calls or voicemail messages.---Yes, yes, yes.

40 Does that come to you as a surprise?---Well, it comes to me as a surprise now, yes, but - - -

Why does it come to you as a surprise?---I didn't know I had that much communication with him. 40 calls, I didn't realise that we had - - -

That's in respect of Michael Hawatt.---Yes, yes.

I'm giving you a different figure for Bechara Khouri. I'm saying 20 calls.
---Yes, yes, yes.

Or attempted calls or texts.---Yes, yes.

And that comes to you as a surprise?---Well, I can't answer that. I don't know what we were talking about.

10 Is it possible that there was an increased level of activity between you and Michael Hawatt and you and Bechara Khouri during the period immediately after Spiro Stavis had contacted you to see whether you could help him with information that he could use in his candidature for the position of director of city planning?---I can't see what information I could have given him that would have assisted him in his application.

Yes, but, I'm sorry, I'll change my question to make it a bit simpler. Is it possible there was more communication between you and Khouri on the one hand and you and Hawatt on the other hand during this period because of Stavis's candidature for the position of director of city planning?---No, I don't think so, but it's possible. I don't think so.

20 Well, if it's possible, what that means is that you and Khouri and Hawatt were regularly communicating in this period about the candidature of Spiro Stavis, doesn't it?---I had absolutely no power - - -

That's not the question I asked you.---Yes, yes. No, I don't remember anything like that.

30 If there was a greater degree of communication – I withdraw that. I'll put it another way. Either the degree of communication between you and Khouri and you and Hawatt that is shown in this table for that relatively short period of time – 25 October to 5 November, 2014 – is typical or it is unusual. Do you agree with those options? Those are the only two options, aren't they?---Yes, I don't know because I don't know the degree of communication before, the degree of communication after - - -

Well, you've had - - -?--- - - - the discussions we've had.

You've spent time reviewing the table, haven't you?---Not, not, not really, no. Not to that extent. I mean, you know, not to the extent of counting.

40 And the only possibilities are you were frequently in communication with those two men, and this table has simply captured part of that regular communication, or you weren't in as regular communication with those two men usually but this table has captured that you were in increased communication with those two men immediately after you first spoke with Spiro Stavis.---I don't know.

Those are the two options, aren't they?---I don't know what those communications - - -

Which one is it?---I don't know what the communications were so, you know, it - - -

That's all in respect of Exhibit 60. Thank you.

THE COMMISSIONER: So that can be returned.

MR BUCHANAN: That can be returned, yes. Now, would it be fair to say that before Mr Stavis was appointed – no, I'll change that question, if I may.
10 I withdraw that. Before Mr Stavis was offered the position of director of city planning, you believed that Mr Stavis would be pro-development?---I didn't know him that well to understand what, what type of assessment officer he would have been. I made no - - -

Would it be fair to say that, amongst other things, you understood that if you worked to get Mr Stavis the job of director of city planning he would likely feel obliged to you and to the other people who had worked to get him appointed?---Absolutely not.

20 And would it be fair to say that before Mr Stavis was appointed you believed that Mr Stavis could be influenced if he was appointed as director of city planning by you and/or Councillor Hawatt?---No. No. Sir, I don't work that way. I don't try to influence anybody. I don't take advantage of anybody.

How did you learn of Mr Montague's withdrawal of the offer of employment to Mr Stavis?---Okay, it was after he was appointed. We were at the leagues club, some sort of a meeting there. My wife was training there. I went to have a coffee. Brian Robson saw me there and came up.
30 He said, "Oh, your son is here. We're having a meeting. Join us for a coffee."

Please, Mr Vasil, you're telling us a story. Did you have a conversation with somebody in which you learned that the offer of employment to Mr Stavis had been withdrawn?---Well, that's what I'm trying to explain.

No, no, no. Well, I'm just asking you to tell us that. Did you have a conversation with someone? Did someone write you a note? How did you learn that Mr Stavis's appointment offer had been withdrawn?---Oh, right.
40 Okay. Right. I don't - - -

Was there a conversation?---Yes, of course.

Who was the conversation with?---Yes, of course. It was with Mr Stavis.

With Mr Stavis?---Yes, yes.

