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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC  
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PUBLIC HEARING

OPERATION DASHA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 26 JUNE, 2018

AT 10.30AM

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

THE COMMISSIONER: Mr Vasil. Any administrative matters?

MR BUCHANAN: I think Mr Pararajasingham – please come forward, Mr (not transcribable)

MALE SPEAKER: No, I'm here.

MR BUCHANAN: Oh, right.

10 THE COMMISSIONER: No, he's here. And Mr Andronos is here. So I think we've got a full contingent. Again apologies for the delayed start.

THE COMMISSIONER: Mr Vasil, the order or direction I made under section 38 will apply. Mr Buchanan.

MR BUCHANAN: Thank you, Commissioner.

10 Can I just ask you a couple of questions about a couple of different matters, Mr Vasil. Firstly, in relation to the withdrawal by Mr Montague of the offer of employment to Mr Stavis, you told us, transcript page 1258, line 32, that you arranged a solicitor, a George Laliotis, and you took Mr Stavis to him and there was a conversation involving Mr Laliotis there at Mr Laliotis's office.---That's correct.

Is that right?---Correct, yes.

20 Was there – I withdraw that. Did Mr Laliotis charge any fee for the service he provided on that occasion?---No, he didn't, because he didn't regard it as, he just sent this guy, sent Stavis to an employment lawyer because he didn't  
- - -

Right. Can I ask you to sit forward a bit.---Yes, sorry, yes.

I'm afraid I have difficulty hearing.---Yes, yes, yes.

And if you're closer to the microphone - - -?---Yes, yes.

30 - - - it makes it easier to hear.---Yes, yes.

Can I ask that the witness be shown Exhibit 84, please. First of all can I ask you to go to page 12, please. And can you see item 158, the numerals in the left-hand column?---(No Audible Reply)

That's a record of a text message from you to Mr Hawatt on 2 April, 2016 at 12.13pm. Do you see that?---Yes.

40 And the message reads, "Can we meet?" And it's as written, "Pier" P-i-e-r  
- - -?---Yes.

- - - "at the club at 1.00pm."---Yes.

That was, you intended to right Pierre, I take it?---That is correct, yes.

Do you suggest it was anything else?---No, no, it would have been Pierre, yes.

And which club would that have referred to?---I assume it can only be two clubs, could have been the club in, I think it's called Lantern Club - - -

Yes?--- - - - or Canterbury Leagues Club.

And I think - - -?---Although I don't remember this message.

I'm sorry, go on.---I don't remember this message but that's the only possible clubs, yeah.

10

So have you ever met Mr Hawatt and Mr Azzi at one or other of those clubs?---Yes, yes, yes, yes.

How many times have you met them together at a club such as the Lantern Club or the leagues club?---Okay. The leagues club I remember one occasion, because that's the time that they had a meeting with the general manager in terms of some issues that they had with the club itself, so I remember that. In terms of the Lantern Club, maybe a couple of times, maybe more, I don't remember exactly, but yes.

20

And why have you met those two gentlemen at the Lantern Club?  
---Oh, the Lantern Club, used to go there all the time, I used to go there many occasions, yes, yes, yes, sir.

Did you play the poker machines?---Ah, no, no, yes.

Did Mr Azzi play the poker machines?---Yes, Mr Azzi was playing.

30

Did you do any business with either of those two gentlemen at the Lantern Club?---When you say business, can I ask what you mean?

Talk about council affairs or developments or proposals for developments or proposals for rezoning?---Okay. I don't recall any of those issues, I don't recall it, don't recall it. It may be possible but I don't recall.

Can I ask you to go down the page to item 162. It's a message by Mr Hawatt to a person identified as Slim Hawatt.---Yes.

40

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

Dated 2 April, 2016.---Yes.

Who was Slim Hawatt?---2 April, '16. Ah, Slim Hawatt was a valuer.

I'm sorry, was a?---A valuer.

A valuer?---Yes.

Land valuer?---Yes, yes.

Right.---And he - - -

Was he related to Michael Hawatt?---I think he was the son of one of his sisters.

So as you understood it he was a nephew of Michael Hawatt?---That's what I understand, yes.

10

And the message reads, "George Vasil is interested. Call him."---Yes, I see that.

What was that about?---Okay. I don't recall what that was about because the only business we had with Slim Hawatt was he did some valuations for the office.

For your office?---Yes, yes, yes. That's the only connection I've had with him.

20

This sounds as if it was a proposal or an offer that Michael Hawatt knew about and Slim Hawatt knew about and that Michael Hawatt had spoken to you about and you had expressed interest in it, doesn't it?---I, I don't recall anything like that, because with Slim Hawatt we didn't do much other than, other than, from what I recall didn't do anything other than valuations for the office.

There was never an offer to be involved in a sale of land or a purchase of land or a development or a proposed development involving Slim Hawatt?

30

---Sorry, with me purchasing?

That you are aware of?---With me purchasing?

Yes. No, no, that you are aware of, sir.---Sorry, ask the question again, sir, I want to - - -

Was there ever that you were aware of - - -?---Yes.

- - - an offer to sell land or an express of interest to purchase land or a proposal for development or for rezoning involving Slim Hawatt?

40

---Not that I'm aware of, at least in terms with myself, no, I don't recall anything like that.

Thank you. Can I direct your attention to item 165. That's a text from you on 26 October, 2016 at 6.00pm to Michael Hawatt - - -?---Yes.

- - - reading, "Can you send me your brother's number, I've got a job for him, thanks."---And that was in April.

April 2016.---Yes, yes, yes. He has a brother who does repairs and maintenance work.

Maintenance?---Maintenance.

Yes.---Yes. And through the office we had some repairs and maintenance and I've met, sorry, we're talking about - - -

10 April, 2016.---Yes. Which brother is it, please?

That's a question I was going to ask if - - -?---Sorry, sorry, what number again?

165.---165. Your brother's number, I've got, yes, that's his brother, yes, that's, I'm trying to think of his name now.

Don't worry.---Merv, Merv, Merv, yes.

20 Merv?---Yes, his brother's name.

M-e-r-v?---That's his short name. I don't know what the Lebanese name is but that's Merv, yes. He does repairs and maintenance work, yes.

Thank you. And before parting from this document can I just ask you to turn over the page to page 13, and item 185. That's a text from you to Michael Hawatt - - -?---Yes.

30 - - - on 2 June, 2016 at 1.17pm.---Yes, yes.

And the message reads, "I'm here with John, give me a call."---Yes.

Would that be a reference to John Dabassis?---I assume that that would be the John, and there's another John which we meet frequently with, a good friend of us, he's a former councillor, his name's John as well so I'm not sure which John we are referring to here.

40 Do you recall being with a John and wanting to speak to Michael Hawatt?  
---The other fellow who was a previous councillor, he was, we're very good friends and he occasionally wanted to speak to, to, to, to Michael. Which John it's referring to I really cannot say who it is.

But there was some business that you and John Dabassis and Michael Hawatt were doing. Is that right?---That was in respect of the property in Revesby and at a later date there was some discussion about that property, Harrison's, around June, as I mentioned before, so - - -

Thank you. That's all in relation to Exhibit 84.

Can I change the subject now, Mr Vasil, to 15-23 Homer Street.

---Yes.

You've told us that Assad Faker purchased it through your brother.

---Yes.

Your brother, Peter, at your agency.---That's correct, that's correct, yes.

10 Your real estate agency. Is that right?---Yes.

And I suggested the date of 2010-2011 to you and you agreed that it was around that time?---Well, it's around that time. I don't remember exactly when.

Now, did you have any conversation with Assad Faker at all ever?

---Well, yeah, looking at the messages I obviously did but I don't specifically remember phone conversations with him.

20 Can you remember any particular subject that you spoke with Assad Faker about?---Yes, I do, yes.

What subject?---When he was purchasing the properties in Una Street I do remember a couple of conversations with him. I believe one was in respect of contamination because one of the properties he was purchasing and eventually purchased the property next door, there was an issue I think about who's responsible for contamination and I have learned that from previous experience it's the person who actually contaminates the site. I remember conversation to that effect. And I also remember him asking a question in terms of the building height, because the previous provision was that you take the height from the, from the new ground level, from the excavated ground level, whereas the provision in the LEP, this LEP, is from the existing ground level. So one of the properties he was looking at was on a sloping site and from what I remember he was asking where would he be, how would he be designing it and designing it in terms of height and I do remember possibly something, being in the office or something, I don't, don't remember exactly, drawing up a diagram and showing the slope. So I do remember something about Una Street, yes. From my recollection that's what I remember.

40

And was the discussion about building height related to 15-23 Homer Street at all?---Ah, from my recollection I don't think I ever discussed any, anything with him in respect of all that, other than from my recollection again on one occasion he was in the office, he had some sort of plans and I think he did mention to me Bruce Threlfo was his planner and I knew Bruce Threlfo, the company, not Bruce Threlfo himself, and I do remember saying to him, yes, I know the guy, and he had plans and I just said, "Talk to your architects, talk to your planners, talk to your solicitors," and that's the, from

my recollection I believe that's the only time I ever discussed with him anything about Homer Street.

When you say he had a plan - - -?---Yes.

- - - you mean a set of plans?---Oh, a set of plans from his - - -

Yes, right.--- - - - from his consultants.

10 Yes.---I don't even know who his consultants were.

Yes.---For something like that of course you've got to go to your - - -

Had he brought them to you to show them to you?---No, I don't believe he came specifically to see me.

Why had he brought the plans to your office?---I think he was discussing with Peter what he was doing. That's what I understand.

20 And did you look at the plans?---No, no, I don't think I looked at the plans because there was no, no interest to me. He had his consultants and whatever his consultants were doing, had to be lodged with council so it wasn't anything of, from what I recollect it wasn't anything of interest.

I'm sorry, I just didn't hear the last bit of what you said there, sir.

---From what I recollect it wasn't of interest to me in terms of what he was doing because he had his consultants. That's what I remember. Sitting here now that's what I recollect.

30 But you say you do recall telling him, well, you should go and talk to your architects and solicitors.---Architects, town planners, lawyers, whatever he wants to do. I wasn't going to get involved in something that he was doing.

But it sounds as if he tried to get you involved because you spoke to him and gave him some advice.---That's the only advice, from memory that's the only advice I gave him.

40 But what was it he was asking of you which caused you to say go and talk to your architects and solicitors and town planners?---From what I recall he started to talk to me about it, he showed me some plans, there was nothing

- - -

What was it he asked you, sir?---Sorry, I don't recall what he asked me, I've got the memory, I've got a picture in my mind, him sitting, the desk, he has a set of plans and was telling me basically what he was going to do, but I did not get involved in terms of what he was going to do, in terms of how he was going to do things. That's what I recollect.

So, in respect of any contact that you had with Assad Faker, are you telling us that he never raised an issue with you about 15-23 Homer Street? Is that what you're saying?---Sorry, what issue, sir?

That's what I'm asking you.---Yes.

Did he ever raise with you, I withdraw that. You've told us that he raised with you issues, you've identified them, contamination in respect of Una Street.---That was Una Street, yes.

