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INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 19 JULY, 2018

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Now any - - -

MR BUCHANAN: If we could resume.

THE COMMISSIONER: Yes. Any administrative issues or - - -

10 MR BUCHANAN: I don't think so, thank you.

THE COMMISSIONER: No. Right. Mr Maroun.

MR BUCHANAN: Mr Maroun – excuse me a moment. How often did you withdraw \$10,000 in cash from one of your accounts?---Sometimes draw more. A fair bit.

20 If we could just go back, please, to the pages 2 to 3 of Exhibit 149. That was a withdrawal of cash on 4 September, 2015 of 4,500, and then at page 4 on 9 September of 1,700. That in that period was a total of \$6,200 in cash, 4 September, 9 September. What did you do with that money?---The whole family depends on what I withdraw from the bank because all my spending money, family spending money, it all depends on the cash I withdraw from the bank 'cause I haven't got a business that gives me cash to spend, so it could be anything. Could be for me, could be for one of the kids, the wife, I don't remember. It's mainly for, for me.

30 Do you have a memory of either of those transactions where you withdrew 4,500 on 4 September, 2015 and 1,700 on 9 September, 2015?---No.

Can I take you to the withdrawal on 17 September, this is pages 11 to 13 of Exhibit 149, of \$10,000 in \$100 notes. What did you use that money for? ---Again I can't remember. I don't remember.

Why did you need to withdraw another \$8,000 in \$100 notes only five days later on 22 September, having already withdrawn \$10,000?---I must have spent the 10,000 on gambling maybe.

40 Do you have any records of your gambling expenditure?---No. All I know, I lose more than I win. It's a habit.

You understand that I have asked you whether in respect of the money you withdrew on 4 September and 9 September, on the one hand, and then on 17 September and 22 September, on the other hand, you gave any of that to Michael Hawatt?---Never gave him any money so my answer is no.

Did he ever pick up money from you?---No.

Did you ever leave money somewhere for him to collect in your absence?
---No.

Or when you weren't looking?---No.

I wonder if we could play a recording of a telephone conversation, please.
LII number 00002, recording on 10 December, 2015 commencing at
4.00pm.

10

AUDIO RECORDING PLAYED

[2.11pm]

MR BUCHANAN: I tender the audio file and the transcript of the recording
just played.

THE COMMISSIONER: The audio file and transcript of recording LII
00002, recorded on 10 December, 2015 at 4.00pm, will be Exhibit 150.

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#EXH-150 – TRANSCRIPT SESSION 00002

MR BUCHANAN: Did you hear what was said in that conversation, Mr
Maroun?---Yes.

Was it your voice and Mr Hawatt's voice that we heard played?---Yes, yes.

30

When Mr Hawatt said, "I'll come see you now, pick up the stuff," was he
referring to cash that he was collecting from you?---No.

Can you assist us in understand what he was referring to on that occasion.
---Could be anything.

What did he pick up from you that could be described as stuff?---I
remember once I've ordered some zippers for the flies and I ordered one for
him I think, around the time maybe.

40

Flies of what?---Like, normal zipper for mosquitoes and stuff. He saw one
at my place and he asked if, if he can have one of them, where I bought it
from. So I ordered from my electrician, he took it and paid me for it.

There's nothing in that conversation to indicate that he inquired whether you
had a fly or flies to collect, was there?---No.

Was there any other time that he picked up anything from you?---I don't
remember.

Now, I take you back to the financial transactions documentation, Exhibit 149. Excuse me a moment. Page 47, sorry, 45 to 47. What we're looking at is a bank statement again for Ozsecure Homeloan Pty Limited with an account number ending in 2-2-1-8. Highlighted on that page is a cash deposit made on 11 December, 2015 in the sum of \$5,000. If we go over to page 46 we can see that the deposit was made in denominations of \$100 notes for the entire deposit. What we're looking at is a deposit slip for 11 December, 2015, where the account is identified as Ozsecure Homeloans Pty Limited with an account number ending in 2-2-1-8 for an amount of \$5,000, and on the back of it, it indicates that the \$5,000 was deposited in \$100 notes. Do you know where Mr Hawatt – I withdraw that. Do you know where that money came from?---No.

Did you ever understand that Mr Hawatt had a lot of cash in his business? ---Never spoke about this to him.

And he never spoke about it to you?---No.

You can see though that over this period he did from time to time deposit large amounts of cash in high denomination notes, can't you?---Yeah.

And even though you had been withdrawing large amounts of cash in high denomination notes just prior to an occasion when you met him and he then made deposits just after that meeting of large amounts of cash in high denomination notes, you can't assist us as to whether the money that he deposited was money that he got from you?---He never got any money from me.

Can I take you, please, to page 48 of Exhibit 149. This is a statement for an NAB account in the name of Mr M and Mrs N Hawatt. The account number ends in the numerals 7-2-8-9. The highlighted entry is on 11 December, 2015. It says, "Cash," and it's a credit in the sum of \$7,000. If we go to page 50 there's a deposit slip and on page 51 the rear of the deposit slip. The deposit slip is for \$7,000 on 11 December, 2015, the account name is M and N Hawatt, the last four digits of the account are 7-2-8-9, the amount is \$7,000. On the rear of this slip, this is page 51 of Exhibit 149, it can be seen that it's indicated that the deposit was made as to \$5,700 in \$100 notes, and as to \$1,300 in \$50 notes. So that's a total of, excuse me, \$12,000 that was made into accounts connected with Mr Hawatt on 11 December, 2015. You understand?---Yes, I do.

And if it was Mr Hawatt who was making the deposits, then what he was doing was breaking up the cash that he had and putting it into different accounts. Do you understand?---Yes.

And that's consistent with what he, if it's Mr Hawatt who was doing it, with what appears to have occurred on other occasions as well that I've already taken you through.---Yes.

Now, before the telephone call where Mr Hawatt said to you on 10 December, 2015, “Okay, I’ll come and see you now. Pick up the stuff”, you had made a withdrawal of cash on 2 December. I can take you to – I’m sorry, withdrawals, plural I should say. I’ll just do it in chronological order. If we can go to page 37 of Exhibit 149. This is a statement of account for Multitech Construction Pty Ltd, one of your companies I think.---Yes.

10 Held by St George Bank. The last four numerals of the account number are 5-3-2-4. If we go over to page 38 the highlighted entry is for a withdrawal of 5,300 cash on 24 November, 2015. Can you tell us what you did with that cash?---No. I don't remember.

If we go to page 39 it can be seen that this is a corresponding branch record in respect of that withdrawal. The date is 24 November, 2014. It’s for St George Bank and the last four digits – I’m sorry, I said ’14. I should have said ’15. The last four digits of the account are shown on the branch record of 5-3-2-4. The withdrawal is indicated as being \$5,300 and lower down on the slip the cash disbursed data says that it was \$5,300 in \$100 notes. Do
20 you see that?---(No Audible Reply)

You understand that, sir?---I understand, yeah.

Did you give any of that money to Mr Hawatt?---No.

What did you use the money for?---Again I don't remember. It’s personal use or the family.

30 Did your family keep any accounts of its own in respect of its household expenditure?---Some they do, yes.

What accounts or records were kept in respect of its household expenditure?---I know my daughter she’s got an account with Commonwealth.

I’m sorry, sir. My mistake. I’ll reframe the question. What I meant was did your family keep any records of its own at home say in respect of household expenditure?---No, not to my knowledge.

40 Can I take you to another record of a withdrawal before Mr Hawatt came over on 10 December, 2015 to pick up some stuff. Page 40 of Exhibit 149 is a copy of an account held at the St George Bank by Multitech Constructions Pty Ltd. That was one of your companies?---Yes.

The account number ends in the digits 5-3-2-4 and on page 41 the highlighted entry is for a cash withdrawal of \$300 on 2 December. If we can go to page 42. I’m sorry. I apologise for the delay.