And was he in the leagues club at the time of this?---No, no, no, he was not.

And did Mr Stavis come to you distressed with a copy of a letter withdrawing the offer of employment?---Yes, he did.

And obviously that was back after you were back in Sydney?---Yes, yes, it was around, late. I don't remember the exact date but it was obviously after he got the letter.

10 Did you approve of the withdrawal of the offer of employment to Mr Stavis?---Okay, okay.

Did you approve or not? I'm not interested in a story. Did you think it was a good thing that the offer of employment had been withdrawn or did you think it was a bad thing?---I thought he was - - -

Or somewhere in between?---Yeah, I thought he was getting a raw deal.

So you thought it was a bad thing?---Yes.

20 Right. Did you think that something needed to be done about that?---Yes.

What did you think at the time needed to be done?---Okay. He was given an offer and the offer was - - -

No, no, no, no. What did you think needed to be done. I'm not after history. What did you think needed to be done?---Okay. I think he needed to consult a solicitor to explain to him whether he had a contract or he simply had an offer of employment.

30 Yes. And did you take him to a solicitor?---Yes, I did.

Did you take him to George Laliotis?---Yes, I did, yes.

Had you had any communication with Mr Laliotis before you took Mr Stavis to see him about the fact that Mr Stavis's offer of employment had been withdrawn?---Obviously I would have rang him or I would have contacted him to make a time. Sometimes I'd just walk in there, so - - -

40 Was there any other communication you had with Mr Stavis – I do apologise. Was there any other communication you had with Mr Laliotis about whether the withdrawal of the offer was legal?---When I went to his office with Mr Stavis to see him. He explained what is an offer and acceptance and he wrote it all down.

And did you get the impression from Mr Laliotis that the offer of employment couldn't legally be withdrawn?---No. I didn't get that impression because he explained that he was not a, an employment lawyer,

and the person to see would have been an employment lawyer, and he sent Mr Stavis to an employment lawyer.

THE COMMISSIONER: Sorry, you were there during the consultation with the solicitor?---Yes, I took him, I took him there, but I was - - -

You took him there but then you stayed there during the consultation with the solicitor.---During the consultation I was there just because the question was did he have a contract or was - - -

10

No, no, no, no, no. I'm just wondering if you were still there?---Yes. Yes, yes, I was there, yes.

MR BUCHANAN: And was the impression you got from Mr Laliotis that his opinion was that, on what he had been told and shown, Mr Stavis did have a contract with Canterbury Council?---What he said, it was a repudiation. The words were repudiation. He didn't express any other opinion. He just gave him his opinion. He wrote it all down, it's an offer and acceptance, and he send him to another, another employment lawyer.

20

Did you give Mr Stavis any advice as to what he should do, apart from taking him to Mr Laliotis?---He went to the employment lawyer. He got back to me and he said that the employment lawyer said to him that it was repudiation of the contract.

Yes, I understand that, but I'm asking you did you give him any advice? ---At what point in time?

At any time.---Well, that's - - -

30

After the offer of employment had been withdrawn, as you understood it, did you give him any advice as to what he should do?---Yes. After he got the second opinion from the employment lawyer, I said to him, look, you've got to go and see your union. Because as far as I was concerned, from my little knowledge of offer and acceptance, he had a contract. And I thought he got a raw deal by, he's got a job, he was offered, resigned from his previous employment, and now he's out of work, so - - -

40

And did you have any conversation with your son Con about what it appeared to you to be the case of the legality of the withdrawal of the offer of employment?---Not at all. From my understanding, from my memory, not at all.

Did you ask Con to do anything about the withdrawal of the offer of employment to Mr Stavis?---No, not at all. From my memory, nothing.

Do you know whether he did anything?---I don't know what he did. I don't know because I, I was, from my memory, I did not discuss anything with him about Mr Stavis. That was my recollection.

Did Mr Stavis, over time, bring you copies of correspondence between lawyers in relation to the withdrawal of the offer of employment as director of city planning?---Yes, he did. Ultimately - - -

10 And did you keep that correspondence in your office?---Yes, I did, with intention of giving it back to him.

No, I just wanted to know.---Yes, I did, correct.