10

Yes. So, did he raise with you an issue like contamination or anything else in respect of Homer Street?---No. I don't recall anything like that, I don't recall.

And you don't, so you're telling us there was no issue at all that Assad Faker raised with you about Homer Street?---I do not recall anything about that.

20

He never complained to you about council taking a long time to process an application of his?---I don't recall anything like that because I was not directly involved, I wasn't involved with this thing other than - - -

You don't recall him complaining that a report had been prepared for his property and was going to recommend something to council which was very much against his interests?---No, I don't recall that. My recollection, I don't recall - - -

You don't recall anything at all---? - - - anything like that because I had virtually nothing to do with him in respect of that.

30

Are you sure you had virtually nothing to do with him?---From my recollection, sir, I don't recall having any discussions with him. I don't recall it. Now, if there's something I'm not recalling, I, I don't know, maybe, it's not something that I can think of right now. Maybe, maybe some discussions which I'm not, maybe.

Was there anything he ever came to you about that caused you to say, "Oh, you should go and talk to Michael Hawatt"?---No, no, I don't recall anything like that.

40

So, if he had raised with you an issue about 15-23 Homer Street, you'd be likely to recall that, wouldn't you?---When you say an issue, when I say an issue, he showed me a set of plans.

A problem, sir.---Well, no - - -

Something that he characterised, that you identified he thought was a problem.---No. I don't think it was, I didn't discuss any problems with him. He just showed me a set of plans, told me who his planner was, I said yeah,

I know the company, yeah, I wasn't getting involved with what he was doing.

Did you ever have a discussion with him about an application he was making to council in respect of 15-23 Homer Street?---No, no, I don't recall anything like that. No.

10 So, it comes to you as a surprise to learn, does it, that he was making an application to council in respect of 15-23 Homer Street?---He was making an application, it didn't come to me as a surprise, I didn't, when that application went to council in November I was overseas, I didn't know anything about that application. I, I was overseas at the time. On 13 November, I was overseas, I didn't, it didn't, my recollection, he never discussed anything with me.

What about when you came back from your holidays?---Yes, when I came back. Yes.

20 When you came back - - - ?---Yes.

- - - was there any discussion that you had with Assad Faker about any problem he had or any application he was making to council?---All right. I don't recall discussing any application with him. I don't recall anything like that. I may have, but right now I don't recall it.

Did you introduce Assad Faker to Michael Hawatt?---I don't recall introducing him to Michael Hawatt, no.

30 If you had introduced him to Michael Hawatt, why would you have done that?---Well, I didn't, don't remember introducing him to Michael Hawatt so I can't answer that.

You never introduced Assad Faker to Michael Hawatt because you thought Michael Hawatt could be of assistance to Mr Faker in facilitating the processing of a rezoning application he was making in respect of 15-23 Homer Street, did you?---Well first, I don't remember introducing him to Michael Hawatt so anything that comes after that, I don't recall anything like that.

40 Did you introduce people at all to Michael Hawatt to assist them in progressing an application they had with Canterbury Council?---I don't recall saying to people, "go and see Michael Hawatt." If somebody had a problem, what I used to basically say to them, go on the website, all the phone numbers are there, all the emails of all the councillors are there, and just send them all an email.

Why not introduce people who had a problem with a development application or a rezoning application to Michael Hawatt? Don't you think

he could have been of assistance to them?---As I said, from my recollection I used to tell everybody there's the website, send an email to them.

I understand you're saying that, I'm asking you a slightly different question now.---Yes. Yes. Yes.

You knew Michael Hawatt well, didn't you?---Yes I did, yes.

10 In the period 2014/16, you had known him for a long time.---Yes.

You had a lot of dealings with him.---Yes. Yes.

Correct?---Yes. Yes.

And you knew that he was one of the councillors on Canterbury City Council who was better versed, better acquainted - - -?---Yes.

- - - with planning - - - ?---Yes.

20 - - - than a lot of other councillors.---Yes.

Correct?---Yes, correct.

And you also knew that he and Pierre Azzi controlled the council, don't you?---Well to answer the question of controlling, I have to say you need the majority of councillors to make a decision, so I do not recall ever saying to an applicant, "Go and see Michael Hawatt", I don't recall that, I don't recall anything like that.

30 You knew by, you knew certainly by early March 2015 that Spiro Stavis was on board council, he had started work at council as director of city planning?---March 2015, yes, yes, yes.

You knew that Spiro Stavis was indebted to you and to Michael Hawatt and to Pierre Azzi for his job and for still having one, being able to start work by March 2015.---No, I don't accept that, sir. I don't accept that he was indebted to me.

40 And you hoped or believed that Spiro Stavis would be easily influenced by Michael Hawatt and Pierre Azzi, didn't you?---No, no, no, I don't believe that. No, I didn't know that.

So when did you first find out that a submission had been lodged on behalf of Assad Faker with Canterbury Council for a rezoning of 15-23 Homer Street, Earlwood?---Okay. Well, I don't know if it was lodged by him or on behalf of anybody, but - - -

No, sorry sir.---Yes.

When did you first know?---Right, okay. Brian Robson rang me one day.

Sorry, sir.---Yes.

My question is when did you first know?---After I spoke to Brian Robson.

After it was - - - ?---Spoke to Brian Robson, after Brian Robson rang me.

10 And when did he ring you?---It could've been, I thought previously it may have been early January but it could've been late December.

And what was said in that telephone conversation?---Okay. From my recollection, what I remember now is that Brian Robson rang me and in short words were, "Tell Con not to follow Michael Hawatt", or Michael or Michael Hawatt, I don't remember what he mentioned, one or the other word, "blindly" and then used the words "just like he did with Homer Street in the residential area." Words to that effect, I don't remember exactly but I remember Brian Robson mentioning something about 17 metres.

20

Was anything else said in this conversation?---I don't recall right now what other issues Mr Robson discussed with me but I would believe, recalling things now, I'm sure he may have mentioned the issue of Spiro Stavis and don't exactly remember what was said.

THE COMMISSIONER: Sorry, what issue with Spiro?---That he was, because he was towards the end of December, early January. Because - - -

30 What did he say about Spiro?---I, I remember him mentioning the word Spiro and possibly, and I'm not sure whether this is correct or not, that there was something found on him or some words to that effect. This is what I recall now.

MR BUCHANAN: And so you didn't ask him what he meant about Con not following Michael blindly just like he did with Homer Street?---I, I don't believe I did.

You knew what he was talking about, did you?---No, I didn't know about Homer Street, I, I had no idea.

40

So you didn't know what he was talking about.---No.

He said to you that your son you knew was a councillor - - -?---Yes.

- - - shouldn't follow Michael blindly just like he did with Homer Street, and you didn't ask him what he was talking about?---Oh, no, he did mention to me something about 17 metres in a residential zone. Now, knowing Homer Street I didn't know what he meant by 17 metres in a residential

zone. Now, I don't remember the exact words but I recall something to that effect.

Well, weren't you interested if you were being told by the mayor that your son, a councillor, was doing something that he shouldn't be doing as he did in relation to Homer Street?---Well - - -

10 Didn't that interest you?---I didn't know exactly which property he was talking about, Homer Street, later on I identified it was being 13-25, I don't believe he told me on the day exactly which number it was, from my recollection, yeah, I don't believe that, but I eventually identified it and I saw what the resolution was.

Do you mean to say that you put down the phone or finished the conversation without finding out what Brian Robson thought Con had done wrong in relation to Homer Street?---They approved a building in, I remember the words, residential area, 17 metres.

20 And what had Con done wrong according to what you were told by Brian Robson?---Well, Brian Robson just mentioned to me that they approved something 17 metres. Now, whether he mentioned Mark Adler or not I do not know, but at this point in time I can't recall exactly.

Surely you wanted all the details you could possibly get out of Brian Robson at that stage as to what he was telling you Con had done wrong, and you're telling us basically he didn't tell you and you didn't ask?

MR NEIL: Object, object.

30 THE WITNESS: I don't think I asked, I don't remember these things, I don't remember these things.

MR NEIL: You've told him directly that Robson said, "Tell him not to follow Hawatt blindly as he did with Homer Street."

THE COMMISSIONER: I'll allow the question.

40 MR BUCHANAN: You're telling us, are you, that you didn't try to find out from Brian Robson what Con had done wrong by blindly following Michael Hawatt in relation to Homer Street, are you?---Don't remember, yeah, going back four years I don't remember exactly the conversation I had with him.

How could you forget what was said if it was someone telling you that your son, the one that you wanted to distance from you in relation to the affairs of the council and his membership of council, had been doing something wrong by blindly following the man you had dealings with on a very regular basis and clearly a close friendship with, Michael Hawatt?---Well - - -

How could you forget that?---Well, after that I did - - -

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

I'm asking you about the conversation with - - -?---Yes.

- - - Brian Robson.---Yes.

10 I'm asking you to tell us what was said in the conversation that indicated, that explained to you what the problem was?---All I remember, basically what I remember today is Brian Robson saying those words and of course after the conversation I went to find out which property he was talking about in Homer Street.

You didn't ask your son?---I, from my recollection now I believe I spoke to Mark Adler first.

I didn't ask you that.---Yeah, sorry.

20 I asked you didn't you ask your son what happened, what was going on, didn't you have a conversation with him in which you said, the mayor has just told me that you've been blindly following Michael Hawatt and you caused a problem as a result in relation to Home Street. What is happening?---Sir, I do not recall what I may have said to my son or not. My son just went overseas, he didn't even say goodbye to me, we don't have that close relationship that some other families have.

30 And you didn't care, is that what you're telling us, you just didn't care what your son was alleged to have done wrong?---No, of course I cared, that's why I went on the internet, checked it out to find out which property he was, Brian Robson was talking about.

But that didn't tell you what the problem was, did it?---After speaking to, what I believe, I spoke to Mark Adler.

40 Why not speak to Brian Robson, the person who raised this issue with in the first place?---Well, he's the person who actually said that they approved 17, from what I recollect, it was a 17-metre storey, 17-metre high building in residential area, I remember the words, residential area in Homer Street, so I just went to find out (not transcribable)

Why not ring your friend, Michael Hawatt, and say, is there a problem with what happened in relation to Homer Street?---Because from my recollection I wanted to find out from Mark Adler because Mark Adler always makes, has been there for more than 20 years, always makes right decisions, sound decisions, so if Mark Adler voted for that I just wanted to find out what the issue was.

Did you find out that Michael Hawatt had moved the motion?---Eventually I found out, that out, yes, yes.

Didn't you say that you went onto the website to look at what had been resolved in respect of Homer Street?---From what I understand - - -

Didn't that tell you that Michael Hawatt had moved the motion, your son has seconded it?---That's, that's what I - - -

10 So, why not ring Michael Hawatt and say, "What's the problem here, what's going on?"?---Eventually I did, eventually I did.

How long did it take you before you did?---I don't recall the time that, from what day it was to the time I met Michael Hawatt, I don't recall that.

