

DASHAPUB03256
26/07/2018

DASHA
pp 03256-03307

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

PATRICIA McDONALD SC
COMMISSIONER

PUBLIC HEARING

OPERATION DASHA

Reference: Operation E15/0078

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 26 JULY, 2018

AT 9.30AM

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: Right. The first thing I'll deal with is your application yesterday. Mr Stavis has applied under section 112(1) of the Independent Commission Against Corruption Act for a direction that the evidence that he will give in this public inquiry not be published on the ground that it is desirable in the public interest. I've considered the written and oral submissions of his counsel and also of Counsel Assisting and I'm not satisfied that such a direction is desirable in the public interest and I decline to issue such a direction.

10 MR BUCHANAN: If Mr Stavis could be called, please.

THE COMMISSIONER: Yes. Have we got Mr Stavis here?

MR PARARAJASINGHAM: He's just outside, Commissioner. Commissioner, I can indicate that Mr Stavis will be taking an oath and I will be seeking a section 38 declaration.

THE COMMISSIONER: Thank you. Mr Stavis.

THE COMMISSIONER: Now, Mr Stavis, your counsel has explained section 38 of the Act to you?---Yep.

10 What I emphasise to every witness is that there's a very important exception to section 38, that is if you gave false or misleading evidence to this public inquiry you may have committed an offence under the ICAC Act and you may be prosecuted for such an offence. It is a very serious offence, it's a form of perjury and brings with it a maximum penalty of a term of imprisonment.

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

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

MR BUCHANAN: Mr Stavis, your name is Spiro Stavis. Is that right? ---That's correct.

And what is your occupation?---I'm a town planner.

40 Thank you. Mr Stavis, you have qualifications in town planning. Is that right?---That's correct, yeah.

You have a degree in urban studies from the University of Wollongong. Is that right?---Correct.

And you have undertaken postgraduate studies and courses. Is that right? ---Correct.

Do you have a qualification which is post-graduate?---Can you explain what
- - -

Was a diploma or degree or certificate awarded to you in respect of any other study after you obtained your degree in urban studies from the University of Wollongong?---There were a number of certificates in heritage studies and the like, yeah.

10 If you could just tell us what they were?---It's going back a while now, but I think it was from UNE University.

Yes.---Yep, yeah.

And what was it, what was the certificate that was awarded?---I think it was heritage studies at the time.

Yes.---Yeah.

20 And have you received any other diploma or certificate or award or degree?
---No, no.

Have you undertaken postgraduate studies or courses that didn't result in the award of a degree or diploma or certificate?---Yes, I did. University of New England.

Yes.---Yep.

30 And what were those studies in?---I think it was a Master in Town Planning from memory.

And did you not complete the master's course?---No.

But what did you, what study or course did you undertake in the course of doing that work?---Um - - -

Was there a major, as it were?---There was a major but I didn't complete the course.

40 Right.---Yeah.

Now, in 1991 you worked as a town planner with the Marrickville and Rockdale Councils, part-time without pay. Is that right?---That's correct, yes.

And please tell me if I've got these periods wrong at all, 1991 to 1993 or thereabouts you were a customer service town planner at Sutherland Shire Council?---That's correct.

That's for a period of about two and a half years?---That's correct.

From 1993 or thereabouts to 1996 or thereabouts you worked as a senior planner and compliance planner with Randwick Council?---Correct.

That is to say for about four years?---Correct.

From 1996 to 1999 you worked as a senior planner with JBA Urban Planning Consultants Pty Ltd?---Correct.

10

For a period of about two and a half years?---Yep.

And during that time you held the position of associate with that firm, is that right?---No.

No. Thank you. In 1999 to 2012, did you work at SPD Town Planners? ---Correct.

That was your own consultancy?---That's right.

20

Were you working as a sole practitioner or was there anyone working with you?---No. I eventually had a number of staff working for me, yes.