Something happened and you kept the documents that he gave you in your office?---That's correct, yes.

And as far as you could see, they were correspondence between Mr Stavis' lawyers and Canterbury City Council's lawyers?---That's correct.

20 Is that right?---That's correct.

Did you tell him anything about those letters?---I didn't solicit any of those letters. He just gave them to me because - - -

30 And did you ask him, "Why are you bothering giving these to me?"---Oh, I think what he did say to me eventually, he got on contact with the lawyer and that lawyer explained to him that he withdrawal of the offer of employment was void or words to that effect. It had no effect. And he was just telling me what the other solicitor said to him.

THE COMMISSIONER: Why did he give you a copy? Did he tell you why he was giving you a copy?---I think that he was happy that he went to another solicitor and the other solicitor said to him he's got a contract. That's, I think a solicitor would have those things, he just gave them to me.

MR BUCHANAN: Why did you keep them?---Why did I keep them?

40 Yes.---To give them back to him. I had then the drawer to give them back to him, it never happened.

But you kept them in the drawer for a couple of years, didn't you?---Oh, it was, it was quite a bit of time, yes, yes.

Is it fair to say that, as you understood it, Mr Stavis came to you on these occasions because he understood, you were trying to help him get the job of director of city planning?---No, not at all.

And he came to you for help, didn't he?---He came to me for assistance in terms of his legal rights but for me to try and get him a job.

Did you show any of the letters that he brought to you to anyone else?
---Yes, I did.

To whom did you show them?---I showed them to Barbara Coorey.

10 Did you show any of them to Michael Hawatt?---Not at all. And Barbara Coorey was a lawyer, yeah.

No, I'm not interested in Barbara Coorey, thank you.---Yes, yes, okay.

Did you meet with people about the withdrawal of the offer of employment to Mr Stavis?---When you say, "Did I meet," - - -

20 Did you have another person in the same room in which you were talking about the withdrawal of the offer of employment to Mr Stavis?---I don't recollect that. I think the only person I showed those documents was to was Barbara Coorey.

THE COMMISSIONER: That wasn't what you were asked.---Sorry, what was asked, the question?

30 Did you meet with any other persons to discuss the withdrawal of the offer of employment to Mr Stavis?---In terms of those documents that I had, I made an effort not to show them to anybody or discuss them with anybody because they were confidential documents. I wasn't going to discuss it with anybody.

MR BUCHANAN: Can I just ask you to, could the witness be shown volume 4 of Exhibit 52, please, and I'm going to ask you to have a look at page 24. On the screen, and it probably is easier to read on the screen, Mr Vasil, it's a bit larger print.---Yes, yes. I see that.

40 There are records that were extracted from Mr Hawatt's mobile telephone of three text messages and it sets out the data in respect of them and then what the messages were. Can I just ask you this, can you see that in the, that item number 1, that's looking at the column on the left, is a text from Con Vasil to I'd ask you to assume Michael Hawatt on 18 December at 9.04am and it talks about having a copy of the standard employment contract for the general manager and senior staff and then it says what he had to do. Do you know anything about that text being sent to Mr Hawatt?---Absolutely not. From my recollection, I have never seen this message before, this, it was - - -

Did you ask Con to send a message like that?---No. I do not recall it - - -

Or words to that effect?---Not recall anything - - -

Or to convey to Mr Hawatt what you told your son about what the standard employment contract for the general manager said?---I have absolutely no recollection of discussing this with Con in any way whatsoever.

Were you aware of Con doing research on the subject?---I'm not aware of it.

10 It seems a bit strange that father and son, with their respective interests in this very precise subject of the failure to offer an offer of employment to Mr Stavis, would have no communication with each other about the subject.
---He is my son and I had no communication with him about this and anybody who's got a son of that age would understand that you don't get much out of your son. There's no discussions between your son and father.

Can you look, please, at number 3?---Yes.

20 It's a message of the same day, 18 December, from Con to Mr Hawatt, "Legal advice just came back. We are responsible for the actions of the GM, need to act immediately." Did you ever learn that we, council, were responsible the actions of the GM?---No. I do not remember ever knowing anything about that at that time.