Why not just give him a ring straight away and say, "Listen, the mayor's just been onto me and he's telling me something that really alarms me about my son and you."?---I don't remember, I don't remember. I don't remember that.

20 So, you did ring Michael Hawatt, is that right, or meet him, and talk about Homer Street?---Eventually I did, yes, yes.

When?---I don't recall dates.

How long after this phone call from Brian Robson?---I don't recall dates, I can't recall.

30 Was it minutes, hours, days, weeks, months, how long?---It's going back four years. All I remember is Michael Hawatt sitting in the office with me and possibly drafting something up to fix up the problem. I don't remember all those details.

So, this is how long ago are we talking about here? We're talking about a resolution in November 2014, I suggest to you.---Yes it was, yes.

40 And an attempt to fix it up in early 2015 and you've already completely forgotten about it, have you?---That was the first meeting in 2015, you had to go to the first meeting in 2015. I don't recall details of when this happened and when that happened, I don't recall. Right now I don't recall those things.

I'm sorry - - - ?---Yes.

- - - Mr Vasil - - - ?---Yes.

- - - if you say something in the witness - - - ?---Yes.

- - - box - - - ?---Yes.

- - - it has to be heard by everyone.---Right, okay.

So if you're saying something - - - ?---Yes.

- - - can you make it so that we can hear what you're saying?---Yes, okay.  
Yes.

10 What were you - - - ?---Yes.

What did you just say?---I, I don't recall exact dates of when things happened.

I didn't ask you the exact date.---Yes. Yes.

I'm asking how long after the call from Brian Robson was it that you had some discussion with Michael Hawatt about it?---Okay. I can't say if it was a day, two days, a week, I can't say that, I don't remember.

20

Despite the fact that this involves your son, you can't remember having a sense of concern that compelled you to get to the bottom of the problem?  
---Well, I, I did in myself, I found out on the internet, I must've printed the paper up and found out.

30

What did the internet tell you was the problem, that Brian Robson had told you about?---I found out from, from what I remember, Mark Adler, whether I called him, whether I spoke to him personally, you know, these are things I don't remember, my mind is not, I probably asked him what was the intention, because what actually read, the way it read, it could be interpreted to mean 17 metres right across and from what I recall now, Mark Adler probably explained to me that that was not the, that was not the intent.

Yes.---This is what I recall now, I don't know.

40

And what was the next thing that happened?---The next thing that happened, after speaking to, to Mark Adler, I would've spoken to Michael to say what was his intent, and from memory now when I spoke to Michael he didn't seem to be all that surprised because it was something that had to be fixed up. I don't recall details.

Where were you when you had this discussion with Michael Hawatt?---I don't recall where I was.

Was it face to face or on the phone?---I don't recall, I don't recall where I met, where I discussed this with, but it did happen.

When did you first raise the subject with your son?---Probably after speaking to Michael to find out what was happening, I may have said to him, you know, what was the intention there, I may have said the same as next door, I don't recall these things now.

You're saying you have no recollection at all of speaking to your son about this? Is that what you tell us?---At, at the time I may have spoken to everybody, it's not - - -

10 No, no, no, sir, I'm asking - - - ?---Yes.

- - - your recollection.---Yes. Yes.

Are you telling us that in relation to this matter, you have no recollection of ever discussing it with Con Vasiliades?---I may have asked him - - -

I didn't ask you that.---Sorry, sorry.

20 Are you saying to us you have no recollection of ever raising this with Con Vasiliades?---What can I say?

You either have a memory - - - ?---Yes.

- - - or you don't. You've been telling us, in answer to many questions, "I don't have a memory."---Yes.

"I don't have a memory, I don't have a memory."---Yes. Yes. Yes.

30 So, I'm asking you, do you have a memory of discussing with your son, Con Vasiliades, this issue that had been raised with you - - - ?---Yes.

- - - by Brian Robson?---Right. I don't have a memory of it but I could have. What can I tell you?

It seems very surprising, I want to suggest to you, and really, frankly, unbelievable.---Okay.

40 That you wouldn't have a memory of discussing a matter like this with your son.---It, look, even with Mark Adler, you know, it's, I'm sorry, what can I tell you? My memory is not, what can I tell you?

Can I suggest to you that the approach you have taken in this inquiry to questions involving Con Vasiliades and his position as councillor on Canterbury Council, and the work he did in Canterbury Council has been to try to protect him?---No, sir, I don't believe that's the case at all. No.

I want to suggest to you that you have been essentially pretending to have had a relationship with your son which was such that the two of you either

never talked about council business, or, you can't recall ever talking about council business with your son, when that is not in fact the truth. That's what I'm suggesting to you.---I do recall, sir, that he would ask me questions on DCP issues from time to time.

Sorry, I am listening.---Yes. Yes. From time to time he would ask me questions on, on DCP's and things like that. Sir, if I, if I could mention this, you know, this is a personal thing, this is - - -

10 Of course it is.---No, no, this is a personal thing, my son had health issues, I did not want to get, I did not want to get him, I did not want to burden him with anything that I was doing in terms of these things, [REDACTED]  
[REDACTED] I, I can't talk to my son. A few weeks ago I said to him the bank gave you some documents, what happened to these documents, where are the documents? The bank gave it to you three days ago? [REDACTED]

20

[REDACTED]

And you supported, or suggested, that he stand for election as a councillor at Canterbury Council?---The opportunity came. [REDACTED]

30

[REDACTED]

[REDACTED]

[REDACTED]

40

[REDACTED]

[REDACTED]  
[REDACTED] I didn't want to burden him with all these things.

MR BUCHANAN: But why in that case did you allow him to become a councillor - - - ?---Well - - -

- - - in the local government?---He became a councillor, he became a councillor and while he was in council he was always getting sore back, he was sitting, I'm sure council - - -

So, my question - - - ?---Yes.

- - - was - - - ?---Right, okay.

10 - - - simply - - - ?---Yes.

- - - being a councillor - - - ?---Yes. Yes.

- - - would be more likely to aggravate a condition or conditions [REDACTED]  
[REDACTED] han - - - ?---[REDACTED]

- - - alleviate them.---[REDACTED]

And I'm just asking you to - - -

20

THE COMMISSIONER: Just listen.

MR BUCHANAN: - - - help us understand the apparent inconsistency - - -  
?---Yes.

- - - in your evidence - - - ?---Okay.

- - - about your son's health problems and your concern about them - - - ?---  
Yes.

30

- - - on the one hand, and on the other hand, you allowing him, if not encouraging him, to become a councillor on Canterbury City Council when he knew nothing about planning issues and his sole interests in relation to council responsibilities was sporting facilities.---He became a councillor. What my thinking was at the time, you know, I wasn't going to stop him from doing what he was going to do. I'm not, I, I don't control him, I discuss something with him and he gets angry, he walks away, that's his nature. I don't control my son.

40 Yes.---I'm sorry, Commissioner.

You did encourage him to become councillor though, didn't you? Stand for councillor, I mean.---I don't know, yeah, I don't know if I encouraged him, I don't know if I, I thought it was a good idea.

Did you think it was a good idea because he would be useful to you and Michael Hawatt as a councillor who would follow Michael Hawatt's direction?---First of all, at the time, Michael Hawatt was in minority. He

could only possibly get three councillors, and there was no way I'm going to use my son to do anything for anybody to benefit.

Now, if the witness could be supplied the motions folder. Thank you very much. I'll just take you to a particular page in a moment. If you go, please, to pages 45 to 47. This is an extract, there's a larger copy on the screen if that helps to read it. This is an extract from the business papers for the City Development Committee at council at its meeting on the 13<sup>th</sup> of November, and page 45 is towards the end of the director of city planning's report and it contains the recommendation - - - -?---Yes, I see that.

- - - as to building heights. Do you see that?---I see that, yes.

Do you know why this paper, this extract from the business papers was in your motions folder?---Yes. I, I can, can I say yes, my assumption is because after speaking to Brian Robson, I wanted to find out what he was talking about and I may have gone on the internet to find out what the issue was because I was not here at the time.

20 Very good. And can I take you then to page 43, this appears to be an extract from the minutes of the meeting at the City Development Committee on 13 November, 2014.---Yes.

And the resolution is towards the bottom of page 43 and over on page 44 is the tally of the votes.---Yes.

And that was in your motions folder for the same reason as the business papers in relation to Homer Street?---Yes, to find out what was happening. Yes.

30 And then can I take you to page 5 of the copy of the motions folder?---Yes.

And can you see this is – sorry, pages 5 and 6 are copies of the same document.---Yes.

And it's easier to read on page 6.---Yes.

Just coming up now. There you are. You can read that to yourself.---Yes, yes.

40 That is a draft motion.---Correct.

And that's in your handwriting?---Yes, it is.

And why did you write that document?---After having discussions with Michael Hawatt, from my memory, from what I recollect is that it was not his intention to have 17 metres right across. And in discussions with this, from my recollection now, I believe he said to me that – now, I have

Marcelo in mind. I don't know if it was Marcelo or the, the lady who was there, acting director. That somebody told him next door it was 17 metres, and that's what he intended to do. 17 metres next door and stepping down. That's what I recall. Right now, that's what I recall. So I probably suggested to him, well, forget the 17 metres. A proper wording would be not to include the 17 metres and just talk about what's next door and stepping down. That's what I recall. So I was assisting him in fixing up this, this mistake.

10 And what was it that you intended be done with this piece of paper?---This was to be typed up for Michael to send to, to council. What they normally do, they send it to council. Michael comes in the office sometimes, types something up or he gets Con to type something up, and they work together. They send it to, from what I recall, from what I see of them, they send it to, to council.

Can I ask that the witness be shown Exhibit 52, volume 9, page 94.---52.  
Yes.

20 And if you could keep in front of you page 6 of the motions folder.---Yes.

And what I'm inviting you to do is you'll see on the screen, you'll see on the screen a copy of the minutes of the meeting of council held 26 February, 2015.---Yes.

No, hang on. I think I've misspoken. That is part of the business papers for the meeting of council on 26 February, 2015. And it's giving notice that Councillor Hawatt is moving a motion on the subject of the building height limit for 15-23 Homer Street Earlwood.---Yes.

30 Can you see that?---Yes.

And if you compare it with your handwritten draft motion, it bears a very strong resemblance, doesn't it?---Yes, of course it does. I'm not denying that. Michael Hawatt was there in the office suggesting words. Yes.

40 And is it possible that you are the person who suggested the words, not Michael Hawatt?---In terms of the height itself, the 17 metres, I believe that was my suggestion. From memory, that was my suggestion because he believed, somebody told him it was 17 metres and not knowing whether it was 17 metres or what it was, that was a suggestion that I made. It's up to Michael Hawatt to take it up or not to take it up.

And is it fair to say that this was not the first time you had drafted motions with the intention that they be considered by Canterbury Council?---Michael Hawatt would come in. We would discuss, you know, what was going on, what was the issues, things like that. And if I suggested a motion or if he – remember, once he wanted to do something about lanes and he wanted to

put words together, so I assisted him on that. So, yes, he used to come in the office and wanted to find out what the issues were and work out motions, things like that. I'm not denying that.