THE COMMISSIONER: That's all right.

MR BUCHANAN: Sorry I'm just obtaining some instruction in reading bank statements. I apologise. I'll come back to page 42, which are the branch record, which shows a number of transactions and I'm going to take you to page 43. This is a statement of another account held at the St George Bank in the name of Rafqa Holdings Pty Ltd, with the concluding digits of the account number being 9-3-4-7 and the highlighted entry is for 2
10 December, 2015 and it's a cash withdrawal of \$3,900. It's the same document on page 42 and 44, so it doesn't really matter which one we look at, but if we could go to say page 42, you see there that there are – in respect of those two different withdrawals from two different accounts – a statement that cash was withdrawn of \$3,900 from one account ending in 9-3-4-7 and then, underneath that, a cash withdrawal of \$300 from account 5-3-2-4. Do you see that? Can you take it from me that that's what appears there?---Yes.

And the record is that the cash was dispersed as to the total of it, that is to say \$1,200, I'm sorry, \$4,200 in sixty \$50 notes and twelve \$100 notes. And can I just ask you to have a look at the signature that appears on that record.
20 ---That's my signature.

Thank you. So, that's a total of \$4,200 taken from two accounts on 2 December, 2015 that were held at the St George Bank. What was done with that money, the \$4,200?---Personal use. Either family or me.

Were you the only shareholder of Rafqa Holdings?---Yes.

And the only shareholder of Multitech Constructions?---Yes.

30 And the only shareholder of Lone Star Constructions Pty Ltd?---Yes.

So I'll just give you one more opportunity if I can. Given the evidence that we've taken you to of withdrawals that you made on 2 December, 2015 and the deposits in Mr Hawatt's accounts on 17 and 21 December, 2015, and given the telephone arrangement that had been made for Mr Hawatt to come over on 10 December, 2015 and pick up "the stuff," what do you say as to the proposition that what Mr Hawatt was doing on 10 December was coming over and picking up the cash that he subsequently withdrew and he picked it up from you?---He never picked up any cash from me.
40

The cash that he subsequently deposited.---I've got no idea.

The stage things were at in respect of 538 Canterbury Road was that the planning proposal had been submitted by Canterbury Council to the department on 6 November, 2015. Is that something that you had been told by anyone?---For which site?

538?---No.

You hadn't been told that by either a council officer or Mr Hawatt or Mr Azzi?---I don't remember.

Were you told about the progress of the planning proposal?---No.

10 Or of your submission that the height limit should be changed from 18 metres to 25 metres for your site?---I talked to my town planner and whatever he need to, he need to report to me, he's the one who'll call me and tell me how's things going, or the architect.

Can I take you to another set of bank entries, sorry, a singular bank entry, page 52 of Exhibit 149. There's an entry in an account held by Mr and Mrs Hawatt at the NAB bank with the last four digits of 3-4-2-7, on 14 December, 2015, a cash deposit of \$5,000. Did Mr Hawatt get that money from you?---No.

20 That's a deposit that was made on 14 December, 2015. I want to ask you to listen to this recording, please. Could we play, please, LII 00162, recorded on 14 December, 2015, commencing at 1.39pm.

AUDIO RECORDING PLAYED

[2.34pm]

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

30 THE COMMISSIONER: The audio file and transcript of the recording LII 00162 recorded on 14 December, 2015 at 1.39pm is Exhibit 151.

#EXH-151 – TRANSCRIPT SESSION 00162

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

Did you recognise the voice of yourself and Michael Hawatt?---Yes.

40 Mr Hawatt asked you whether you were in the gym and you said you'll be there in about 20 minutes.---Yes.

We've heard a number – I withdraw that. There's evidence that there was regular communication between you and Mr Hawatt about meeting in the gym.---Yes.

Was that code for having a meeting between you and Mr Hawatt and if Mr Azzi was there as well Mr Azzi about your business?---No. The gym is

at my house. My office is there as well. So I spend most of the time at that place, at my house where the office and gym are together.

I appreciate, thank you for that, and that's my I'm just asking is the gym simply a reference to your office, where you are to be found?---Yes.

You see this call doesn't really sound like an arrangement to train together or to do training at all.---It could be - - -

10 What I want to suggest - - -?---It could be - - -

I'm sorry.---It could be for training, it could be for getting together, have a drink, have a bite or whatever.

It certainly a call in which an arrangement is made for the three of you to meet up. Is that fair to say?---Yes.

20 Had you the previous day asked Mr Azzi and/or Mr Hawatt to meet up with you?---I don't remember.

What I'm asking is whether this was Mr Hawatt ringing to say okay, we're coming to meet you if that's convenient for you at your place and that was pursuant to you having asked them to meet up with you the previous day? ---Maybe.

That's the sort of thing that happened from time to time?---Yes.

30 There seem to be an awful lot of meetings that you've having with these two men don't there?---Well, we're close friends and I've got work, work at Canterbury Council and they're councillors of Canterbury Council so yes, we did see each other often due to the fact that I've got two DAs at that, at the local council.

And you were seeking assistance from them in progressing those DAs? ---Yeah, speeding up the process more than anything else.

40 What was it that you hoped or understood that they would do or could do by speeding up the process?---If I tried to get to anyone, a duty planner or a town planner or a director of town planning or a GM or whoever it'd take me probably more than a week, maybe two weeks where if I speak to Michael or Pierre they'll, they'll try to call them and I can speak to them in two or three days.

Did you have discussions with them about the strategy you were adopting to get an approval for a development on 538 Canterbury Road?---When you say strategy, what - - -

The steps that should be taken or that would best be taken in order to get an approval for what you wanted to achieve as quickly as possible.---They're steps that can only be taken by the town planner. I can't, I can't come with, with the steps because I don't know what the town planner has to do to please council.

10 But you were asking Councillors Azzi and Hawatt about what's going on, what are, what are the things that need to be done?---from time to time I'd follow things up at council. If the town planner says to me, "I've lodged everything, you should get it back within 42 days." So, after 42 days, I start to chase things up and try to find an answer, to get an answer. It takes longer than a councillor would call, would call his staff and say, "Where are we at with this report?"

On the occasion that you saw Councillors Hawatt and Azzi when they dropped in after that phone call on 14 December, 2015, did you give Mr Hawatt any money?---No.

20 Did you give Mr Azzi any money?---No.

Can I ask that we listen to another recording please. Can we play LII 00452, recorded on 16 December, 2015 commencing at 1.28pm.

AUDIO RECORDING PLAYED [2.42pm]

MR BUCHANAN: We'll start that again.

30 **AUDIO RECORDING PLAYED [2.43pm]**

MR BUCHANAN: I tender the audio file and transcript for that recording.

THE COMMISSIONER: The audio file and transcript of recording LII 00452, recorded on 16 – is it 16th or 17th?

40 MR BUCHANAN: 17th. Did I say 16th, I apologise.

THE COMMISSIONER: No, I might have transcribed it incorrectly.

MR BUCHANAN: No. I think I'm the one who misled you.

MALE SPEAKER: He said 16th.

MR BUCHANAN: I did.

THE COMMISSIONER: All right.

MR BUCHANAN: My mistake.

THE COMMISSIONER: Sorry. That was recorded on 17 December, 2015 at 1.28pm will be Exhibit 152.

#EXH-152 – TRANSCRIPT SESSION 00452

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MR BUCHANAN: Thank you. Mr Maroun, you heard that recording being played?--I heard not all of it, I heard that, well, I've got something to talk to him about. I didn't hear the next but after that.

20 What we can do is play it again for you, but there's something else I need to tell you that I should have told you earlier. On the transcript, you might not be able to see it but a small part of the conversation was, if you heard it, in Arabic. That Arabic language part of the conversation has been translated into English, and where the cursor is wiggling around at the moment there are square brackets and the English translation's been inserted between those square brackets. So, that's something I needed to tell you and in future you might see, you might hear Arabic but see that it's been translated in English between square brackets in other recordings.---Okay.