Thank you. That's all in relation to volume 4 at this stage. Did you become aware that there was an attempt to sack Mr Montague as general manager? Yes or no?---Yes, yes, yes, yes, yes.

30 Thank you. When were you aware? When did you become aware?---Okay, when, I can't recollect exact date and time but I was aware, yes.

Were you aware that the process that was being used to sack him was a motion of which notice was being given to terminate Mr Montague, amongst other things?---Eventually I became aware of that, yes.

When you say, "Eventually," in what circumstances did you become aware of it?---I think it was after the general manager rang me on that day.

Which day, sir?---Oh, the day that the, this motion was given to the mayor.

40 Was given to?---To the mayor.

To the mayor. Mr Montague rang you?---Yes.

Yes. What was said in the conversation?---Oh, I think when he rang me I wasn't in the office and I think he rang me to just discuss that with me and, and he came to the office and discussed it.

As you understood it, why was Mr Montague ringing you?---I have known Mr Montague for more than 30 years and you know, we had a, a professional relationship. So, he, I, I assume that he knew that I was friends with Michael Hawatt and Michael Hawatt did something that he general manager wasn't happy with, so he just came to discuss it with me and see if I could be some sort of an intermediary to - - -

10 So, are you saying to us that Mr Montague asked you whether you could be an intermediary with Councillors Hawatt and Azzi in respect of the attempt to sack him?---I think that's what I remember. That's what I remember, yes.

And what did you convey to Mr Montague on that subject?---Oh, that I would obviously get in contact with them and find out what's going on. That was my recollections.

I'm sorry, you?---That's my recollection, that I would get in contact with them to find out what's going on.

20 And did you?---Yes, I did.

And who did you talk to? Which of the two?---Oh, I think first I spoke to Michael Hawatt. I think it was Michael Hawatt, yes.

Yes. And did you attempt to be an intermediary?---Yes, I did.

30 And what were you trying to achieve in being an intermediary between Hawatt on the one hand and Montague on the other?---Okay, for them to just sit down and discuss because Michael Hawatt didn't want to talk with the general manager and my, all I was trying to do was just get them to meet up.

What was your opinion of whether Mr Montague should be sacked or not? ---Okay. I thought Spiro Stavis got a raw deal and then I thought the general manager got a raw deal.

40 So, you didn't agree with the attempt to get rid of him. Is that right?---I couldn't interfere with what Michael Hawatt was doing in his capacity as a councillor, but in terms of getting rid of him, no I did not agree with that.

Excuse me a moment. Could the witness be shown volume 5 of Exhibit 52, please? And if you could turn, please, to page 93 and it should come up on the screen. Yes, it's on the screen now. Can you see that that is a motion that was on notice for an extraordinary meeting of council then schedule for the 13th of February, 2015, about a selection panel being formed for the purpose of interviewing and recommending to council a purpose to fill the position of general manager, and then a series of other issues?---Sorry, what is the date on that, please?

It's the, it's - - - ?---13th of February, yes.

- - - for a meeting - - - ?---Yes.

- - - on the 13th of February, 2015.---Yes. I'll just have a look at that now.
What page is it on?

10 You can see it on the screen better than you can on the paper.---Yeah, but,
yeah.

Do you recognise that motion? I'm not asking you if you recognise that
piece of paper.---Right, okay.

Do you recognise that motion?---Yes, I do. Yes.

When were you first aware of it?---This motion?

20 Yes.---Possibly, I don't, I don't know when, I don't know when, I may have
been aware of it before, right now I can't tell you when I was aware of it.

Were you involved in drafting it?---These are not my words so I wasn't
involved in, in, in this. No. I don't believe I was involved in this, no.

Are you aware of whether it was drafted in your office?---I, I don't
remember it being drafted in my office. No, I don't remember.

30 It was not unusual, was it, for motions for resolutions of council to be
drafted in your office in 2014/16, was it?---Resolutions of council?

For motions of resolutions of council to be drafted in your office in
2014/16?---Look, on, on, not this type of motion, I don't think it was, was
usual. No.

That's not the question I asked you.---Yes. Yes. Yes.

I asked you about motions for resolutions at Canterbury City Council being
drafted - - - ?---Yes.