10 And after you had drafted this particular motion is it also the case that you continued from time to time to draft motions for as you intended it, the consideration of Canterbury Council?---All the years, the last 30 years I used to do the same things with all councillors. If I saw an issue I would raise it with them and it was up to them to decide whether they wanted to take it up or not.

THE COMMISSIONER: That wasn't what you were asked. You were asked did you continue to draft motions for the continuation of Canterbury Council?---Probably in assisting. I can't remember which ones they were after, after this particular date. I don't remember any particular motion. Show me some motions. I can tell you what was with that. I'm not denying that. Michael used to ask for assistance in terms of, of planning issues. There's nothing wrong with that. I don't believe there's anything wrong with that.

20

MR BUCHANAN: And if you turn then to page 7 in the motions folder you can see that your draft in handwriting has been engrossed in typewriting. ---Yes, yes.

And was this typed up in your office?---I don't recall. I don't recall when this was typed up but I can see that there's a couple of words at the end which are different. Consideration before sending to Gateway for determination. Yes, I don't remember where it was printed up from.

30 And could it have been typed up at your office by Michael Hawatt?  
---Michael Hawatt occasionally used to go there and use the computer and type things up, yes.

40 Can I change the subject now. That's all in relation to Exhibit 83. Thank you. And you might keep volume 9 there just for the moment. Could the witness be shown Exhibit 75, please. Now, have you had an opportunity of looking at this table, whether on the Commission's website or shown to you by anyone, or is this the first time you've seen it? You can see it's got a heading CCR Records for Contact Between Assad Faker and George Vasil, Jim Montague, Michael Hawatt and Spiro Stavis.---Yes, I see that. I see that, yes.

Have you had an opportunity to peruse it before now?---Briefly, yes, yes.

What I'd ask you to do is to have a look on the first page at, if you look at the date column. It says start date.---Yes, yes.

And if you go down to 17 February, 2014 you can see that there's a record of you or your telephone ringing Assad Faker, or his telephone and the line between the two telephones being open for 40 seconds.---Yes, I see that, yes.

Are you telling us that you have no memory of ever calling Assad Faker?  
---This is what I said before, I don't have a memory of calling him but I do, do remember discussing something with him about Una Street.

10 About?---Una, Una Street.

Yes.---Early, early, about that time because that's when he was taking up the options, taking up options.

Why would you have called him rather than he call you?---He may have been in the office and he may have mentioned something to somebody, maybe he came looking for me or something, I don't recall. I don't recall any of these things.

20 So you can't explain why you would have initiated that contact?---No, I can't explain, other than possibly him leaving a message for me to ring back. I don't know.

And then there's a series of calls, can you see, on 21 February between you and Mr Faker, admittedly just, you can see that one of them - - -?---Yes, yeah.

- - - is for zero duration.---Yes, yes.

30 So we can cut that one out.---Yes.

But otherwise there seems to have been - - -?---Yes.

- - - some communication between the two of you - - -?---Yes, yes.

- - - on the 21<sup>st</sup>.---Yes, yes.

And indeed one call to you was, is recorded as being for four minutes and one second. Do you see that?---Yes, yes.

40

That's a conversation of reasonable length, isn't it?---Yes, yes.

Can you explain why Mr Faker made that call to you and you spoke to him for four minutes?---About that time I remember it was to do with Una Street, he was purchasing some properties in Una Street and that's - - -

And what assistance were you able to provide?---Just what I mentioned before about he had, there was one piece of land, I think it was a garage or

something, obviously he bought the garage on the corner, from what I recall, something to do with contamination and the height, where do you take the height from.

Can I take you then to page 3.---Yes.

And the date, 23 January, 2015. Can you see that Mr Faker appears to have made contact with your phone very briefly for two seconds?---Sorry, 2015?

10 Sorry, 23 January, 2015. So it's about six down. My maths might be a bit out.

THE COMMISSIONER: On page 3?

MR BUCHANAN: On page 3, yes.

MR NEIL: Can't find it.

20 THE COMMISSIONER: I think in mine it might be page 2.

MR BUCHANAN: Oh, I'm sorry, thank you, I stand corrected. I'm afraid I'm going off an old version. It's got the same data but it's been arranged differently. My attention is drawn to the fact that it's on page 2, bottom of page 2.---Yes, yes.

30 Do you recall why on 23 January, 2015, there was an exchange apparently involving you and Mr Faker of him calling you and you calling him back?  
---Very, very short, yeah, I don't recall, I don't recall first of all these phone calls and I don't recall what I may have discussed with him or could have discussed with him. I don't recall.

Then if you could go to 13 July. You can see that there is some communication, again, between you and Mr Faker, you're initiating the phone calls in this instance?---Sorry, 13<sup>th</sup> of July, which year, which - - -

2015. It's - - - ?---Yes, yes, yes.

- - - about the middle of the page.---Yes. Yes. Yes.

40 And what would that have been about?---Again, I don't recall, I don't recall these things and it would have been after the motion to fix up the issue was put up, I don't recall what it could have been about. I don't recall that. 23 seconds, is that the one?

Yes.---Yes.

Did you ever have a meeting with Assad Faker somewhere, anywhere, in 2015?---From my recollection, the only time I saw Assad Faker, could only

have been in the office. That's my recollection. I don't remember sitting, going with him and having a coffee anywhere, no, I don't, I don't even remember having a coffee with him anywhere.

And you don't remember discussing, excuse me.---Yes.

10 Discussing his rezoning application in respect of 15-23 Homer Street?---No, I don't remember but it could be a possibility. I really, I don't remember. I don't recall any discussions with him in terms of his variation of the standard for his property, but it may be possible, I don't recall anything like that.

Do you ever recall talking to him about what Gateway Determination had been made by the department in respect of his rezoning application for 15-23 Homer Street?---I don't recall discussing anything with him. If he had a Gateway Determination I don't even, I don't believe I was following the history of it. I didn't even know he had the application in November 2015, 2014, sorry.

20 But he never discussed with you in 2015 the, a problem that had occurred in his rezoning application by way, by reason of a Gateway Determination condition?---No, I don't believe so. No, I don't believe he ever discussed anything with me because my reasoning in terms of Gateway are they've got responsible people there, as Mr Robson said, it's a second pair of eyes, any rezoning application that goes to them, sometimes they reject it, sometimes they approve it and all those rezoning applications used to be on their website, but now they've removed it. So, I don't recall discussing this with Mr Faker. It's possible, but I don't recall it.

30 Righto. Can I just provide you with this information.---Yes.

The Commission has information - - - ?---Yes.

- - - in evidence that's been given to us, that Mr Faker first spoke with you in your office about what had happened with council planning officers recommending the building height limit of 14 metres at the highest part in respect of his rezoning application, rather than the 18 metres that he had sought.---Well, may have information, sir, you provide, might remember.

40 I'm just giving you the opportunity - - - ?---Yes. Yes.

- - - of responding to - - - ?---Yes.

- - - this suggestion.---My recollection right now is I don't have a memory of that, I don't know he was talking about 18 metres but which period of time are you referring to?

Well, we're talking 2014, 2015.---Yes. But early 2014, late?

Well if you say you have no recollection of it ever occurring, it doesn't matter, does it?---Well I have no recollection. But as I said, I may have spoken to him about it, I do not know.

Thank you. Can I change the subject now to Harrison's, Mr Harrison's property?---Yes. Yeah. Yeah.

10 Did you have an interest in proposals for the purchase of the Harrison site, 548-568 Canterbury Road?---Sorry, what do you mean by that question, sir?

Did you have an interest, did you have a concern, were you interested in proposals for the purchase of 548-568 Canterbury Road, the Harrison's site?---Sorry, when you say a purchase, me directly interested in purchasing?

Do you not understand my question?---No, sir. No.

20 Well, you know what a purchase is of property?---Yes, yes, yes, of course.

All right. You know the Harrison's site?---Yes.

Put the two together.---Yes.

Purchase of the Harrison's site.---Yes.

30 Did you ever have an interest in that, an involvement in any way, shape or form?---Sorry, do you mean for him to purchase a property or for him to sell the property?

How about you tell us what your interest was?---It is a bit of a long story if I could - - -

Well, first of all, is the answer to my question "Yes, I did"?---Well, I have to understand the question. In terms of the purchase there was - - -

Well - - -?---Through John Dabassis there was a proposal for him to acquire an agency and he had - - -

40 Who is him? John Dabassis?---Sorry, John Dabassis.

Yes.---Everything was going through him. Supposedly he was saying to everybody he had purchasers, he had purchasers. So we found out now there were plenty of purchasers.

Did you have an interest in proposals for the purchase of units, residential or commercial units, on the Harrison's site?---Sorry, for me to purchase units or for me to sell?

No, for you to be involved in proposals for the purchase of units on that site.---Sir, I, I don't understand the question, honestly. It's - - -

Well, either you know that you did or it's something that you've forgotten. ---No, no. I don't understand. No, no, no. I don't understand the question.

Or you know that you didn't.---No, I don't understand the question. The site - - -

10

You know what a residential unit is and a block of flats?---Yes, but the site wasn't built.

Correct.---Yes. Yes.

They can be sold in advance, though, can't they?---Yes, yes.

You knew that, didn't you?---Of course, of course, yes.

20

Yes. Were you ever involved in any transaction or negotiations for the purchase of residential units or commercial units at 548-568?---No, I don't believe, no, individual units, no, I don't believe I was, yes.

All right. But you did have an interest, did you, in proposals for the purchase of the site itself?---The word "purchase", you know, if you were to say an interest in selling the site, that is very different to purchasing. Selling the site, I could mention to you there was some sort of proposal there. Some sort of - - -

30

I'm sorry, I've failed to note the time. I apologise, Mr Vasil. I should have raised the question of whether there should be a morning adjournment earlier.

THE COMMISSIONER: We started late, obviously.

MR BUCHANAN: Yes.

THE COMMISSIONER: Mr Vasil, would you like a short adjournment? ---Yes, please.

40

All right. Could we limit it to 10 minutes?

MR BUCHANAN: Certainly.

**SHORT ADJOURNMENT**

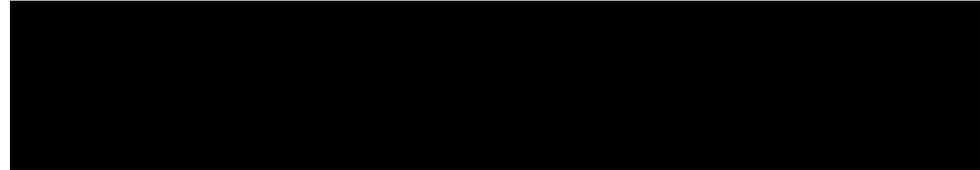
**[11.43am]**

MR DOYON: Commissioner, an application, if I may.

THE COMMISSIONER: Yes. Yes.

MR DOYON: As you're aware I act for Constantine Vasiliades. I wish to make a non-application, an application for a non-publication order in respect of Mr Vasil's evidence about Constantine Vasiliades's health issues.