THE COMMISSIONER: Mr Buchanan, may I just raise something?

MR BUCHANAN: Certainly.

30 THE COMMISSIONER: I might be mistaken, but in the second statement by Mr Hawatt where he says, "Whatshisname," I thought I might have heard a name after that suggested.

MR BUCHANAN: Could we play it again? Mr Maroun needs it to be played anyway.

THE COMMISSIONER: Yes.

40 MR BUCHANAN: Thank you.

AUDIO RECORDING PLAYED

[2.46pm]

THE COMMISSIONER: I think I was mistaken.

MR BUCHANAN: Well, the consensus at this end of the bar table is that there isn't anything that should appear in the transcript between "Whatshisname" and "yesterday."

THE COMMISSIONER: I agree.

MR BUCHANAN: Now, is that enough playing of it? Or we can play it again if you'd like.---I didn't hear a word of Arabic.

10 Oh, okay. Very good.---I'm serious.

THE COMMISSIONER: It's all right.

MR BUCHANAN: Very good. Mr Hawatt did use Arabic from time to time?---He does.

THE COMMISSIONER: You can speak Arabic, can you?---Very well. I can speak, read and write.

20 MR BUCHANAN: Have you heard enough of it, though, to be able to - - -?
---Yes, yes.

- - - deal with it? First of all, Mr Hawatt indicated that he'd spoken to somebody the previous day who had told him that you had some ideas that you wanted to talk about.---Yes.

Is that what you sometimes did, that you would say to somebody, "I need to speak to Mr Hawatt about, or to Michael about a particular idea I have?"
---Might be Pierre, might be - - -

30 Yes. He'd be the most logical person, wouldn't it?---Yeah.

And when you said, "Meet me at the pub," which pub were you talking about?---There's a few pubs we go to.

In December of 2015 you were able to say "the pub," and it appeared that Mr Hawatt knew what you were referring to then, or which pub you were referring to. Can you think in 2015, December 2015 if you used the word "pub," what Michael Hawatt would have understood you to refer to?

40 ---Could be the Earlwood pub, which we used to go there regularly.

Now, having heard that recording being played, do you recall meeting Mr Hawatt in about December 2015, shortly before Christmas 2015, at a pub such as the Earlwood pub?---I met him a few times but to remember the dates and the locations and stuff like that from two years back or three years back - - -

You can't do that. Is that what you're telling us?---No, can't do that.

But would it be fair to say that it would not be unusual in the dealings that you had with Mr Hawatt at that time for you to have indicated that you wanted to talk to him about some ideas you had about your business and to meet up to give him your thoughts?---Sorry, repeat the question again.

10 Yes, sure. Knowing what we know now it would seem not unusual for you to have contacted Mr Hawatt with a view to giving him some thoughts that you were having about aspects of your business that were at council?---Yes.

And you'd accept that that would be right?---Yes.

And so this could be one of those occasions?---Yes. From time to time, yes.

20 And why was it that you wanted to give Mr Hawatt from time to time the ideas that you had about your business that was at council?---I must have been to council and council didn't do anything about it and there's so many times where you think what you're doing is logic. Some of the staff they refer it to their team leaders or to the general manager. You never get an answer. So what do you do then? You go back to someone that can help you which in this stage either Michael or Pierre.

And was it your experience that they did help you?---Yes.

It was your experience wasn't it that they push through your applications to the point of approval?---I wouldn't say pushed through my application. I'd say - - -

30 They worked on progressing your applications so that they were approved? ---They speeded, they speeded up the process but to my knowledge everything has to go through the right channels which is the director of town planning mainly.

Did you understand that they would sometimes put a word in to try to say can't this be done a bit faster?---I don't know.

40 Did you hope that they were intervening to try and put a bit of pressure on Mr Stavis for example or Mr Montague to progress your applications faster than they would have otherwise been progressed?---Well, you'd, you'd hope so.

Now, can I ask that we go to volume 17, page 174. Just bear in mind that that recording we listened to was on 17 December, 2015. What we're looking at now is an email message from Mr Stavis's personal assistant to him dated 22 December with your name and your phone number as being the only other relevant information on it. You were in the habit of ringing Mr Stavis yourself. Is that fair to say?---I can't get to him direct so you have to speak to his secretary.

You had to ring through his secretary or his assistant.---Yes.

Is that right?---Yes.

And you did contact him directly through his secretary or assistant from time to time?---Yes.

Is that right?---Yes.

10

And so this is one such occasion. It's five days after you've organised that meeting with Mr Hawatt at the pub on 17. This is on 22 December. Was there any discussion on 17 December with Mr Hawatt about whether you should have a word with Spiro Stavis?---I don't remember what the meeting was all about.

Did Mr Hawatt ever indicate to you that he would have a word with Mr Stavis about ideas that you had about the matters you had before council?---I don't recall.

20

Did you hope that he was talking to Mr Stavis about the matters you had before council from time to time?---Of course.

Now, can I ask you to listen to this recording, please. If we could play please, LII 00985 on 23 December, 2015 commencing at 12.21pm.

AUDIO RECORDING PLAYED

[2.55pm]

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

THE COMMISSIONER: Audio file and transcript of recording LII 00985, recorded on 23 December, 2015 at 12.21 will be Exhibit 153.

#EXH-153 – TRANSCRIPT SESSION 00985

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MR BUCHANAN: Did you hear that recording played, sir?---Yes.

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

So this is, I don't know whether you celebrate the religious festival of Christmas, but this was two days before Christmas in December of 2015. Can you think of that period of time, and my question is do you know why Mr Hawatt was coming around to see you on 23 December, 2015?---Well,

he's the opposite to me as in his belief. He might be coming over to say merry Christmas, maybe.

Yes. It's something he could also say over the phone without driving over to Earlwood, isn't it?---He can but he rather come and have a drink, cheer your friends maybe.

At 12.21pm, in the middle of the day?---If that's the time he's got, yes. I'm only guessing.

10

When you told him – I withdraw that. The conversation was to this effect, I'm reading from the middle of the transcript. Mr Hawatt said, "Are you still around? Are you, are you still around or you're gone?" And you said, "No, I'm still waiting." It sounds as if there was a prior arrangement for you to meet up at your gym, where your office was and Mr Hawatt was a bit late and he's checking whether you're still there and it's worth coming over. ---Maybe, yeah.

Was there anything that occurred at that meeting on 23 December, 2015?

20

---What do you mean, "Occurred?"

Did you pay him any money?---No.

Can I take you to some financial records, please. So, that was a telephone call about a meeting in about the middle of the day on 23 December, 2015, and I take you to page 59 of Exhibit 140 and the first document there is a statement of account held by the NAB in the name of Mr Hawatt with an account number ending in 3-2-6-7. If we turn over to page 60, highlighted is a transaction recorded on 23 December, 2015 which reads, "Cash/transfer payment. Thank you," \$4,500. If I can take you then to page 62, there's a deposit slip for that transaction and it's in respect of the same account, it ends in the numerals 3-2-6-7, and it's a deposit to the account, the name of the account, sorry, is Michael Hawatt, the sum of the deposit is 4,500, the deposit date is 23 December, 2015. If we turn over the deposit slip, the denomination of the cash that was deposited was as to 100, a \$100 note and as to 3,500, I'm sorry, as to 1,000 that was deposited in \$100 notes, as to 3,500, that was in \$50 notes. So that's the same day as that meeting at your office. Can I take you then to page 64. This is the next day, and it's a different account, it's an account held again at the NAB but in the name of Mr M and Mrs N Hawatt, and the account number ends in 3-4-2-7. The highlighted entry's on 24 December and the cash deposit is for \$3,500. On page 65 of the exhibit there's the deposit slip. The account number is 3-4-2-7. The account name is the same, the date is the same, and the amount is \$3,500. On the back of the deposit slip the denominations are recorded as being, as to \$1,000 of it \$100 notes, and as to \$2,500 of it in \$50 notes. That's a total of 3,500. If we can turn to page 67, this is the equivalent of an invoice with a payment receipt apparently stapled to it. The equivalent to the invoice is from an Australian Government agency and the amount of the

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10 payment is 2,500. The name of the person who held the account with that Australian Government agency is Mrs Najat Khettouch. Excuse me a moment. Commissioner, would you just excuse me a moment. I think I need to go back a little because I think I've skipped over a page or two that represent a separate transaction. If you just excuse me a moment. I'll keep on going through. So, we were at page 67. Commissioner, I make an application for an order under section 112 to prevent disclosure of the identity of the Australian government agency or the nature of the payment made. I wonder if that is sufficient in terms to cover the privacy aspect, I respectfully submit, that is raised by the nature of the payment and the agency in that case.