40 - - - in your office in the period 2014/16. That was not unusual, was it?---I
would think it was not unusual for, say, planning motions.

It wasn't unusual for other motions to be drafted as well, was it?---It is
unusual. These are the motions, no, I don't think this was - - -

And you're telling us, are you, that it wasn't unusual for planning motions to
be drafted in your office in 2014/16?---It wasn't drafted in the office, you
know, having discussions with Michael in the office.

And who is doing the drafting in those situations?---Sorry, in which situations?

The situations you've just told us about where planning motions were drafted in your office involving discussions with Michael.---Okay. Michael would come in if he had an idea or something, he would sit down and discuss it and I would give an opinion and it was up to him to say what he wanted to do.

10

Would there be occasions when you would want him to discuss an idea of yours as to what should be done by way of planning motions that should be placed before council or the City Development Committee?---If there was an idea I would probably discuss it with him as a, as a councillor I would discuss it with him but most of the time he didn't take any notice of those ideas, it was just, just like I discussed with other councillors before.

20

Are you aware that a person was nominated or considered for appointment as acting general manager if Mr Montague was sacked?---I heard of something like that, yes.

Does the name Chris Watson mean anything to you?---I heard of that name, yes, yes, yes.

Did you suggest his name - - - ?---Absolutely not.

- - - for appointment as acting general manager?---I didn't even know the person, no, no.

30

Okay, thank you.---I don't remember, no, of course not. No.

Were you aware of an approach to Mr Montague between Christmas Day 2014 and the 29th of December? So, between Christmas, basically, and the end of the year - - - ?---Yes, yes, yes, yes.

40

- - - 2014, a meeting between Mr Montague and Mr Azzi and Mr Hawatt?---I don't know if it's the, no, I don't know about any meetings but what I did have a discussion which turned into an argument with Michael Hawatt is that he should be discussing these matters with some of his senior colleagues and actually have a meeting with the general manager to discuss it because - - -

So - - - ?---Yes. I'm not sure.

- - - were you aware in - - - ?---Yeah.

- - - 2014 that a meeting did occur between Michael Hawatt and Mr Azzi on the one hand and Mr Montague on the other hand between Christmas Day

and the end of December 2014?---No, I don't remember any meeting during that time. I don't remember it, no.

Did you have any conversations with Mr Montague about the possibility of him resigning as general manager?---Absolutely not, I don't remember anything like that. No. No. It's not my place to ask Mr Montague to resign.

10 Did Mr Montague come to your office at the time when the controversy was on about whether he should keep his job as general manager?---Yes, he did. Yes.

How many times did he come to your office?---From what I recall, twice.

And was there any discussion at that time about whether he should consider his position, perhaps, and think about his family, perhaps?---Absolutely not during those two meetings, no, it's not my job to do that. It's not my position.

20 You never said to Jim Montague during the time when he was in trouble with Hawatt and Azzi about whether he should keep his job or not, you never said to him words to this effect, "Think about your wife, think about your family"?---No, sir. I don't recall anything like that.

Did you put pressure on Jim Montague to resign?---Absolutely not, no, I never thought anything I discussed with the general manager was pressure on him to resign, no.

30 Excuse me a moment. Excuse me. Commissioner, I have an application to make in respect of a private hearing conducted on 23 November 2016 with the witness. I refer to page 148 of the transcript of that hearing, and - - -? ---Mr Buchanan, I used words, other words which I spoke to Mr Montague about but not those words that you just mentioned.

My application is that the 112 order made in respect of the hearing be varied in respect of the material between line 12 on page 148 down to line 30, including line 30.

40 THE COMMISSIONER: Up until line 30.

MR BUCHANAN: It's in respect of the evidence that the witness just last gave, Commissioner.

THE COMMISSIONER: Yes, I vary the order made under section 112 of the Independent Commission Against Corruption Act on the 23rd of November, 2016, to exclude the evidence of George Vasil as recorded as at page 148 commencing at line 12 and concluding at line 30 of that page.

VARIATION OF SUPPRESSION: ORDER MADE UNDER SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT ON THE 23RD OF NOVEMBER, 2016, TO EXCLUDE THE EVIDENCE OF GEORGE VASIL AS RECORDED AS AT PAGE 148 COMMENCING AT LINE 12 AND CONCLUDING AT LINE 30 OF THAT PAGE.