10



20

MR BUCHANAN: Commissioner, there's, in my respectful submission it would be appropriate for a non-publication order to be made in respect of the evidence given which identifies the specific health conditions. At this stage, we would not consent to a non-publication order in respect of this witness's evidence as to the existence of health conditions, however, we would like to review the evidence given once the transcript becomes available. Can I indicate this, that so far as the references to the existence of health conditions generally is concerned, we can contact Mr Vasiliades, Mr Con Vasiliades's representatives once we have that transcript, with a view to seeing whether we can arrive at an agreed position.

THE COMMISSIONER: Sorry, what's your position on that?

MR DOYON: That does sound appropriate, Commissioner, it will allow me to get some instructions as well.

30

THE COMMISSIONER: All right. We'll proceed on that basis.

MR DOYON: Yes, Commissioner.

MR BUCHANAN: Yes. I apologise for that delay, Mr Vasil. Did you have an interest in proposals for the sale of the Harrison site?---Yes, at one stage. Yes.

40

But you didn't have an interest in proposals for the purchase of it. Is that right?---To me, there's no, there's the sale but I don't understand why the words "the purchase of it" was - - -

Well, you understand that in the negotiation where there's a transfer of title, you have a vendor?---Yes.

And a purchaser, they're usually two different people.---Well, for the purchaser there has to be a, the, that ultimately happens when there is a purchaser that takes control of the property, but before that there's a - - -

A different person from the vendor.---Yes, of course. Yeah.

So you can have a purchaser - - - ?---Yes.

- - - making proposals to purchase a title to a property, can't you?---Yes, but you have to - - -

10 Did you have an interest in any proposal for the purchase of the Harrison site?---Sir, there's, to me there's no such thing. There's the proposal to sell the site, that's what I understand about the purchase.

So, if you have a willing purchaser - - - ?---Yes.

- - - or, but an unwilling vendor, then there is no proposal for purchase. Is that what you're trying to tell us?---I've never come across that scenario. There's the vendor who sells the property, the sale.

20 That assumes the sale occurs. I'm just talking about proposals for purchase as against proposal for sale.---Well, there's a proposal for selling.

Forget about what the vendor's view is.---Yes.

If you have a person, an entity, that wishes to purchase - - - ?---Yes.

- - - a property, then people can have an interest in that proposal, can't they?---Again, sir, I don't understand it that way. What I understand is if a vendor appoints an agent to sell the property, it's, it, it's a sale, it's a proposal.

30 Have you never heard of a purchaser having an agent, sir?---That is different to the vendor having an agent to sell the property. That's - - -

That's the point I'm trying to get you to agree to.---Yes, yes. Yes, yes.

Did you have an interest in a proposal or proposals to purchase the Harrison site?---Um - - -

40 Well, either you did or you didn't.---To do that there has to be a purchaser's agent. It's, there's two things. There's the vendor appoints an agent to sell the property and a purchaser appoints an agent to buy the property, to buy a property. A prospective purchaser can go to an agent and say can you act as purchaser's agent and then you go to the property second so you have the purchaser and the vendor, that's one thing. You have the vendor and the purchaser, that's a different thing. That's how I understand it.

You can have an unsolicited offer to purchase being made to an owner of a property can't you?---That would be by way of a purchaser's agent not the

seller's agent. There was clearly a seller's proposal here but not, there was no particular purchaser there to buy a property. It's a seller.

Are you saying that you know that there was no person who was interested or expressing interest in the purchase of the Harrison's site to your knowledge?---Okay. An individual purchaser?

Or a company. Why are you avoiding these questions, Mr Vasil?---No, I'm trying to answer.

10

You're very anxious not to answer these questions aren't you?---No, no, no, Because there was no such thing in existence. There was the seller, the seller, there was an agreement between in this case Charlie Demian and John Dabassis for John Dabassis to sell the property.

THE COMMISSIONER: But you're not being asked that, Mr Vasil, and I must agree with Mr Buchanan's observations.---Yes.

20

I can't see why you can't grasp the concept that Mr Buchanan is putting to you and whether you can agree or not on those.---Okay. There was, there was no particular company or individual who was going to buy this property from my understanding.

All right. What about interested in buying it?---No, I don't know of anybody having interest in buying it. John Dabassis had an interest in selling it. Yes, that's what I understand. I have not come across a person who said to me I want to buy this property. That would be - - -

30

Or I'm interested?---To buy that property. No, I didn't come across anybody who said they were interested. John Dabassis wanted to sell, yes.

I know you've established what John Dabassis was doing.---Yes, that's correct, yes. No, I do not recall anybody, I don't recall anybody who came to me or to John Dabassis to say I'm interested to buy this property, no.

MR BUCHANAN: Have you ever heard of an introduction of a purchaser to a property owner?---Well, yes, but, yes, but couldn't happen - - -

40

Were you involved in any introduction or proposal to introduce a purchaser or a potential purchaser to Mr Demian?---Again I do not recall of any particular entity or person who came to me to say I want to purchase this property.

That's not my question.---Sorry.

Why don't you want to answer my question?---I have to understand the question, sir. I have to understand the question.

You have heard haven't you of people being introduced to the owner of a property with a view to those people buying it?---Yes, of course, yes.

Were you involved in any such exercise in respect of Harrison's?  
---Introducing a particular purchaser to buy the site.

Or an attempt to introduce - - -?---Introduce.

- - - a purchaser to Mr Demian or introduce Mr Demian to a purchaser?

10 ---Right. I did not have any specific purchasers to introduce to Mr Demian.

That's not my question. Why do you not want to answer the question that you're being asked?---Sir, I'm trying to understand the question. I want to answer it correctly.

I'm suggesting to you the reason you don't want to answer it is because you know that there's a problem with your relationship with a particular proposal, or proposals, to introduce a purchaser to Mr Demian, or introduce Mr Demian to a purchaser. Don't you?---No, I didn't have a purchaser to  
20 introduce to Mr Demian. I didn't have a purchaser.

That's not what I have been asking you. I point out for the second, third, fourth time.---Sir, in order to, in order to answer your question, I have to understand what I'm responding to. All I know is that there's a vendor and there's an agent, there's an agency agreement to sell a property. In that, I could say yes there was some sort of an arrangement with Charlie Demian and John Dabassis, but we did not have a purchaser to introduce to Charlie Demian to say this is a purchaser, this is what he, he wants to pay you. There was nothing like that. It could only be two.

30

Did you have an interest in gaining fees from the introduction of a potential purchaser to Mr Demian?---Through, through John Dabassis there was some sort of loose discussions, loose talk about that.

That's not the question I asked you. Simply yes or no. Did you have an interest in gaining fees through an introduction of a purchaser or potential purchaser to Mr Demian in respect of the Harrison site?---From what - - -

40 Yes or no.---Well, I'm trying to answer. From what I understand, I did not have a particular purchaser. John Dabassis was claiming he had a purchaser and that's where the connection was with Charlie Demian.

THE COMMISSIONER: Mr Vasil.---Yes.

You weren't asked that. You were asked - - - ?---Sorry, I'm trying to understand, because - - -

- - - whether you had an interest in gaining fees - - - ?---Yes.

- - - through the introduction of a purchaser or a potential purchaser to Charlie Demian.---Not my, not myself directly, I don't believe I had any proceeds. It was going through, sorry, can I answer the question by saying that - - -

So you're saying "not myself directly", that's your answer?---I did not have a purchaser.

10 No.---Please, I need to understand the question. I'm not avoiding any question, I need to answer it correctly.

Well the impression I am gaining - - - ?---Yes.

- - - is that you are avoiding answering rather straight forward questions. ---Sorry, I don't understand it's a straight forward question. I will answer the question. Please, if you can explain it. I'm not understanding this. I'm, I'm a real estate agent, I don't understand this.

20 MR BUCHANAN: Commissioner - - - ?---Please, if you can - - -

I have an application.

THE COMMISSIONER: Yes.

MR BUCHANAN: It's in respect of evidence given at a hearing involving this witness on the 23 November 2016, recorded at pages 189 through to 190. If you're able, Commissioner, if you have a copy of those pages.

30 THE COMMISSIONER: I do.

MR BUCHANAN: I can take you to the lines. The application would be to vary the non-publication order in respect of the following material, page 189 commencing at line 22, through to and including page 190, line 37. Sorry, excuse me a moment.

THE COMMISSIONER: So, confirming it's page 189, line 22, to page 190, line 37.

40 MR BUCHANAN: Line 37, yes.

THE COMMISSIONER: Right. I vary the non-publication order made on 23 November 2016 to exclude the evidence of Mr Vasil as contained in the transcript commencing at page 189, line 22, and concluding at page 190, line 37.

**VARIATION OF SUPPRESSION ORDER: I VARY THE NON-PUBLICATION ORDER MADE ON 23 NOVEMBER 2016 TO EXCLUDE THE EVIDENCE OF MR VASIL AS CONTAINED IN THE TRANSCRIPT COMMENCING AT PAGE 189, LINE 22, AND CONCLUDING AT PAGE 190, LINE 37.**

MR BUCHANAN: Mr Vasil, could you listen to me, please? I'm going to read from a transcript of evidence that you gave to the Commission on 23  
10 November, 2016, from the pages and lines of the transcript of that evidence that were identified in the Commissioner's ruling. Question, "Are you aware of a development at number 548-568 Canterbury Road, Campsie?" Answer, "Correct, yes." Question, "Yeah, the old Harrison site?" Answer, "That's right, yes, yes." Question, "Is that it?" Answer, "Yes." Question, "Do you have an interest in that development?" Answer, "Okay, the development, John Dabassis through Laki got in contact with me because it had, he had a series of plans for that site and he rang me to basically talk to me about it, and when I first met him I said, 'Look, I thought this gentleman had it with CBR Ellis. Where did you get this document from?' And he  
20 said, oh, his boss gave it to him. So then I would have rung up Mr Demian. I met him a few times." Question, "Mr Demian is a developer?" Answer, "It's Charlie Demian, yes, yes." Question, "Charbel Demian?" Answer, "Charlie, Charlie." Question, "Charlie?" Answer, "Charlie." Question, "Charlie Demian?" Answer, "Yes. And I said, 'Charlie, are you selling your site?' Somebody has got plans and he wants to know how this, no-one, he never gave it out. I'm not sure if he had it with CBR Ellis at the time or CBR Ellis at a later date. I'm not sure." Question, "Who else had an interest in the site?" Answer, "John Dabassis supposedly had somebody interested for over 50 million he was quoting." Question, "To purchase the property?" Answer, "Correct." Question, "The entire property?" Answer, "Correct. 50 million for." Question, "So he had a buyer?" Answer, "50 million, 55, 60 million, 62. He was just going with different figures." Question, "Who was interested in buying the property, do you know?" Answer, "Okay, at no stage did he reveal to anybody who the buyer was." Answer, "Okay, and who else? When you say 'to anybody', who else was involved in discussions about the sale of this property?" Answer, "Okay. I was involved with the discussions in terms of it. He, in terms of if he was able to get an agency agreement, then he would be giving me a referral fee. I did meet up with Mr Demian I think a couple of times. I spoke to him a  
40 couple of times but he told me he was giving it to CBR Ellis, and if this John Dabassis was interested he would ask CBR Ellis to send me a set of plans and give it to John to sell." Question, "And so what was your role going to be in that arrangement?" Answer, "Possibly some sort of fee." Question, "For doing what?" Answer, "For an introduction." Question, "An introduction to whom?" Answer, "For an introduction." Question, "To whom?" Answer, "To Charlie Demian." Question, "So you were introducing John Dabassis to Charlie Demian?" Answer, "I was introducing, correct, yeah, correct, correct." Question, "And John Dabassis

was introducing a buyer to Charlie Demian?" Answer, "That's correct."  
Question, "And so you were going to get a fee?" Answer, "Yes." Question,  
"If that was successful." Answer, "That's correct." There are two  
corrections, I'm told, that need to be made to what I read out. For the  
transcript reference, page 189, line 30, I had said, "The development, John  
Dabassis through Laki got in contact with me because he had a series of  
plans." What is written in the transcript is "he had a set of plans". And I've  
made another error, I apologise. Transcript page 190, line 21. The answer  
was given, "Possibly for some sort of fee." And in fact the witness is  
10 recorded as saying, "Possibly for some sort of a fee." You gave that  
evidence before the Commission, didn't you?---Yes, I remember that, sir.  
Yes, yes, I remember that. Yes, I remember that.