And what sort of work did you do in that time?---It was mainly development assessment work on behalf of applicants.

And does that mean preparing materials to be provided to consent authorities in support of development applications?---Correct.

30 And maybe section 96 applications as well?---Correct.

In about August 2012 to August 2014, did you work as a senior planner for Strathfield Council?---That sounds correct, yep.

And was the type of work you were doing there in development assessment?---Correct.

And from August to December 2014 you worked as a senior planner with Botany Bay City Council?---That's right.

40

In December 2014 you received a letter from Canterbury City Council offering you employment as director of city planning at Canterbury Council, is that right?---That's correct.

And you took up that position on 2 March, 2015, is that right?---I'm not sure of the exact date but it sounds - - -

Early March 2015?---Sounds about right, yes.

Now, in late 2014, would it be fair to say that your expertise lay in the fields of development design and development assessment?---That's correct.

You did not have expertise in strategic urban design, did you?---Very limited, yes.

10 And I just want to provide, for your consideration, a definition of strategic urban design. If I proffer this suggested definition, I just invite you to respond to it in any way you see fit. Strategic urban design deals with the larger scale of groups of buildings, streets and public spaces, whole neighbourhoods and districts and, indeed, as appropriate, entire cities with the goal of making urban areas functional, attractive and sustainable. Is that your understanding?---Yep.

And does strategic urban design involve, amongst other things, a body of knowledge comprising a set of principles to be applied as appropriate to guide urban design?---That's correct.

20 That's your understanding?---Yep.

Thank you. Now, you were not, in December 2014, familiar with the principles of urban planning, were you?---No, I wouldn't say that.

What would you say?---I'd been exposed to the principles of urban planning, had been involved in my private practice in preparing planning proposals and the like.

30 When you say plan proposals, what sort of plan proposals?---Planning proposals.

Oh, planning proposals?---Correct, yep. Which primarily involve rezoning properties and the like.

40 On those occasions, had you prepared them yourself or had you been relying upon the input of people with expertise in strategic urban design?---I'd say a bit of both. I was obviously, as, being the boss, I oversee [sic] the, the applications and to a large extent, yeah, I did rely on staff to actually prepare the day to day applications.

Taking yourself forward in time to 2015-16, after you'd started work as director of city planning at Canterbury, would it be fair to say that when urban design matters arose in your portfolio – for example, when it came to preparing planning proposals and progressing planning proposals – that you relied upon your strategic planning staff to explain particular strategic planning concepts to you?---Yes.

Can I take you back to the time when you were operating SPD Town Planners. Did you have a corporate vehicle that you used, a company that you'd set up to operate that business?---Yes.

What was the name of the company?---I, I think it was SPD Town Planners.

Proprietary Limited?---Proprietary Limited, yeah.

10 Thank you. Now, is it right that SPD Town Planners ceased to operate in 2012?---Sounds about right, yes.

And what was the reason SPD Town Planners ceased to operate?
---Primarily for financial reasons, really, yeah, yeah.

And can you give us a little bit of detail? What were those financial reasons?---Pretty much clients not paying, therefore obviously leading to cash flow issues and the like.

20 In the period of time just before SPD Town Planners ceased to operate, was there anyone either in SPD Town Planners or with whom you had been working who was not in SPD Town Planners who had done the wrong thing by you with financial consequences?---Working for me or - - -

No, either in the company or outside the company with whom you had some associations. Someone who did, in your opinion, the wrong thing by you and that there were financial consequences for you of that conduct.---The only people that I can think of were mainly clients at the time.

30 There was no financial partner such as an accountant or a business partner or investor in your firm who had done the wrong thing by you?---Certainly not an investor or anything like that.

Accountant?---There was an accountant who was a client at the time.

A client?---Correct.

And what happened in that regard, in relation to that client?---Well, he, he, he owed me a lot of money, pretty much.

40 I see.---Yeah.

I see. Can you give us round figures as to how much he owed you at the time the doors closed on SPD Town Planners?---I, I couldn't, I couldn't with any sort of certainty.