THE COMMISSIONER: So, just confirming, it would be the identity of the Australian government agency and the nature of the payment?

MR BUCHANAN: Precisely.

20 THE COMMISSIONER: And sorry, just confirming, it only arises in respect of page 67?

MR BUCHANAN: It's going to arise again, Commissioner. I'll be asking for an identical order in respect of page 73.

THE COMMISSIONER: Yes. And is that it?

MR BUCHANAN: Yes.

30 THE COMMISSIONER: Right. I make a direction that in respect of pages 67 and 73 of Exhibit 149, that the identity of the Australian government agency and the nature of the payments not be published.

SUPPRESSION ORDER: I MAKE A DIRECTION THAT IN RESPECT OF PAGES 67 AND 73 OF EXHIBIT 149 THE IDENTITY OF THE AUSTRALIAN GOVERNMENT AGENCY AND THE NATURE OF THE PAYMENTS NOT BE PUBLISHED.

40 MR BUCHANAN: So, all that I'm doing at this stage, sir, is taking you to, on page 67 of these financial records, a record of a payment made in respect of an account held by Mr Najat Khettouch, who would appear to be Mr Hawatt's wife, on 29 December, 2015 in the sum of \$2,500. You understand?---Yes.

If I can then take you to page 68, this is a statement of account held by the NAB for Mr Michael Hawatt for an account with digits ending in 3-2-6-7. And we go to page 69, there's a highlighted entry for 24 December, 2015, a cash transfer payment in the sum of \$5,000. And if we go to page 71,

there's a deposit slip. The account name is the same, the date is the same, the last four digits of the account are 3-2-6-7 and the amount is the same, cash \$5,000. Over the page, page 72, the deposit is identified as having been made in one \$100 note and \$4,900 in \$50 notes. Page 73 is another payment to an Australian government agency. This payment is made also on 29 December, 2015. It's in the sum of \$2,500 and it's in respect of an account for Mrs Najat Khettouch. I'll take you over the page to page 74. This is an invoice for an account that is looked after by the NAB. The slip that is attached to it, to this statement, this invoice as it were is for the
10 Kingsgrove Australia Post agency. It's for a cash that was presented of \$900, the payment of an invoice for an insurance company for 878.69. Excuse me a moment. We can go to page 75 and what I'm drawing, there are three machine-generated receipts that have been copied on that page but I'm going to draw your attention only to the one at the top right-hand corner which is again for a payment made at the Kingsgrove Australia Post agency. It's a Tax Office payment and the amount is 1,500 and it was paid in cash again on 29 December, 2015. So those are payments on that date that Mr Hawatt made or that were made in respect of his wife. Can I take you then to page 76 of Exhibit 149. This is a statement of account held by the
20 Commonwealth Bank for Mr Pierre Azzi and the account number is, sorry, the account number ends in 1-7-9-2. We go over the page to page 77. The highlighted entry is for 30 December, 2015 of a payment being made for a Mastercard in the sum of \$1,150. I'll take you then to page 79. Excuse me a moment. Page 79 is a statement of account held by the NAB for the account of Ozsecure Homeloans Pty Ltd. The account number ending in 2-2-1-8 and highlighted is an entry recorded for 4 January, 2016 for a deposit of \$4,900 and it says "cash deposit". The next page, page 80 has a copy of the deposit slip. The account name is the same, the concluding numerals of the account number are the same and the date is the same as for
30 that entry and it's in the sum of \$4,900. On the back of the slip is indicated that the 4,900 was paid in entirety in \$50 notes. I'll take you to page 82. This is a statement of account for Mr and Mrs Hawatt. The concluding digits of the account number are 3-4-2-7. The entry that is highlighted at the bottom of the page is for 4 January, 2016. I'm sorry, if we go over the page you can see then that there is a cash deposit that's highlighted of \$4,000. In respect of the date of 4 January, 2016, page 84 shows a deposit slip for the NAB for an account of Mr and Mrs Hawatt for the account number ending in 3-4-2-7 for a total amount of \$4,000, indicating that the \$4,000 was paid into the account by way of \$4,000 in \$50 notes. Do you know where Mr
40 Azzi – I do withdraw that. I'll come back to Mr Azzi in a moment. Finally in respect of this series of deposits can I take you to page 86 of Exhibit 149. Again there are a series of machine-generated receipts, but the one on the top left-hand side has got a highlighted section. It's an Australian Tax Office payment made on 4 January, 2016 at the Oatley agency of the Australia Post, and the amount paid was 2,100 and it's indicated it was paid in cash. What I think I omitted to take you to in respect of the payment made on the MasterCard in the name of Mr Pierre Azzi on 30 December, so that starts at page 76, goes over to page 77, the payment being made on 30

December, and it's in the sum of \$1,150. I forgot to take you to the next page, which is page 78, which indicates when we turn it on its side, that the \$1,150 was paid in cash. That's the, yes, where the cursor is wiggling around at the moment on the screen. Do you know where Mr Azzi would have got \$1,150 in cash?---No idea.

Did he run a cash business as far as you were concerned?---He drives a taxi.

Did you know what he did with the earnings?---No.

10

Did he drive for the owner of the cab or for himself?---I think for himself.

In - - -?---I think, I'm not too sure.

- - - 2015?---Yeah. I think he owns his own cab, I'm not too sure.

Excuse me a moment. Something I should make clear, Commissioner, is that pages 67 and 73 are duplicates. If we can just pull up 67 on the screen, please, that's the Australian Government agency payment on 29 December, 2015 for an account in the name of Mrs Najat Khettouch, and page 73 is a duplicate. I apologise for that. Now, what I had asked you was whether at the meeting at your gym that had been the subject of a telephone call recorded on 23 December, 2015, you paid Mr Hawatt any cash and you denied that. Can I just take you to some evidence in respect of your access to cash on 23 December. If I can take you please to page 54 of Exhibit 140, 149 sorry. Wrong exhibit number. This is a statement of account held by St George Bank for Lone Star Constructions Pty Ltd, with the last four digits of the account number being 5-7-8-0-4. If we go over the page to page 55, there's a highlighted entry against the date 23 December. It's a cash withdrawal in the sum of \$10,000 and if we go over to page 56, there's a copy of a branch record for the payment over to you of that money in \$50 notes and if we enlarge the bottom of the slip it can be seen that that's your signature?---Yes.

20

30

So, you collected - - -?---\$10,000.

- - - \$10,000 on that occasion. Are you sure you didn't give any of that \$10,000 the same day to Mr Hawatt?---Never gave him any money. Not on that day or before or after.

40

What did you do with that \$10,000?---Personal use. Especially before Christmas for the kids and wife and house and so on, plus my hobby.

And the hobby is gambling, is it?---Mainly, yeah. Parties, so on.

THE COMMISSIONER: And what?---Parties.

Parties.

THE WITNESS: But listening to the amounts that you've gone through, that's more than \$10,000.