That was true evidence?---To my recollection, of course, yes, to my  
recollection that was, yeah, what I remembered.

And so the evidence that you've been giving that you don't know anything  
about or don't understand having an interest in the purchase of the  
Harrison's site has been untrue to your knowledge, hasn't it?---Sir, what you  
20 read there - - -

Yes or no?---What you read there is correct.

Sir - - -?---Yes.

- - - the evidence that you have been giving to us today on that subject is  
false, isn't it?---No, sir. I did not understand your question and I'm trying to  
say I didn't understand the question. What you've read out is correct. I  
didn't understand the question that you were asking.  
30

That you would get possibly some sort of fee for an introduction to Charlie  
Demian.---That is correct. That is correct, but - - -

You didn't understand my questions to be inviting you to give that as a true  
answer to them?---In terms of you using the word purchase I did not  
understand. That's my - - -

So can we go back then to my questions of you today. You were involved  
in negotiating for appointment as the vendor's agent at one stage in respect  
40 of that site. Is that correct?---Sorry, sir, what was that again?

You were involved in negotiating for appointment as the vendor's agent at  
some stage, were you?---Not ourselves, it was John Dabassis, not, not our  
real estate office, it was John Dabassis.

You understood the CBR Ellis was given the vendor's agency?---That is  
correct, yes, yes.

And were you not attempting to get that agency yourself before CBR Ellis was appointed?---Not myself, no, no.

What about your firm?---Our firm, no, because it's John Dabassis who had the prospective so-called purchaser.

THE COMMISSIONER: Sorry, John Dabassis had what?---Had the prospective purchaser.

10 MR BUCHANAN: Yes, but what I'm talking about, do you understand the difference between a purchaser and a vendor?---Yes, of course, yes.

Well, if John Dabassis had the purchaser - - -?---Yes, yes.

- - - and the titleholder, the property owner was Mr Demian - - -?---That's correct, yes.

- - - did you ever have any conversation with Mr Demian or with anyone, through anyone to Mr Demian to try to get the vendor's agency for  
20 yourself?---For, not for myself, for John Dabassis, because we didn't have a purchaser, it was John Dabassis.

Mr Vasil, you're not a stupid man, but you are trying to pretend you're stupid, aren't you?---Sir, we have never tried to get ourselves, our real estate office, the agency to sell that property because we did not have a purchaser for 50, \$60 million, it was John Dabassis who was proposing that.

But the point of getting a vendor's agent - - -?---Yes.

30 - - - can often be to find a purchaser, can't it?---Yes, of course.

And to then negotiate with the purchaser or the purchaser's agent?---That is correct, yes, yes.

To get the best price for the vendor.---Of course, yes.

You never were involved in any attempt to have yourself put in that position?---Through our real estate office, no, I don't believe we did because we didn't have a purchaser.  
40

Or you yourself personally?---The agency was between Charlie Demian and John Dabassis and John Dabassis had some ideas of \$300,000 commission, things like that, he was going to split it up amongst people who were going to assist in possibly bringing about a sale, but our office did not have an agency agreement with Charlie Demian to sell the property.

Yes, but my question is, did you ever attempt to get a vendor's agency out of Charlie Demian?---For our office, I do not believe that we did, no.

Thank you. Now, in the particular arrangement that you've spoken about, John Dabassis would be the purchaser's agent?---The vendor's agent, sir, the vendor's agent. It was an agency between - - -

You're deliberately trying to appear to be stupid, aren't you?---Sir, he had - - -

You're deliberately trying to be stupid, aren't you?---No, sir.

10

MR NEILL: I object to this. He's made his position clear.

THE COMMISSIONER: Hold on, sorry. Mr Drewett was first to speak.

MR DREWETT: Well, I suspect that my friend will be making the same objection. It's not my client, but it is rather intemperate language that is being put to the witness and in my respectful submission, should be withdrawn. Perhaps a more appropriate word than stupid can be put to the witness.

20

THE COMMISSIONER: Mr Neill?

MR NEILL: I put the same, but there's no inconsistency between there being a vendor's agent and the vendor's agent introducing a purchaser. My friend's having this difficulty, the witness is having difficulty with my friend's difficulty. That's the difficulty.

THE COMMISSIONER: No, I'm going to allow - - -

30 MR BUCHANAN: Commissioner, I do apologise.

THE COMMISSIONER: I'm sorry.

MR BUCHANAN: Can I withdraw the question?

THE COMMISSIONER: Yes.

40 MR BUCHANAN: It's not an acknowledgement of any force in the objections that are taken but it might be quicker if I reframe the question. Had you hoped to get the vendor's agency for the sale of Harrison's?---No, because we didn't have a purchaser for that sort of money. I don't believe so, no.

Did you ever talk to Pierre Azzi about the vendor's agency for the sale of Harrison's?---At one stage I believe I did, yes.

What did you say to Pierre Azzi about the vendor's agency for Harrison's?

---Because John Dabassis was trying to get an emergency agreement, he was offering \$300,000 commission and he was offering that, 60,000 for Laki Konistis, I think it was 60,000 for himself, 60,000 for myself and I believe he was offering 60,000 for Michael Hawatt and Pierre Azzi if they could effect the sale.

And my question was - - - ?---Yes.

10 - - - what did you say to Pierre Azzi - - - ?---Okay.

- - - on the subject?---Okay. I remember, I, I think it was in the Lantern Club, and obviously from my memory, before I said, you know, whether it was before or after the amalgamations but logically it would've been after the amalgamations, because sitting in the club in, I believe it was in the Lantern Club and he was complaining about taxis no longer being able to make a good living out of taxis, and I believe I put to him that with all his connections, he should become a real estate agent and I believed that I spoke to him about what John Dabassis was proposing and if he was basically interested in that sort of thing.

20

What was it that Pierre Azzi could contribute?---An introduction from Charlie Demian, that was my thinking, an introduction whereby he could possibly, if he could get involved.

You knew Charlie Demian, didn't you?---Yes. I do, yes, I did. Yes.

30 So, what was it that you thought Pierre Azzi could achieve that you couldn't achieve?---Okay. I knew Charlie Demian but I didn't know him that well, I knew that Pierre was friends with Charlie Demian and I thought he could have achieved that objective.

I'm sorry, I didn't hear the last line.---He could've, that he could've spoken to him and achieved that because John Dabassis - - -

THE COMMISSIONER: Achieved what?---To get an agency, to get an agency from Charlie Demian to John Dabassis.

40 MR BUCHANAN: To be appointed as Charlie Demian's agent?---No. No. To talk to Charlie Demian if he could effect the sale, the way it would work, Charlie Demian would give a sole agency, or an agency, to John Dabassis.

Yes.---For him to sell the property. That's my understanding.

Thank you. You introduced John Dabassis to Charlie Demian, didn't you? ---I, I don't recall introducing him, I don't recall that, but I do know that in respect of meeting up with Charlie Demian, I'm not sure if that was the first time that John Dabassis met him. I don't recall that. I don't recall exactly when he met him.

Well, did you use Pierre Azzi to introduce Dabassis to Demian?---I don't believe so, I don't think Pierre got involved in any way, it was just a discussion, I don't think he got involved.

Did you use Michael Hawatt to introduce John Dabassis to Charlie Demian?---Yes, there was some discussion with Michael Hawatt if he could get involved, if he could effect the sale, yes.

- 10 How many discussions did you have with Michael Hawatt on that subject?  
---I, myself, I remember one occasion. That was around the middle of June. But I believe he was having discussions with Laki Konistis before that. because he had known Laki Konistis for a long, long time. That's my recollection.

And had you any conversations with Michael Hawatt before that time in June, but you just now can't recall?---Look, there may have been discussions about it. There may have been just casual discussions about that property that was going up for sale. There could have been, yes.

- 20 Why would you talk to Michael Hawatt about a property going up for sale?  
---Discussions were happening all the time, you know, who was selling what and what was happening. It would have been general, general discussions.

What was your understanding of Michael Hawatt's interest in the sale of property generally in, say, late 2015, early 2016?---Oh, generally I knew he was involved with the one in, you mentioned Revesby.

- 30 Yes.---I knew that. I knew that. And, and at the time I do recall saying to him to check with his solicitor if what he was doing was, was correct, because he didn't have a licence to start with, although you can sell commercial zoned land without a licence. But in this case it involved commercial and residential, so it was something that I do remember suggesting to him that he should talk to his solicitor about.

- 40 Aside from the Revesby property negotiations that you knew about, did you know that Michael Hawatt was interested in gaining fees from involvement in property transactions in the period 2015-2016?---Before amalgamation, no, I don't believe I, I knew that. I don't believe that.

You had no idea?---Well, I never got involved with him – from what I understand, from what I remember – in him transacting any particular property. I don't recall that. Maybe discussions but I don't remember him actually selling any particular property where he was an agent, no.

When did you first meet John Dabassis?---Not very long ago. Maybe, before this maybe a couple of years before this. 18 months, maybe - - -

Before today?---Sorry?

Sorry, when you say “this” do you mean before today or before negotiations about - - -?---Sorry, sorry, sorry.

- - - selling or purchasing the Harrison’s site?---Okay, before these discussions that took place, yes. I think it was maybe about 18 months before that.

10

He was a real estate agent, is that right?---He was a real estate agent working for a firm in Bardwell Park, and me not being involved in sales, I don’t really know the sales people. I don’t know the teams there.

Had you heard of a company called Galazio Properties? G-a-l-a-z-i-o.  
---Yes, that was his, that was his, that was his company, yes.

That was his own company?---His own company.