But are we talking about half a million dollars? Are we talking about \$100,000? Are we talking about 50,000, 10,000, 5,000? What was it?
---Oh, look, it's probably closer to the 50,000, yeah.

And did that mean that you, sorry, when I say – I'll withdraw that question. At the time SPD Town Planners ceased to operate, did you have debts?
---Yes.

And what was the total figure of the debts you had?---I don't recall exactly, to be honest with you, but it was a considerable amount of money.

Well, again, if you can give us a ballpark figure, what would you give it?
10 ---Sure. Look, I had a mortgage at the time, obviously.

On your family home?---Correct.

Yes.---Yeah. Um, I mean that, that was pretty much the extent of my debt.

Had you put the mortgage on your family home to set up or operate SPD Town Planners?---Well, not directly, but when you do set up a company they obviously look at your, your cash flow situation and so forth and at that time things were going well, yeah, so - - -
20

Are you saying then that by the time SPD Town Planners ceased to operate in 2012 you were having difficulties meeting the payments on your mortgage?---Correct.

Did you also have, if I can use the word loosely, debts, that is to say sums outstanding by way of wages to people who had worked as consultants or staff?---Staff, yes.

Did you also have outstanding payments by way of superannuation in respect of staff?---Yes.
30

Did you have outstanding debts by way of payments of GST or any other tax?---Yes.

By the time SPD Town Planners ceased to operate in 2012 you were in a serious financial situation, weren't you?---Correct.

Can you tell us how that, what happened with that financial situation from 2012 onwards, that is to say did it get worse, did it get better, if so, how?
40 ---Just trying to cast my mind back, but basically we, on the advice of the accountants at the time, you know, worked out a deal with the tax office and the like.

When did you work out that deal?---Oh, around that time or maybe just before that time, 2012-ish.

Yes. Did that deal involve a schedule of repayments of the debt to the tax office?---I don't recall if it was exactly that, I think there was a liquidation of, of, of the company at the time.

Yes.---Yeah.

But did the company have any assets?---No.

10 So the liquidation didn't assist?---Sorry, what was that?

The liquidation did not assist in paying creditors?---No, no.

Right.---And, and we, we then made a decision as a family to close the business.

Yes.---And sought employment in, in what I know, which is town planning.

20 And had your partner been working with you in the firm, SPD Town Planners?---For a very short period of time, yes. Mainly assisting me with bookkeeping and so forth, yeah.

I see. But you were consulting your partner as to how you should deal with the financial situation that you were in.---Of course.

Is that what you mean by we?---Yes, yeah.

Right. So how did that position – well, I withdraw that. Thinking then of 2013, what happened in relation to that financial position?---Um - - -

30 Were you still carrying those debts?---No, no.

Why were you not still carrying those debts in 2013?---'Cause I, I believe around about that time we sold our, our property that we were living in at the time.

Yes.---And we were lucky enough that we had enough equity and yeah, so that was primarily the reason.

40 And when you say enough equity, enough equity to do what?---Well, at that point in time we obviously to pay some debts - - -

Yes.--- - - - and SPD Town Planners didn't exist so I didn't really have any debts in that regard except for my obligation to one particular staff member, which was repayments of super, which I'm continuing to do as we speak. Yeah, so - - -

As we speak today?---Yeah.

I see. And have you got a schedule of repayments to that staff member that you entered into? Some agreement?---Yes, yes. Yep.

And is that something you've been doing continuously since 2013?---Yes.

What about the wages? Were there wages due to that staff member?---No. There was no, every, all the wages were paid.

10 And what about the debt to the ATO?---That was effectively quashed, liquidated as I said earlier.

How?---I don't know. I mean, again, at the time it was the accountant who had advised me to, I don't know what their terminology is to be honest with you, but basically if you, they entered into some sort of liquidation of the company, whatever that means.