MR BUCHANAN: I can inform you that there's in fact, when one adds it all up, only a \$50 difference between the two. I'm sorry. What I want to suggest to you is that the amounts that were deposited that I've taken you to are very, very close to \$30,000 and the amounts you took out were \$30,000.

10 MALE SPEAKER: Page 57 there's another - - -

THE COMMISSIONER: Yes, I think there might be another withdrawal, Mr Buchanan.

MALE SPEAKER: Yes, page 57.

MR BUCHANAN: Thank you very much, Commissioner, and I thank my learned friend as well. Thank you very much. Can we show the witness, please, Exhibit 149, page 57. You're quite right, Mr Maroun, the amounts
20 of those payments and deposits certainly exceeded \$10,000 but on the same day, 23 December, a statement of the account that you held with the NAB indicates that you withdrew \$20,000 and if we go over to page 58 there's a withdrawal slip indicating that you withdrew, sorry, on 23 December you withdrew \$20,000 and there's a signature. If we could enlarge it.---Yes, yes, I can see it.

You can see the signature?---Yeah.

30 Thank you. You recognise that. Is that right?---Yes.

Whilst we're on this page can I ask you to have a look at the top left-hand corner where there's a banking printout that says time and if you go down below that you can see 11.50 which is shortly before Mr Maroun rings you – I'm sorry, shortly before Mr Hawatt rings you. Does that assist you in recalling that you had just withdrawn large amounts of cash shortly before Mr Hawatt rang you to come over to your office?---Must be a coincidence.

I'm sorry?---Must be a coincidence.

40 Was there a branch of the NAB bank in Earlwood in December, 2015?
---No.

Was the branch of the NAB bank at Campsie?---Yes.

The closest branch to where you lived?---Yes.

Can I ask that we go back to Exhibit 69, volume 17, please. Volume 17, page 305. And can you have a look at item number, can we have a look at

item number 102. This is a text message on 24 December, 2015. It's a text message from Mr Hawatt to you. It's at 7.06pm on 24 December, and it reads, "Okay, JM is going on leave and on his return we can catch up with him. I will be OS from 6 January until the end of January." Now, whilst your initials might be JM, there would be no reason for Mr Hawatt to tell you that JM is going on leave, unless he was in fact referring to Jim Montague.---That's right.

10 When Mr Hawatt sent you that text message, had there been a conversation between you and him about catching up with Jim Montague?---Yes.

What conversation was that?---To do with what I'm doing in Campsie, council.

And what in particular was it that was going to be the subject of discussion with Jim Montague, if you could get hold of him?---I don't recall exactly what was the meeting for, it has to be for either 538 or 457. There's no other reason why I should meet with him.

20 In the message, Mr Hawatt says, "We can catch up with him," meaning either him perhaps and Mr Azzi or him and you or the three of you. Do you know what that "we" referred to - - -?---No.

- - - apart from Mr Hawatt?---No. But I never had a meeting with Jim Montague outside the council, apart from a fundraising party for a Chinese group which had the mayor, Jim, and everyone else.

30 Can you recall towards the end of 2015 whether there was something in particular where you thought or where you were told that it was desirable to get hold of Jim Montague in order to talk to him?---No.

THE COMMISSIONER: If you look at item 99 on that page - - -?---Yeah.

- - - that's a message from you just before 1 o'clock on the 24th to Mr Hawatt where you say, "Hello, Michael. How did you go? Thanks."
---Yeah.

40 And then there seems to be a series of emails from Mr Hawatt where it looks as if he's trying to text to you the message that Mr Buchanan's just taken you to, which is, "Okay, JM is going on leave and on his return we can catch up with him." So if they're linked, and it suggests they are, you asked Mr Hawatt, "How did you go? Thanks." Do you remember what you were asking him about when you said, "How did you go?"

MR ANDRONOS: Well, I object, Commissioner. Commissioner, when you put that question, given in particular the difficulty this witness has with his eyesight, with respect the time difference between the first and subsequent of those messages should be pointed out.

THE COMMISSIONER: Okay. That's fine. What Mr Andronos is raising is, you send that text, "Hello, Michael. How did you go? Thanks," just before 1 o'clock, and then Mr Hawatt replies round 6 minutes past 7.00 that evening, so there is a, what's that, about six hours?---Six hours, yeah.

But they seem to be in some way linked with you starting off by saying, "How did you go? Thanks." Do you recall what you were asking Mr Hawatt about - - -?---No.

10

- - - that would require him to answer, "Okay, JM is going on leave", which we suggest might be a reference to Mr Montague?---I don't, I don't recall. I've asked Michael and Pierre previously about meetings with either Jim Montague or Spiro Stavis and I don't recall each meeting what is for which project but it has to be for one of those two projects. There's nothing else I'm involved in with Canterbury Council other than 538 and 497. So the meeting what was it about back then I don't recall for which project or the nature of it.

20 MR BUCHANAN: And I might have asked something like this before and if I have I apologise but you were getting assistance from Councillors Azzi and Hawatt in relation to both projects. Is that right?---Yes.

Now, was there ever a time, I suggest around Christmas of 2016 [sic] when you considered not dealing with Spiro Stavis anymore and going to the Land and Environment Court instead in respect of 538 Canterbury Road?---I don't recall that.

30 Can I ask that we look at page 175 of volume 17, please.---Did you say Christmas 2016?

We're going right into 2016 now.---Oh, Christmas 2015. Yeah, okay.

Previously it's been 2015 but this page is in fact in 2016.

MR GRANT: I think what the witness is seeking clarification from Mr Buchanan is that he started his question about 2016, did you then think about not dealing with Mr Stavis, Christmas of 2016 not dealing with Mr Stavis and going to the Land and Environment Court.

40

MR BUCHANAN: I may have said, if I've said Christmas 2016 then I need to reframe the question and ask it again. I thought I said 2015 but I might have misspoken.

THE COMMISSIONER: Maybe if you ask the question again.

MR BUCHANAN: I apologise if I misled you. My question was did you ever consider around Christmas 2015 not talking to Spiro anymore and

instead going to the Land and Environment Court in respect of 538 Canterbury Road?---I don't recall that but I know in, in Christmas 2016 I've already started the job. That's why I asked the clarification.

And I must have misspoken in that case.---No worries.

Did you ever get frustrated with Spiro Stavis and think oh, this is not worth talking to him to try to progress 538. I might as well take my chances in the courts?---No, never.

10

Page 175 of volume 17, please. This is an email from Mr Stavis to Mine Kocak on 4 January, 2016 and he forwards to her a document or a couple of documents and he says, "Hi, Mine. I spoke to Jimmy Maroun just now." I pause there to indicate that would seem to indicate he'd spoken to you that day, 4 January, 2016. Is that possible?---Possible, yeah.

20

I continue reading, "I said to Jimmy I could not commit to a time frame for determination until I knew whether the changes were supportable. Can you please review the amended DA and section 96 package as a priority as soon as you return from leave and see if the changes are supportable. I'm going away until 27 January but if you want to provide feedback to the applicant before I return please do." Now, you weren't included in that, but what the Commission has is a series of, sorry, another copy of the amended plans that had been submitted by your architects in respect of 538 and they've got handwriting on them and the handwriting, there is evidence, is that of Mr Stavis. Did you have any conversation with anyone in which you understood that Mr Stavis was assisting with the design or redesign of your project?---When you say assisting, I can't, I can't see him assisting the architect, but he told the architect and the architect had like a plan and he did some sketches together with the architect on it and that's where Andrew Hargreaves were involved as well with that.

30

And how was Andrew Hargreaves involved as well?---That's when he went away, Andrew Hargreaves was taking care of it. The notes that Spiro Stavis

40

I should give you the opportunity. Can we have a look, please, at page 178. There's a number of pages of copies of these plans which have got handwriting on them that's been identified as that of Mr Stavis, and I just want to see whether you recognise anything. So the handwriting here is where the cursor is moving around and it's a unit data table on the right-hand side of the page and there is some handwriting that appears there. I'll show you the next page as well to see whether it's anything you know about already. On the next page there's a lot of red handwriting, on the top, on the bottom, particularly around the left-hand side. Did you ever see Mr Stavis make changes like that or did anyone ever show you handwriting like that on a copy of your plans?---No. I don't get to see that.