20 As you understood?---As I understood, correct.

And who was Laki Konistis?---Laki Konistis was a good friend of John Dabassis. He was a school teacher and occasionally John Dabassis, sorry, Laki, sorry, Laki Konistis? We’re talking about Laki Konistis?

Yes.---Is that right? He would come up with all these fancy ideas. He would say, “Oh, this club is for sale.” I remember once he took us to some club in Maroubra. Yes.

30 Probably no need for the anecdotes.---Okay, okay, okay. Yes.

Just a general description, if you wouldn't mind.---Yes. Yes. He was a person who had all, all these fancy ideas that never came to fruition.

For property transactions?---Property transactions, yes.

You had done property deals with or been involved with John Dabassis in property deals before 2016, hadn’t you?---He did some transactions through the real estate office.

40

Through your real estate office?---Through our real estate office. He did some conjunctions, yes.

Conjunctions?---Conjunctions. He was his own man, he was his own real estate agent and conjuncting with the office, I don’t know who listed the property or who sold, but yeah.

And did those conjunction transactions involve essentially a 50-50 split of the fees?---Something to that effect, yes, yes.

Now, you had a meeting at some stage with John Dabassis about the Harrison's property. Can you think of the first time that you met with John Dabassis - - -?---Yes.

10 - - - and discussed the Harrison's property with him?---Yes. From my recollection, and I can't be using exactly the same words that you've just read out, to my recollection I was in the coffee shop in Earlwood, it's called Frappe, and he had a set of plans for the Harrison's site and I did ask him, from my recollection now, did ask him where did he get those plans from and I think from his office, the guy, from my recollection now I think he said the licensee or the boss of the firm got them from somewhere and at that point in time I said, "But I know this guy, I know Charlie Demian, and he's going to," from my recollection that he was going to sell it through CBR Ellis and how is he attempting to sell that property.

20 When you say this guy, you meant Charlie Demian?---Sorry, sorry, John Dabassis, sorry.

When you say, "I know this guy," - - -?---Yes, yes.

Sorry, I apologise.---Yes.

You say you said to John Dabassis, "I know this guy."---Yeah, Charlie Demian, yes, yes, yes.

30 Do you recall doing some research on the council website about the DA status of the property?---I don't remember doing any research on, on, on, on the DA but I do remember looking up the actual external design, the photo montage, I remember that, yes.

Well, the DA status of the property was pretty important to anyone involved in potential negotiations for the sale of the property, weren't they?---Look, the first time that all this information possibly all the information came through was when Charlie Demian got, I think his name was Frank from CBR Ellis in Parramatta to email everything across.

40 But my question was - - -?---Yes.

- - - the DA status of - - -?---Yes.

- - - a property that's being considered for a sale or purchase is pretty important to that sale or purchase, isn't it?---Well, again, I didn't have a particular purchaser or anything like that so it wasn't something that I would have looked up. I don't even remember looking that up.

Sir, the DA status for a property that's going to be sold or purchased is very important to anyone interested in negotiating the sale or purchase of the property, isn't it?---Yes, but I don't know if there was a DA at that time when I was speaking to John Dabassis. It was early stages.

How do you know that there wasn't a DA at the time?---There was a set of, John Dabassis had a set of photo montage photographs and I don't remember checking whether there was a DA or not.

10 Is it possible that you were involved with John Dabassis in checking the DA status of this property?---I don't recall that. And at what period of time, later back in June he did come to the office and my nephew went onto the website and printed up what was sent through from CBR Ellis, I remember something like that, but I myself, I don't remember going on to check what was there and what wasn't there.

Now, do you remember hearing about an agency called Tony Draco, D-r-a-c-o, Properties?---I don't think I recall that name, don't think, I don't think so.

20

Did Dabassis ever say anything about what he knew about potential purchasers of the property?---Yes, yes, he, he, he said all sorts of things, he - - -

What did he say to you in the first instance?---Okay. Okay. Okay. From what I recall, he had Chinese buyers for 65 million, 66 million, all these big millions of dollars.

30 Did he say how he had become aware of the Chinese buyers?---From my recollection, I think he had somebody else who had the connection with the Chinese buyers, another real estate agent. That's what my recollection is.

And is it possible that Laki Konistis and John Dabassis came to you in around early 2016 and said that they might have an offer from purchasers for the Harrison's property?---Yes. John Dabassis was always sending, sorry, Laki Konistis, apparently, was always sending messages, we've got the buyer, we've got the buyer, there's a deadline, there's purchasers, there's all sorts of things. Yes. They were doing that. That's my recollection, that's what he was doing all the time. Yes.

40

You see, is it possible that you knew a lot more than John Dabassis did about ascertaining the DA status of a property, particularly if it was in the Canterbury local government area?---Again, I didn't get, from my recollection I didn't get involved with that because John Dabassis, the way I saw it, it was all phantom, the words, the purchases, because if you had a purchaser, go to CBRE. Let's do a conjunction because - - -

Did you and Laki, together, look at the council website and try to ascertain the DA status of this property?---I don't recall doing that, no. I don't recall doing that.

10 You were interested, I want to put it to you quite directly, you were interested in the DA status of this property as a result of what you were told by Laki Konistis and John Dabassis, weren't you?---From my recollection, no, because I wasn't paying much attention to John Dabassis or Laki Konistis, they kept sending messages, messages, I wasn't responding to them. I, again, if they had a purchaser, well go to Charlie Demian and say we've got a purchaser, but I don't believe they had a purchaser.

20 So in that case you wouldn't have attended any more meetings or done anything else in respect of a suggestion that there was money to be made out of introducing purchasers to John Demian? I'm sorry, Charlie Demian. Is that right? You did nothing more?---I myself, I don't recall getting involved or getting involved with it because I didn't believe that John Dabassis and Laki had purchasers and ultimately, when John Dabassis got a sole agency, or not a sole agency, it was possibly an agency, the idea of that was so that he could go to Charlie Demian and say this is my purchaser. But instead, what he did, he went and gave, from what I understand, he gave a conjunction agency to somebody else.

I want to ask you about events that you were involved in.---Yes. Yes. Yes.

If you don't mind.---Yes.

30 You had a meeting with John Dabassis and Laki Konistis in which these matters were discussed that you told us about?---From what I remember, correct, yes, that's right.

After that, you had no more meetings, you took part in no other meetings. Is that right?---Okay. I do not remember what meetings I took part, but I do remember - - -

That's not the question I asked.---Sorry. Sorry.

40 The question I asked is, is it the case that you had no more meetings, you took part in no more meetings about the introduction of purchasers to John Demian about the Harrison property?---No, I could've taken part in, in meetings but I don't remember when and what meetings.

Why would you have taken part in them if, as you have been telling us - - - ?---Yes. Yes.

- - - you thought it was all pie in the sky?---Okay. Because towards the end, Charlie Demian agreed to give an agency to, to John Dabassis and I do

recall saying to him that this guy, he said, "I've got a purchaser", but they won't give him the purchaser until they got an agency.

That's not an answer - - - ?---Sorry.

- - - to my question - - - ?---Sorry.

10 - - - Mr Vasil. Why would you have taken part in any meeting about the introduction of purchasers to Charlie Demian subsequent to the meeting that you had that you told us about with Dabassis and Konistis - - - ?

---Okay. From - - -

- - - if you thought all of this was pie in the sky?---Yeah. From what I recall - - -

That's my question.---Correct.

20 Why would you have done that?---To possibly see how it could be possibly progressed, that's all I can say about that.

But you did take part in subsequent meetings, didn't you?---Very casual meetings.

Why didn't you tell us that in the first place instead of lying?---Sir, I'm not lying, sir, I'm trying to recollect, recollect what was happening.

30 You're trying to mislead the Commission.---No, sir. I'm not trying to mislead anybody. You can see from the messages that John Dabassis and Laki Konistis kept sending me, sending me, sending me messages all the time. I wasn't particularly interested in it.

You've reviewed the evidence that's available to the Commission in relation to this, haven't you?---I'm sorry?

You have read the evidence that's available to the Commission in respect of this, haven't you, to prepare yourself for giving evidence?---I'm not sure if I, if I, if I recall having any of this in the evidence, I don't, I don't know.

40 So at that first meeting - - - ?---Yes.

- - - was there anyone else present?---At the very first meeting - - -

The one you told us about - - - ?---Yes.

- - - with Dabassis and Konistis, was anyone else there?---Yes. Look, that would've been in, when he had the set of plans, it would've been in the Frappe shop, I don't remember who else could've been there.

Was there a subsequent meeting at which you were present that involved, also, Mr Hawatt? And this was at Frappe coffee shop.---Yes, there could've been meetings and my understanding was discussions about the hospital site.

10 And why was Michael Hawatt there?---Because he gave an agency agreement to John Dabassis in respect of the, sorry, did he give an agency agreement to John Dabassis, was it between us? I think he did, yes, I think he did, of course, yes, because John Dabassis knew the guy who was, had built a hospital, I think it was in Wollongong hospital and he was the one who knew somebody who could possibly build a hospital. That's my recollection.

When you say "he" are you talking about Michael Hawatt?---No, John Dabassis knew the person who was interested in the hospital sites.

Why is Michael Hawatt there at this meeting?---Because he took control of the agency from the vendor.

20 The vendor being - - - ?---The vendor, the owner of the Revesby site. He took control of that.

I'm asking about a meeting in respect of an attempt to introduce purchasers to Charlie Demian in respect of the Harrison site.---Yes.

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

All right.---Yes. Yes.

30 This is a meeting subsequent to the one that you've told us about.---Yes.

With Konistis and Gouvatsos?---Yes. Yes. Yes.

And did it involve, and you've told us that Michael Hawatt was there. ---Michael Hawatt was - - -

40 This is about the Harrison site.---About the Harrison site. He was there for the site in Revesby. I do not remember Michael Hawatt being there for the Harrison site. I remember Michael Hawatt being there, Konistis and John Dabassis but from what I understand, the purpose of that was to discuss the site in Revesby.

The owner of the Revesby site wasn't represented at this meeting.---No. No, no, he wasn't, because Michael Hawatt had the agency, he was, from what I understand he was appointed as the agent of the vendor to sell the site, and then what I understand he had an agency agreement with John Dabassis.

So what occurred at this meeting involving Michael Hawatt and the Revesby property?---I did not recall, it's so long ago, I vaguely remember, it was in the coffee shop, I don't know.

Is it possible that there was no discussion about the Revesby property and Michael Hawatt was there to talk about the Harrison's site?---No, I don't remember anything like that myself, no. I don't remember.

10 Well, you've given us a, what I suggest, is a nonsensical explanation as to why in your understanding, Michael Hawatt was present at this meeting which was subsequent to your first meeting with Konistis and Dabassis about the Harrison site.---Sir, from my recollection, any meeting where John Dabassis and Konistis was there, I remember it was in relation to the hospital site. I don't remember them sitting there and discussing Harrison site, I've got no recollection of that.

Why did you raise the subject of this meeting in answer to my question - - - ?---Yes.