20 THE COMMISSIONER: Or a deed of arrangement?---No. It wasn't, I'm not sure if it's, I don't know what the terminology is, Commissioner, but it, it effectively meant that the ATO agreed that the company could not pay the, the debt.

Sometimes in those circumstances, if the company's going to liquidation, the ATO looks to a director of the company. Did that occur? Sorry, looks to the director to pay the outstanding tax.---It didn't occur, no. No. I, I remember it was in, in a phone conference with the ATO at the time and, and whoever the creditors were that we owed money to, and then it was basically the decision was made by the ATO not to pursue. So, we effectively just shut up shop, yeah.

30 MR BUCHANAN: Was money paid to the ATO from any source before the ATO made that decision.---Well, we, I tried to, obviously our GST costs and so forth up until a certain period of time when I obviously had difficulties in the company. So, the answer's yes, yeah.

Sorry, I should have perhaps been a bit more specific. Was there a debt you incurred to anyone by reason of the ATO receiving money at the time or shortly before it decided to make that agreement with you? Do you understand the question I'm asking?---No, sorry.

40 At the time the agreement occurred with the ATO, was money paid to the ATO to assist it, as it were, in reducing the debt?---Yes.

Where did that money come from?---From, from SPD Town Planners. Obviously we were still operating at the time, so I'm not quite understanding your question. If, if, are you - - -

How long after SDP Town Planners ceased to operate was it that this arrangement was entered into with the ATO?---No, no. I think SPD Town

Planners had, had finished after the, well, pretty much after the ATO and then yeah, yeah.

No, sorry. I don't understand your answer, sir. Which came first, the last day of operation of SPD Town Planners or the telephone conference which involved the ATO and other creditors?---Sorry, say that again? Sorry - - -

Which came first in time?---What was your question again, sorry? Which came first in relation - - -

10

Okay, thinking of the last day of operation of SPD Town Planners, then thinking of the day that you had this telephone conference with creditors including the ATO, which came first?---The last day of SPD Town Planners, I think. Yeah.

So, the telephone conference with creditors occurred before the last day of operation of SPD Town Planners?---I believe so, yes.

And all of that occurred in what year?---Around - - -

20

That is to say, the last day of operation of SPD Town Planners and the arrangement with the ATO and other creditors.---I believe it was around 2012.

Did you ever enter into a deed of arrangement with any creditor at any time?---Yeah, I believe I had credit card debts, from memory, if that's what you're referring to.

Well, that would be the next question.---Okay.

30

But the first question is, did you ever into a deed of arrangement with any creditor?---Yes.

At all. Any time at all.---Yes.

You did. How many deeds of arrangement have you entered into with creditors over your life?---To be honest with you, I can't recall exactly the number.

40

Well, again, can you give us a ballpark figure of just so that we have some impression of how many deeds of arrangement with creditors you have entered into during your life?---Maybe two or three.

Now, just doing the best you can – I appreciate you don't have notes in front of you or anything like that – we're just after your best recollection, that's all, okay?---Sure. Yeah.

When was the first deed of arrangement with creditors that you have entered into?---Oh, um - - -

You can tell us by relationship to milestones like, for example, the closing down of SPD Town Planners or moving to this job or moving out of that job if you can't think of a particular year.---Sure. It would have been probably around when SPD Town Planners was, was failing, I guess.

10 Yes. And what did that deed of arrangement entail? That is to say, what obligation did you assume under that deed of arrangement?---Enter into sort of a payment arrangement, yeah.

Right. And was the ATO a creditor or a party to that deed of arrangement?---No.

So it was payment to what sort of creditors?---Credit card.

20 Was there a time when your obligations under that deed of arrangement finished?---No.

So you continue today to have obligations to make payments under that deed of arrangement, is that right?---Correct.

Thinking now of the next deed of arrangement that you have entered into with creditors, when was that deed of arrangement entered into?---Probably around the same time, yeah, yeah.