Okay. Excuse me. So we've looked, Commissioner, just for the record, at pages 177 and 178.

THE COMMISSIONER: Can I just ask you, you gave evidence that Mr Stavlis, sorry, told the architect and had a plan and did some sketches on it. Were you present when – and sorry, I should start – was it Mr Stavlis who did the sketches on the plan?---Mr Stavlis highlighted a few areas on the plan. I was there with him together with Pierre Azzi.

10 Oh, that was that meeting. Okay.---Yeah. Then me and Tony Jreige, the architect, went to speak to Hargreaves, Andrew Hargreaves when Spiro Stavlis was away on leave and that's when my architect and Mr Hargreaves went through what Spiro Stavlis has highlighted.

All right. And when you say he highlighted, it wasn't making notations as we just saw on for example page 178, it was something different, was it? ---I don't remember. I don't think so.

20 MR BUCHANAN: But the plans or copies of plans with notations by Mr Stavlis that you saw him make were taken away from council chambers by your architect. Is that right?---Don't remember.

Well, the plans that Mr Stavlis highlighted, I just thought you indicated that Mr Jreige took them away and worked on them, that is to say - - -?---No, he met with – me, him and Andrew Hargreaves met at council and Andrew Hargreaves was representing Spiro Stavlis, who was explain to us or mainly to Tony what needs to be done to get the plans approved.

30 Mr Hargreaves was?---Mr Hargreaves. Best of my recollection.

Was he drawing on plans, Mr Hargreaves?---No, he was showing the plans that was given to him by Spiro Stavlis.

And had those plans any markings in them that appeared to have been made by someone by writing or highlighting?---I don't remember. More than likely, yes, that Spiro Stavlis have written something on them, maybe.

40 I just want to go back, though, to your memory of Spiro Stavlis highlighting on some plans or copies of plans. What happened to those pieces of paper that he highlighted? Thinking of that meeting, meeting comes to an end, do the pieces of paper that he had highlighted that are plans stay there or does someone take them away?---I'm almost certain they stayed there.

So was any record made by your architect of the types of markings that Mr Stavlis had placed on your plans?---Yes. He, he, he'd have his copy and on his copy, he highlighted what Spiro Stavlis wants, kept the original ones with Andrew Hargreaves, went back and did exactly what Spiro wants on a fresh set of drawings.

And was it after that that there was another meeting involving Mr Hargreaves where he was talking to plans and saying what needed to be done to get approval? I'm just trying to get the sequence of events.---What was the question again? (not transcribable) about Mr Hargreaves.

Well, how many meetings were there that you were present where marks were made on plans at council?---Once. Once with Spiro Stavis when I was there with him and Pierre and once when I was with Hargreaves and Tony.

10

And that other occasion with Hargreaves and Tony, Mr Stavis was not there?---He was away. He was on leave.

You were there?---I was there.

You saw what happened?---Yes.

And did someone have a set of plans that had been written on?---Andrew Hargreaves had sets of plans, written on them by Spiro Stavis.

20

And was that writing by Spiro Stavis the same writing that you'd seen Mr Stavis put on them before or was it - - -?---I don't, I don't remember but I saw both. I, I, saw, I was in both meetings when Spiro Stavis wrote some notes on the plans. I remember that well and I remember when Andrew Hargreaves brought out those plans, they were the ones that Spiro Stavis has highlighted.

30

And when you say, "Highlighted," you've used that word as well as the word, "Written on." When you say "Highlighting," do you mean a thick marker in a particular colour like a yellow highlighter?---(No Audible Reply)

THE COMMISSIONER: No, like - - -

MR BUCHANAN: No. Like - - -?---I don't recall. I don't recall. All I recall is he had some like, sketches and written, written words. I don't even remember if it was, was block, block letters or running letters or what colour pen.

40

And I'll just show you a copy of one of the sets of plans that I showed you earlier on page 178 of volume 17. And we can show you the other pages, most of which have got red ink writing on them as well, but this one has got the most.---What does it say on them?

Well, for example, if we blow up the top left, please, can you see there's an arrow, well, there's a line to a cross that's in red and it says, "Delete and replace with landscaping." And then there's the arrow and the words written next to that are, "Glass/bi-fold doors." And then on the right-hand

side towards the top there's an arrow where the cursor is moving around, and the writing there says, "Adding second lift." Does that assist you in whether you've seen this particular set of plans before with the red handwriting on them?---I remember very well the last topic, adding second lift, yes.

10 What's your memory of when that first was raised, who was present, when was it, where was it?---There was me, Spiro and Pierre. Adding, adding second lift, and what we, what I heard here today about an extra level of basement, I think I heard that, and what I heard just now about the landscape.

Landscaping, yes.---Landscaping, yeah. I don't recall that.

Okay. Was a second lift added to the plans?---Yeah, he must have. We built it with two lifts, yes.

Because you've built two lifts?---Yes.

20 Right. And this is changes to the approved development, I take it? What was being considered at the time was a DA for the additional two storeys and a section 96 application to make modifications to the approved development.---Yes.

Excuse me. And page 178 in the block in the right-hand bottom side says, "Section 96, ground floor plan." So it's plainly changes that Mr Stavis was proposing be made to the approved development, to the plans for the approved development, so far as what you're being shown here is concerned.---Sorry, what was the question again?

30 Well, I'm just trying to get as much detail as you can give us of your memory, given the materials that we're showing you, of what occurred with Mr Stavis when he used writing and highlighters as you've recalled it, to indicate changes that he thought needed to be made for your, for one of your applications at least to be approved. That's what I'm asking you about. ---Yeah.

40 And in particular I'm trying to establish whether these plans that have got Mr Stavis's handwriting on them were the plans that you can recall were marked up, noted by Mr Stavis at that meeting you had with Mr Stavis and Pierre.---I don't recall and I don't know his writing either, so - - -

That's fair enough. I understand that but you can take it from us the Commission has evidence that this is Mr Stavis's handwriting.---Okay.

And essentially is this a fair summary of what was occurring. You had a DA for two additional storeys and a section 96 application for modification to the existing approval for six storeys?---Yeah.

Mr Stavis was saying essentially these are the changes that need to be made to the existing approved development, the six-storey development if you want to get the DA for the two storeys additional approved and if you want to get the section 96 application approved?---Something like that, yeah.

Because they went together really didn't they?---Yeah.

10 Can I just ask you to pause for a moment, Commissioner, please. Yes. Can we play, please, the recording LII 01659, the recording being of a telephone
20 call made on 5 January, 2016 commencing at 5.35pm.

AUDIO RECORDING PLAYED

[3.57pm]

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

20 THE COMMISSIONER: The audio file and transcript of recording LII 01659 recorded on 5 January, 2016 at 5.35pm will be Exhibit 154.

#EXH-154 – TRANSCRIPT SESSION 01659

MR BUCHANAN: That's on 5 January, Mr Maroun. Mr Hawatt instigated that call. Did you recognise your voice and his voice?---Yes.

30 What was your understanding as to why Mr Hawatt wanted to visit you on that occasion?---Like he normally does. He knew I was at the coast and he's asking me if I'm back and that he wants to catch up.

And do you know why he wanted to come?---I don't recall.

Does Mr Hawatt still visit you at your home or office or gym?---No.

When was the last time he visited you there at Earlwood?---Around the last election, the council election. Probably around a year ago.

40 2017?---Yeah.

Do you know why he hasn't visited you at Earlwood since around the last council election?---Well, I was given a phone call from the Independent Commission Against Corruption not to talk to anyone, I forgot his name, in a private hearing and since that day I have not talked to anyone that involved with Canterbury Council.