20 - - - as to whether you had any subsequent meeting about the Harrison site to the meeting that you'd first had with Konistis and Dabassis if it wasn't about the Harrison site?---Sorry.

Why did you even raise it?---Because you're asking me the question.

Is it possible Mr Demian was also at this meeting at Frappe involving yourself and Dabassis and Hawatt?---I do remember Demian being at that - - -

30 You didn't volunteer that, did you?---Sir, I'm trying to explain. I do remember Charlie Demian being in that coffee shop from time to time but I don't remember John Dabassis and Konistis and Michael Hawatt and Charlie Demian being present all together, I don't recall any of that.

You knew Charlie Demian as a person, didn't you?---Yes, I did, yes, yes.

He didn't get out of bed in the morning for no good reason, did he, as a person?---Met him a few times, I don't know, I can't answer that one.

40 He was there as you understood it for a reason, his interests as the owner of the Harrison's site, wasn't he?---In discussion with John Dabassis and, and John and Laki Konistis, that was my understanding.

And Demian wasn't interested in any Revesby property, was he?---No, of course not, he wasn't, no, no.

So your explanation as to why Michael Hawatt was at this meeting is a lie, isn't it?---No, sir. I remember a recollection, there was, there was Konistis,

there was John Dabassis, there was Michael Hawatt, they were there, from my understanding it had to do with the Revesby site. The coffee shop there is busy all the time, people go in and out, I can't remember these meetings.

And was it agreed that Demian would provide some information or brochures about the site?---Possibly that's what he would have been there for, to talk to John Dabassis about, I don't remember these things.

10 Now, were commissions discussed at that meeting?---I don't recall any commissions with, at that particular meeting but I do remember John Dabassis wanting all the silly commissions.

I'm sorry, wanting?---Silly commissions, like.

Silly commissions?---Yes. Like he wanted 10 per cent commission and things like that.

20 When did you first learn of that?---Oh, when he was talking about it, he wanted - - -

When did you first learn about that?---Oh, I can't - - -

Obviously it was when he talked about it?---When he talked about it. I can't give you specific dates and times.

Was it at the first meeting or the second meeting?---I think - - -

30 Or some other occasion?---Okay. I don't recall which meeting it would have been.

Was there a discussion at this meeting about an arrangement as to how commissions would be dealt with?---At that meeting, I don't recall.

This second meeting I'm talking about.---Yes.

40 The one that Demian is at, you're at, Dabassis is at and Hawatt is at. ---Well, first of all I don't remember that meeting happening with everybody together. I don't recall any of that. I don't know how people could remember these things, I don't recall any of that.

Was there any discussion about commissions of a sum in the order of \$2 million?---Oh, there were silly commissions raised of course. There was, I think at one stage there was a commission of \$5 million.

At this meeting?---Not at this meeting, I don't remember the - - -

That's my question.---Okay.

At this meeting - - -?---Yes.

- - - was there a discussion about an arrangement - - -?---I do not - - -

- - - in relation to commissions?---First of all, I do not recall this meeting and I do not recall the arrangements that, John Dabassis was all over the place, he had all sorts of commissions and there was nothing serious.

10 Was Charlie Demian all over the place?---No, of course not, but - - -

No. What did Charlie Demian say on the subject of commissions at this meeting?---Again, I don't remember the meeting.

How could you not remember the meeting? You plainly told us that it occurred and you were there and you're now saying that you don't - - - ?---Sir, I - - -

- - - remember it.---I don't remember.

20 MR NEIL: He said twice, twice that there was no meeting involving all of the group. I'd invite the - - -

THE COMMISSIONER: I thought he gave different evidence to that.

MR NEIL: No. Well, we can check the transcript. I've heard him say twice that there was a group that discussed Revesby and there was, there was no meeting of the whole group including Demian relating to the other place.

30 THE COMMISSIONER: That wasn't my note, but - - -

MR NEIL: Well, I - - -

MR BUCHANAN: Your Honour, Commissioner - - -

THE COMMISSIONER: Sorry, can I just - - -

40 MR NEIL: Well, I can be subject to correction, perhaps we can check, perhaps it can be checked.

MR BUCHANAN: Can I, can I, I'll take on board what my friend has to say and ask this question. Is it possible that there was a meeting, I want to suggest to you on about 27 May, 2016, involving yourself, Mr Hawatt and Mr Demian at Frappe café?---It may be possible but I have no recollection of that.

Do you recall any discussions ever occurring involving the payment of commissions?---No, I don't recall.

You don't recall any discussions ever involving the payment of commissions in respect of the introduction of purchasers to the owner of the Harrison's site?---I recall Mr Demian saying that the maximum commission he could pay was 3 per cent. Whether that was in his office or somewhere else, I do recall that figure, but I don't recall where it was.

10 Was there any discussion that you being present at involving the payment of commissions to Galazio Properties for disbursements to the entitled parties, yourself, Hawatt, Dabassis, Konistis?---Yes, yes, yes. What I remember, after the amalgamation, there were some people in the coffee shop at Frappe. On this occasion, it could have been, again, my memory's not the best in all these things, it could've been John Dabassis, it could've been Konistis, I do recall one occasion that Charlie Demian was there in his black car and I do recall, I do recall, I think, Michael Hawatt was there but I don't recall which particular date, but we're not sitting around the table, I don't recall them sitting around the table.

20 But it was at Frappe café.---Frappe. Yes. Yes. Yes.

So, were you standing?---I was outside, I was outside, and Charlie Demian, I remember his car being outside, possibly in the car park but that's my recollection of that. And it was after the, after the amalgamation. Whether it was the date of the amalgamation or a few days later, I don't recall that.

There was a period of time when Mr Demian had given the vendor's agency exclusively to CBR Ellis.---That's correct, yes, yes.

30 And what that meant was that there was no point in trying to introduce purchasers to Mr Demian because during that, the period of currency of that agreement - - - ?---Yes.

- - - CBR Ellis would take a large part of the commissions.---Well that's correct, yes, that's correct, yes.

Do you remember when that period, I'm sorry, do you remember how long that agreement lasted, as you understood it?---No, I don't know. No.

40 Was it about two weeks?---Sorry, the CBR Ellis?

Yes.---No, I have no idea. I'm sure it would've been longer because for them to sell the property, for any agent to sell the property of 50, 60 million dollars, whatever it was, it had to be a longer period.

Okay. And CBR Ellis had indicated that they, that, sorry, had advertised the property by way of expressions of interest. Is that right?---I don't know what they actually did because I wasn't involved.

You don't recall receiving a notice from CBR Ellis about that?---Yes, yes, yes, I mentioned that before, they sent us all the plans and things like that, but John Dabassis was not interested in doing the conjunction so it never went anywhere in respect of that.

Do you remember a meeting with Mr Demian in his office at Parramatta?  
---Yes, yes I do. Yes.

10 And was there anyone else present?---As I mentioned before, my  
recollection, there was one meeting with John Dabassis and Charlie Demian  
because I remember the beers on the table that he had, I remember that  
meeting and then what I subsequently found out, I believe it was from  
Charlie Demian, that John Dabassis was trying to follow up with an agency  
agreement but Charlie Demian didn't want to have anything to do with him  
because he was too pushy, that's what I understand, and subsequently I do  
remember speaking to Charlie Demian and said to him, look, this guy says  
he's, he's got a buyer, and give him a few days to give you the buyer's  
name. So what Charlie Demian did, I think he gave him a week or two  
20 weeks, I don't know, but, and I went in by myself to get the agency  
agreement and he was very busy and I had to wait there for more than half  
an hour, I believe.

So, Mr Demian gave Dabassis an agency agreement?---Yes he did, yes, yes.

So first of all, why were you at the meeting in Mr Demian's office with Mr  
Dabassis and Mr Demian?---Because we were having discussions about  
Charlie Demian giving an agency agreement to John Dabassis.

30 Yes. Neither, you weren't a party, you weren't going to be party to such an  
agreement.---Look, I, knowing John Dabassis for a short period - - -

Is that right, that you weren't going to be a party to that agreement?---I was  
not a party to the agreement which was signed.

It was not proposed that you'd - - - ?---Listen.

- - - be a party to the agreement?---To the actual written agreement?

40 Yes.---I was not on the written agreement.

Okay. So, why were you at this meeting as you understood it?---Because if  
we were to believe John Dabassis - - -

No, no, no.---Sorry.

Why were you there, so far as you were concerned? What role did you  
play?---Okay, that's what I'm trying to explain. John Dabassis had

\$300,000 that he was going to distribute as commission as, what do you call it, ah, introducer, introducer's fee, introducer, yeah.

Yes.---Yes.

Had Mr Demian indicated that that would be the introducer's fee?---That was from, coming from Charlie, sorry, from John Dabassis, I think the arrangement was about three per cent commission.

10 And do you say that Mr Demian had said "I will pay three per cent commission"?---I think that's what it was, and from what my recollection is John Dabassis was going to sell it and he was going to distribute \$300,000. I don't remember the technicalities, I don't remember the exact details of it because to me, I honestly believed John Dabassis didn't have a buyer and as it turned out he didn't have a buyer, he gave it to somebody else.

So why were you spending time going all the way out to Parramatta - - - ?  
---Yes.

20 - - - I assume with John Dabassis?---The first time with John Dabassis, yes.

To visit Mr Demian in his office on this occasion?---To have discussions about what he was going to do, yes.

But you thought it would be a waste of time.---I did, I did but I just went along with it, yes.

Did you think you were going to get money out of it?---That's what I mentioned before, yes. Yes. That's what - - -

30 So that's the reason you were there, you were going to get money out of it. Correct?---That's what John Dabassis was saying we were going to get, yes, yes, yes.

And it was convincing to you at the time for you to take time out of the day to go with Mr Dabassis and spend time with him and Mr Demian in his office.---On the basis that something could possibly happen, that we could possibly get a commission and as it turned out there was nothing there.

40 Well, we'll come to that.---Yes.

I note the time, Commissioner.

THE COMMISSIONER: Yes.

MR BUCHANAN: Is it good to go?

THE COMMISSIONER: All right. Look, we'll come back at 2 o'clock, but number one, I would really like to get Mr Vasil finished today and I'm unsure whether other counsel have many questions. And also, we have two other witnesses scheduled for today.

MR BUCHANAN: Yes.

THE COMMISSIONER: I understand one we anticipated would be relatively quick, or no, I might be verballing somebody.

10

MR BUCHANAN: Well, no, no, I had, I was the source of that indication and I have come to the view that that might not necessarily be the case.

THE COMMISSIONER: Okay. Look, what I - - -

MR BUCHANAN: We won't reach the second witness.

THE COMMISSIONER: All right.

20

MR BUCHANAN: That was scheduled for today.

THE COMMISSIONER: If, depending where we're at at 4.30, I would be minded to sit on a little bit. If anybody has a, if people have arrangements after 4.30 which they could shift to accommodate that I'd be grateful if you could look at it at lunchtime or if there is a problem, raise it when we come back at 2.00. We're adjourned until 2 o'clock.

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**LUNCHEON ADJOURNMENT**

**[1.03pm]**