And which or what type of creditors?---Again it was another credit card.

30 And was there a time when your obligations under that deed of arrangement expired or ceased?---Yes.

When was that?---It wasn't, it, it wasn't long after that because that wasn't as, as big a debt.

Can you tell us what year it was that you no longer had obligations under that second deed of arrangement you've told us about?---To the best of my recollection it would have been around 2013 or thereabouts.

40 Thank you. So you've told us about two separate deeds of arrangement in relation to credit cards. Did you ever have any other deed of arrangement in relation to credit cards?---No, not that I can think of.

Did you ever have any other deed of arrangement where the creditor was not a bank or financial institution in relation to your use of credit cards?---Yes.

What other deed of arrangement are you thinking of in answer to that question?---That was in relation to a vehicle that I'd bought.

And when was it that you entered into that deed of arrangement?---Oh, that would have, probably around the same time. Maybe a little bit earlier than 2012.

And was there a time when your obligations to make payments under that deed of arrangement ceased?---Yes.

10 When was that?---Probably a couple of years after that, from memory.
2014?---Yeah, thereabouts.

When in 2014, can you recall?---No, sorry, not exactly, no.

Okay. So you've told us about two deeds of arrangement where the creditors were financial institutions in relation to credit cards, a deed of arrangement in relation to the purchase of a motor vehicle. Have you entered into deeds of arrangement in relation to any other creditor?
---Not that I can recall, no.

20 So thinking of the debts that you had at the time that SPD Town Planners closed its doors, so that's in 2012 as I understand your evidence. Is that right?---Yep.

Subtracting, if you wouldn't mind, the obligations to make payments that you had under the three deeds of arrangement that you've told us about, to the extent that they still operated at that time, what other debts did you have? Do you understand my question?---I do, yes.

30 Right.---Mortgage.

The payments on the mortgage?---Correct.

And can I just ask though, did you also at the time that SPD closed its doors also have an obligation to this staff member in respect of wages and superannuation?---Not wages, but superannuation, yes.

40 What had happened in relation to the wages debt?---That, that had been paid before we had closed up shop.

Right. And I apologise if we go over ground that you've already gone over, but how then was the superannuation debt dealt with, if I can use that generic term?---Yeah, sure. It was through an agreement between myself and the staff member to pay a certain amount to her.

A certain amount on a regular basis?---Regular basis, yeah, yeah.

And did you fulfil your obligations under that agreement?---And I'm still doing that.

And you're still doing that. Right. Okay.---Yeah, yeah.

Now, in 2012 you knew Nick Katris. Is that right?---I, yes, yes.

Did you tell him in 2012 that you had financial problems or your business had financial problems?---Not that I can recall, no.

10

Obviously at some stage in 2012 there were a few people who were aware that you had financial problems. Is that fair to say?---It is fair, yes.

Did you tell any of your friends, did you confide in any of your friends the difficulties you were in?---Of course.

And so would it be fair to say that by say the end of 2012 there were a number of people who were aware that you had serious financial problems. Would that be fair to say?---Yes.

20

You knew Ziad Chanine in about 2012. Is that right?---Yes.

He had an office in the same building. Is that right?---Correct.

Did you know Marwan Chanine in 2012?---I don't remember if I knew him personally but I knew of him, yes.

And was Ziad Chanine a person that you spoke to from time to time?---Yes.

30

And would it be fair to say that when you were closing the doors of – by the time you were closing the doors of SPD Town Planning, Ziad Chanine was a person who was aware that you had financial problems?---I'm not sure. I, I didn't directly divulge that to him but obviously maybe through other people he may have.

You didn't have the sort of relationship with him in 2012 where you would confide in him as to the reason you were leaving the building as it were? ---No. I wouldn't, I didn't have a personal relationship with him, no.

40

Did you tell him why you were leaving the building?---Possibly.

And the reason you were leaving the building was because of the financial problems that your business was in?---Yep.