10 MR BUCHANAN: Mr Vasil, I'm going to read out the transcript of evidence that you gave to the Commission on the 23rd of November, 2016. ---Yes. Yes.

I'd like you to listen to - - - ?---Yes, yes.

- - - me and then I'm going to ask you did you give that evidence. Okay? ---Yeah.

I read, "And what did you say to them?" "I just said to them about Mr
20 Montague, that they shouldn't be doing this. They should try to find a solution and I do remember Montague ringing me and saying did you speak to them, and I said to him, I said, Jim, I don't think this guy is backing off and, you know, speak to your wife and your family, speak to your family, see what you want to do." Question, "Did you raise the possibility of Mr Montague resigning from his position?" Answer, "I think, look, I think he may have understood that's what it may have been because I knew these guys were not going to back off." Question, "Did you mean for him to understand that that's what one of his options was?" Answer, "He was
30 considering before, he was considering before whether he should be resigning or not and he said to me I'm not going to resign, I do not remember the exact words but I would have, I would have not said to him resign, possibly said speak to your family, see what you are going to do because it's not my job to be telling the general manager to be resigning, not at all."---Yes, I remember those words.

That evidence is not the same as the evidence you gave a moment ago on that subject, is it?---Sir - - -

40 MR NEIL: I object. In my submission, this question has left out the word possibly.

THE COMMISSIONER: I'm sorry, Mr Neil.

MR NEIL: I don't want to say more in front of, I don't want to say more in front of the witness.

THE COMMISSIONER: I don't think that particular issue covers the first answer that Mr Buchanan read out which didn't include the word possibly.

MR NEIL: Please the Commissioner.

THE COMMISSIONER: Mr Buchanan.

MR BUCHANAN: Yes. Sir, the evidence that you gave to the Commission on the subject of what you said to Mr Montague about, "Speak to your wife and your family" on the 23rd of November, 2016, is not the same as the evidence you've given to the Commissioner today on that subject.---Sir, I
10 did not, I remember speaking to him about something, it was in the car park in, in Punchbowl.

That's not the question I asked you.---Yes.

I asked you - - - ?---Yes.

- - - your evidence is different today from the evidence that you gave on this subject on the 23 November, 2016, isn't it?---That's what I remember today but I remember speaking to him about something, I didn't remember the
20 exact words.

Either you lied to the Commission on the 23 November, 2016 on this subject or you've lied to the Commission today on that subject, haven't you?---No sir, I remember those words but today I did not remember those words, exactly those words. Today I do not remember those words.

Mr Vasil, you kept in your office a folder that was entitled Motions, didn't you?---Yes, yes.

30 And you know that your office was searched by investigators of the Commission for the purposes of this inquiry.---Yes.

And that folder was seized.---Yes.

If you'll excuse me a moment. Could you have a look at this folder, please, and I have a copy for the Commissioner. I apologise, my learned friends, I don't have a copy for them at this stage. I do intend to tender the folder, or rather the contents of the folder. I'm informed that the content has been
40 available on the restricted website.

THE COMMISSIONER: All right. Could I make an inquiry, Mr Neil, have you had access through the public website?

MR NEIL: Well, I don't know. If I can have a look at it, I can tell.

THE COMMISSIONER: All right. What I was going to suggest, I may have a duplicate copy of this folder up here, I don't have a duplicate copy of this folder. All right. Could you just excuse me for a minute? No, I don't

have a duplicate copy, I've just, I'm just a bit concerned about questions being asked when Mr Neil doesn't have a copy of it.

MR BUCHANAN: Yes. Could, I notice the time. Could, perhaps I change to a, turn to another matter and I could come back to it after lunch.

MR NEIL: Thank you. Does that imply that we should have a copy during the lunch?

10 MR BUCHANAN: No. We'll make our best efforts to do that.

THE COMMISSIONER: We'll try and get you one.

MR NEIL: I see. Thank you.