Did you communicate to Mr Hawatt that you didn't want to talk to him again?---Not directly, no.

Does that mean indirectly, you did?---Yes.

How did you do that?---Stopped calling him, he stopped calling me, that was it.

10 Did you have any contact from Mr Hawatt asking why you had stopped calling him?---No. He knew I was coming to the, to the, to ICAC.

And as you understood it, how did he know that?---I don't know.

THE COMMISSIONER: How did you know he knew. Did he - - -?---I said he may, he might.

Sorry, I thought you answered, "He knew that I had come to ICAC."---He must have knew.

20 How? I'm sorry, I didn't ask that properly. Did he ring you or send you a text message or - - -?---No, no. I stopped talking to him maybe before I came to ICAC. When I spoke to him about, sort out the problem with Jim Montague and I didn't like the response that they didn't want to be on good terms, so I very much stayed, started to veer away from my relationship with all of them. It's to do with, it started with this, then a couple of months later I was asked to come to ICAC and during all this time, no one called me or I called anyone.

30 MR BUCHANAN: Mr Maroun, the trouble between Mr Hawatt and Mr Azzi on the one hand and Mr Montague on the other hand was a year before this particular telephone conversation on 5 January, 2016, and we've seen numerous contacts between the two of you, both SMSs and in your call charge records and in recordings in 2015. So, you didn't stop in any way. ---I didn't try to speak to them.

40 But you did, you rang them. You said, "I need you to come over."---No, one moment. What I'm trying to say, I didn't speak to them about fixing their relationship with Jim Montague immediately when, when they started having problems. It did reach a stage where I said to them, "You better do that." I don't know when and because they didn't want to do it, I thought they're not my crowd anymore.

And did you have no meeting in 2015 or 2016 with Mr Montague and either Mr Azzi or Mr Hawatt or both of them?---I don't recall when was the last time I met with them or even spoke to them.

See, I want to suggest to you that Mr Montague had relatively good relations with Mr Hawatt and Mr Azzi in 2015, after February of that year.

---Maybe.

That wasn't apparent to you?---No.

Why wasn't – I withdraw that. Hadn't there been a communication between the pair of you, between you and Mr Hawatt in which he was responding to some sort of request which involved getting together with Mr Montague, and he indicated, "Well, we'll have to get with Mr Montague after Christmas/New Year, after the holidays"?---That didn't happen anyway.

10

Yes, but it does seem as if Mr Hawatt was indicating to you that there was no difficulty as far as he was concerned in talking to Mr Montague in relation to your affairs, other than the need to ensure that Mr Montague was in Australia and he was in Australia.---Okay.

So I'm just asking, where did you get the idea from that there was any difficulty between them in late 2015?---'Cause the way they talk about him.

20 By the way Azzi and Hawatt talked about Montague?---Yes, at one stage, the way he spoke about him, I didn't like it.

When was the last time that they spoke about him in a way that you didn't like?---When I broke up with them.

What was it that was said that you didn't like?---I don't have to say it in, like, they didn't like him, they didn't like Jim.

30 Was there a subject matter, was there a particular subject that they were concerned about Mr Montague's approach to or - - -?---They were talking in general.

- - - dealings in?---We're talking in general. Like, one day you, you're with the guy, the next day you're stabbing the guy. Why are you doing that? Stop doing that. So I didn't like their relationship with Jim and I said to them, "That's it." And also I've finished what I'm doing in Campsie, so I said, "Thank you very much for what you've done for me, better if we, if we drift away from, from each other."

40 You said that to whom?---To Michael.

Did you say it to Pierre?---They were together.

And where were you on that occasion?---At my place.

And when was that?---Don't remember.

Can you give us some help to fix when it was by whether it was after you'd got the approval for the second DA or before you got the approval for the second DA?---I, I'd say after I got the approval.

10 But certainly the exchange that we took you to, volume 17, page 305, the SMSs number 99 and 102, remember that I asked you about and then the Commissioner drew your attention to your SMS to Mr Hawatt asking him how he had gone and Mr Hawatt responded, "Okay. Jim," sorry, "JM is going on leave and on his return we can catch up with him. I will be OS from 6 January until the end of January." There's nothing there to indicate a concern on your part that Mr Hawatt didn't have proper relations with Mr Montague, is there?---That's right.

And it would seem, one could infer from that, that you were hoping that Mr Hawatt could either arrange a meeting with Mr Montague or obtain some favour from him in relation to something that was part of your business, wouldn't it?---Yeah, if I, if, if I can recall what the, what the meeting was, was for I can answer much, much better.

20 Can you recall having an issue where you needed something from Mr Montague and you were told, oh, he's going on leave, this is around Christmas 2015, and being told, well, we'll just have to wait until after the Christmas holidays are over?---Yeah.

No, my question is, can you recall needing to or wanting to get together with Mr Montague about some aspect of your business just before Christmas 2015, and being told, sorry, basically it's too late, we'll have to wait until after Christmas?---No, I don't recall. I don't recall the purpose for that meeting.

30 But it would seem that you were happy to use Mr Hawatt's services to either obtain a favour from Mr Montague or meet with Mr Montague at that time, from those two SMSs, wouldn't it?---Yes.

40 If I can take you to page 305 again of volume 17. Item number 103 is an attempt by you to ring Mr Hawatt. This is on 6 January, 2016 at 11.28 and you hung up and didn't leave a message on his message bank and I'm not suggesting you're necessarily going to recall that I'm just telling you that we've got this evidence that that's an attempt you made to contact Mr Hawatt at that stage so - - ?---Sometimes I call people by mistake.

Now, can I take you to page 186 of volume 17. This is an internal memorandum at Canterbury Council. I'm not expecting that you've seen it before. It's dated 6 January, 2016. It's from Mr Stavis to Ms Kocak and in it it says, Mr Stavis says, "I was asked to give my initial thoughts on the DA and section 96. I've marked up in red what changes I think need to be made. Your thoughts would be appreciated on my return from leave." My question is do you know, according to your understanding of what was

happening at the time and what had happened, what Mr Stavis would have meant by saying, "I was asked to give my initial thoughts on the DA and section 96?"---Absolutely no idea.

You hadn't asked Mr Stavis to give his initial thoughts on the DA and the section 96?---He marked it in red.

Yes, but what I'm asking you is had you said anything to Mr Stavis to indicate you wanted his initial thoughts on the DA and the section 96?---No.

10

Can I ask you to listen to this recording, please, LII 02191 recorded on 31 January, 2016. Excuse me a moment. Commencing at 3.44pm.

AUDIO RECORDING PLAYED

[4.13pm]

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

20

THE COMMISSIONER: The audio file and transcript of the recording LII 02191 recorded on 31 January, 2016 at 3.44pm will be Exhibit 155.

#EXH-155 – TRANSCRIPT SESSION 02191

MR BUCHANAN: You heard that recording, Mr Maroun?---Yes, I did.

30

Did you recognise your voice and the voice of Mr Hawatt?---Yes.

Having regard to what you knew of your relationship with Mr Hawatt in the previous 12, 14, 18 months and particularly around January, 2016 can you help us understand what it was that Mr Hawatt would have had in mind when he wanted to know whether you were free and that he would come over to see you at the gym?---I don't recall. I finished my DAs by then.

No, sir.---We might be talking about if the DA, if the DA is out or not.

40

THE COMMISSIONER: Sorry?---We might be talking about the DA application. We might be getting together.

MR BUCHANAN: Can I ask that we play another recording. This was recorded – sorry, this LII 02344, recorded on 1 February, 2016, it's the next day, commencing at 3.27pm.

MR GRANT: Sorry, I'm not sure how that can be. I thought Exhibit 155 was 31 January, 2016.

MR BUCHANAN: Correct.

MR GRANT: And this one now is 1 March, 2016?

MR BUCHANAN: No, no.

THE COMMISSIONER: I thought it was February.

10 MR BUCHANAN: February I think I said.

MR GRANT: No, you said March.

THE COMMISSIONER: My note's 1 February.

MR GRANT: All right, okay.

AUDIO RECORDING PLAYED

[4.16pm]

20

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

THE COMMISSIONER: Audio file and transcript of the recording LII 02344, recorded on 1 February, 2016 at 3.27pm will be Exhibit 156.

#EXH-156 – TRANSCRIPT SESSION 02344

30

MR BUCHANAN: You heard that recording, Mr Maroun?---Yes, I did.

You recognised your voice and Mr Hawatt's voice?---Yes.

Can I ask you about the part of the conversation which appears on the second page of the transcript, where Mr Hawatt asks you in Arabic, "Is something wrong?" and you replied in Arabic, "No, it's for the," and then you used the English word, "meeting," and then in Arabic, "today." What was the meeting that you had in mind?---I must have had a meeting about
40 the DA.

And was it a meeting that you understood Mr Hawatt would be attending as a councillor?---Yes.

Do you know which particular meeting?---No.

And did you, when you were dealing with Mr Hawatt and Mr Azzi, get from them reports about meetings at council in which they'd been involved,

which involved one or other of your properties that were before council at the time, I'm sorry, either 538 or 445 Canterbury Road?---What was the question?

I'm sorry. Did you from time to time get reports from Mr Hawatt and Mr Azzi about meetings that they'd been at, at council which had involved your properties?---Yes, I do get the feedbacks.

10 Can I ask that we play LII 02441, recorded on 2 February, 2016. Excuse me a moment. Commencing at 6 o'clock in the evening.

AUDIO RECORDING PLAYED

[4.20pm]

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

20 THE COMMISSIONER: Audio file and transcript of recording LII 02441 recorded on 2 February, 2016 at 6.00pm will be Exhibit 157.

#EXH-157 – TRANSCRIPT SESSION 02441

MR BUCHANAN: So you heard that recording, sir?---Yes, I did.

And did you recognise your voice and that of Mr Hawatt?---Yes.

30 Excuse me. We heard in Exhibit 155, I'm sorry, 156, you inquiring about a meeting that day and then in this recording that we just heard, you asked, which is the next day, you asked about how the meeting went yesterday. This is at the bottom of page 1 of the transcript of Exhibit 157. Do you understand the sequence of events?---Yes, yes.

40 What was the meeting, now that you've heard this, what was the meeting that Mr Hawatt was involved in that you had been inquiring about the previous day, that apparently occurred, and that you asked him about the next day on 2 February?---I don't recall, like fully, but it has to be for the submission for the DA that's in there, to find out how is it going.

And when Mr Hawatt said to you in answer to your question, "How did you go yesterday?" Mr Hawatt said, "Yeah, good, good, everything's on board, everything's okay, we just need to move, move forward, that's it. We're, we're ready. He's okay." To whom was he referring, as you understood it, as "He," "He's okay?"---Maybe to the person that he met with. Could be Spiro, could be, more than likely Spiro. In other words, his staff has recommended the application for approval maybe, subject to whatever you heard at the end.

The public exhibition?---Yes.

Now, you heard Mr Hawatt say after you talked about that – I’m sorry, this is page 2 of the transcript – “All right. So if you, if you and, if you get home early give me a call 'cause by time I finish it’ll be late as well so I’m in Bankstown.” What did you understand Mr Hawatt was proposing occur in that instance?---We go out sometimes. We catch up later in the day. He’s committed, I’m committed to certain like, what he does and what I do,
10 for me to remember why I said this, it’s impossible.

You didn’t understand from what you heard in that conversation, Mr Hawatt at that point was indicating that he wanted to get together with you in order to receive a payment from you?---To receive a payment from me?

Yes, payment of cash.---He never asked for any payment from me.

Did he, as you understood it, have an expectation that he would, when he got together with you, receive cash from you?---No.
20

Can we play another recording, please, LII 02619, recorded on 4 February, 2016, commencing at 1.38pm.

AUDIO RECORDING PLAYED

[4.27pm]

MR BUCHANAN: I tender that audio file and transcript.

30 THE COMMISSIONER: The audio file and transcript of the recording LII 02619, recorded on 4 February, 2016 at 1.38pm will be Exhibit 158.

#EXH-158 – TRANSCRIPT SESSION 02619

MR BUCHANAN: Did you hear that recording, sir?---Yes, I did.

Did you recognise the voices of yourself and Mr Hawatt?---Yes, I did.
40

In that recording you asked Mr Hawatt at 1.38pm on 4 February, “Do you have a spare half hour for the gym today?” Was that an indication that he might receive a payment if he came over to you?---No.

Now, I appreciate that in that recording Mr Hawatt said, “Yeah, I’ll see you soon,” but I just need to show you page 305 of volume 17, item 104. This is a text message from Mr Hawatt to you on 5 February, so it’s the next day after that telephone call. This is at 8.06am and the message reads, “Hi,

Jimmy. Could not make it yesterday. My wife and daughter arrived yesterday from overseas and they needed groceries and other things and did not have a car. I will look into it when I get back from Gold Coast.” So, taking that into account, it would seem on the occasion of the recording the previous day, Mr Hawatt had not in fact come over to the gym and was sending you a text the next day to essentially apologise for not having come over. You understand that?---Yes, I do.

10 In that text message, though, Mr Hawatt says, “I will look into it when I get back from Gold Coast.” That’s the sort of language that is used by people who have been asked to look at a particular issue or problem and find out what it’s about.---Yeah.

20 Do you have a memory of what it was that - - -?---No. Looking into it, to my understanding, is to chase things up. We spoke about something the day before or two days before and I meant, I meant to call him the next day to come over and discuss the outcome. He couldn’t make it, he said, “I’m going to the Gold Coast. When I come back, we’ll discuss it,” or, “I’ll look into it.”

So, it would have been an aspect of one or other of, of 538 or 445 Canterbury Road as you understand it?---That’s the year 2016?

Yes, sir. This is February, 2016, 5 February.---457 was sold by then so it’d be on 538 only.

538. Excuse me a moment. Commissioner, would this be a convenient time to adjourn? I’ve got a little bit more with the witness.

30 THE COMMISSIONER: Yes.

MR BUCHANAN: That’s all with the witness. I had one administrative matter to raise with you.

THE COMMISSIONER: Yes. Mr Maroun, can you be back here tomorrow morning at 9.30? Well, I shouldn’t have put it that way. You’re required to be back here tomorrow morning at 9.30.---Yeah. I’ll be here.

40 Thank you.

MR GRANT: He may have different counsel.

THE COMMISSIONER: All right, Mr - - -

MR GRANT: I can’t be here at 9.30.

THE COMMISSIONER: All right.

MR BUCHANAN: The administrative matter, Commissioner, is that I'm going to make an application to interpose a witness at this point in the witness's evidence, to interpose a fresh witness, Andrew Sammut, S-a-m-m-u, m-m - - -

THE COMMISSIONER: U-t.

10 MR BUCHANAN: Thank you. At 9.30. He won't take long but there's a necessity – if, Commissioner, you could take it from me – from the bar table to interpose him rather than ask him to wait around until Mr Maroun is finished.

THE COMMISSIONER: No, I understand that. Just to assist Mr Maroun, do you think - - -

MR BUCHANAN: I would have thought half an hour, perhaps.

THE COMMISSIONER: All right.

20 MR BUCHANAN: Maybe we could say to Mr Maroun 10.00 for him tomorrow.

THE COMMISSIONER: 10.00. All right. Now, Mr Maroun, I'm changing my direction to you. You're required to come back tomorrow and give evidence, but instead of being here at 9.30, if you can be here at 10 o'clock. ---I will.

30 Thank you. Any other issues from anybody? All right. We're adjourned until 9.30 tomorrow morning.

THE WITNESS STOOD DOWN [4.34pm]

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