MR BUCHANAN: I'll pass onto another subject. Sir, can I ask the witness have again volume 5 of Exhibit 52? And, sir, can you turn please to page 131? And Mr Vasil, you nod. Does that indicate you recognise the document that is on the screen at the moment?---Yes, I do.

20

And if you've got volume 5 there, if you flip over the pages - - - ?---What page is this on?

Starting at 131.---Yes, yes, yes.

Through to 134.---Yeah.

It's being flipped through on the screen if it makes it any easier.---Yes, yes, yes. Okay.

30

Do you recognise those pages?---I, I recognise the wording of those pages. Yes.

And do you know, I apologise, when you say you recognise the wording, you don't recognise the format that it appears in? That is to say type written pages like that? I need to inform you it was - - - ?---Yes.

- - - seized from your office.---Yes, yes, yes.

40 Do you acknowledge that it was in your office?---Yes.

And that's your handwriting. I know it's faint.---Yes.

But that's your handwriting - - - ?---Yes, yes, yes.

- - - at the bottom of the first - - - ?---That's my handwriting.

- - - of those pages - - - ?---That's correct.

- - - at page 131 of volume 5.---Yes. Yes.

What is this document?---From what I see here it was a resolution of council back in 2nd of October, 2014.

No, no, no, you're referring to one line.---All right.

I'm referring to four pages.---You mean, yes.

10

I'm talking about these four pages.---Yes.

What were they doing in your office?---Okay. These four pages, whenever I think of a planning matter I write it down on a piece of paper and I throw them in a drawer, I throw them somewhere.

Did you type up these pages?---I did not type these pages up but I would've got somebody in the office to type them up.

20

And so did you, are you telling the Commission that you caused every one of these pages to be typed up?---Yes.

And - - - ?---As far as I'm concerned, as far as I remember, yes.

They were typed up all at the same time?---I don't know if they were all typed up at the same time.

When were they created?---Well, looking at this here, obviously one of them would've been after October 2014 or December 2014.

30

It's a shopping list of planning and development issues for Canterbury Council, isn't it?---It's a list of things that I had in mind that I saw as issues and it's things that I typed up or, not typed up but things that I put together.

Did you have conversations with Michael Hawatt about the contents of these pages?---I don't remember discussing these pages with anybody.

40

Why were they typed up, why were they created?---Because as I said if I had an issue with a DCP or anything like that I would write it down on a piece of paper, throw them away, throw them in the, in the folder or something and possibly just decided to put them together, that's what I understand.

THE COMMISSIONER: So when you said they'd be created, would you put them, for example, on the dictaphone and then get a member of your administrative staff - - -?---No, no, no, we'd just write things down, we'd just write things.

No, no, no, no.---Yes.

It's typed.---Yes, yes.

And you said that you caused the pages to be typed.---I would've given them to somebody in the office to type, yes. Yes.

Okay.

10 MR BUCHANAN: Is it possible that Michael Hawatt caused them to be typed up?---Not this things, no. I don't think so, no. These are - - -

I just want to - - - ?---Yes, yes.

- - - ask you about the, if you just look at it - - - ?---Yes.

- - - it, the first page, page 131, is headed Immediate Planning Issues.---Yes.

And then the next page is headed General.---Yes.

20

The next page is headed DCP Tidy Up and Proposed Changes.---Yes.

The next page is headed LEP Suggestions.---Yes, trying to get them in some sort of an order.

This was a work plan for Spiro Stavis, wasn't it?---No it was not.

And I want to suggest that it wasn't you who caused it to be typed up, it was Michael Hawatt who did, and you annotated the first page.---No. No. No.

30

I never discussed these things with Michael Hawatt, I don't remember discussing these things with Michael Hawatt and the reason is when I looked at this I could see on LEP suggestions there is something there which now sounds absolutely silly to me and that's the - - -

No, no - - - ?---third last point.

- - - thank you, thank you.---Yeah.

That's, I'm just going to interrupt you there.---Yeah.

40

I note the time. Excuse me a moment. And Ms Mitchelmore has kindly sacrificed her copy of the motions folder. I can pass that to my learned friends and we can come back to it after lunch.

THE COMMISSIONER: Okay, we'll be back at 2 o'clock.

LUNCHEON ADJOURNMENT

[1.01pm]