So, it'd be fair to say that in the second half of 2014, just going forward in time now, you certainly by then were employed between August and December at Botany Council and had a wage as a planner working there, is

that right?---I'm not exactly sure of the timeline, but that sounds about right, yes.

But you had serious debts as well as a wage coming in, is that fair to say? Whether they are simply debts or they are arrangements or agreements that you had to pay debts.---Yes.

And I'm not going to go into the detail of this but you also had a family to support, is that fair to say?---Correct.

10

And did that include children?---Yes.

Your salary at Botany Council, was that in the area of \$110,000 a year plus superannuation plus a car?---Sounds about right, yes.

And can you now go forward in time to when you started at Canterbury Council, which I'm going to suggest to you was March, 2015. Was your salary on appointment at Canterbury Council in the area of \$250,000 per year, including superannuation but in addition to that a car?---Correct.

20

So obviously your appointment as director of city planning at Canterbury City Council was something that you really needed in order to assist your financial position?---I wouldn't say that's, that's true.

What would you say?---I think we were, at that point in time we were starting to get ahead and meeting our obligations, yep. So, I wouldn't say it was a, an essential thing for me or us as a family.

30 Was it something which was very welcome because of the more than doubling of your income?---Of course, yep.

Having regard to, in the context of the wider financial position you were in?---Of course, yeah.

40 Do you think that in late 2014 and throughout 2015-2016, thinking of the appointment of you to the position of director of city planning of Canterbury and your doing of your job as director of city planning at Canterbury, you were vulnerable to being influenced in how you did your job by people who were in a position to ensure that either you were paid a good salary or not paid a salary at all?---Um - - -

What do you think?---Can you repeat that question? Sorry.

Yes, sure. If there were people at Canterbury Council who could say, "Mr Stavis, you're going to continue to be paid \$250,000 plus a car," but at the same time they had the power to say, "You're not going to continue to receive \$250,000. It's going to stop tomorrow," if there were people who had that power at Canterbury City Council, then would it be fair to say that

they were in a position to influence you as to how you did your job?---Not in terms of how I did my job but obviously you would under those circumstances feel some pressure, I guess.

Well, now you're talking about what actually happened, aren't you? And I am actually just asking you just think in abstract.---Sure, sure.

10 In abstract you would be in a real predicament if you all of a sudden didn't have that \$250,000 a year, correct?---Okay, I'll answer it this way. At that point in time I was, we were doing okay as a family, but in answer to your questions, of course, yes.

And there were people at Canterbury Council, weren't there – I'm now going to ask you to think about what actually happened – there were people at Canterbury Council who were in a position to decide or influence the decision as to whether you'd continue to receive that salary, weren't there? ---Yes.

20 The most obvious one was Jim Montague, the general manager, is that correct?---Yes.

But on what you know, Councillor Azzi and Councillor Hawatt were also in that position, weren't they?---Yes.

We'll come to why later.---Sure.

30 Would it be fair to say that there was a third category of people who were in a position to ensure you continued to be paid a salary or that suddenly stopped, and that is developers, property developers, who seemed to have influence with Councillor Azzi, Councillor Hawatt or the general manager? They had that same power, in effect, having regard to what was going on, didn't they?---I guess indirect power, yeah, yeah.

40 And the suggestion I was making to you earlier that you baulked at was that these people, sorry, that you were vulnerable to being influenced in how you did your job. I'll put an alternative to you. You were vulnerable, weren't you, to being influenced as to what you did or didn't do in your job by these people who had the power to turn off or turn on the income tap.---Sorry, can you ask that question again?

Yes. These people, the property developers, you've said indirectly, Councillor Hawatt, Councillor Azzi and Jim Montague were people who, because of the situation you were in, were able to influence you in what you did and didn't do in your job at Canterbury.---Correct.

Excuse me a moment. I just want to take you to a document. I won't keep you long, Mr Stavis. Now, in December of 2014, after – I withdraw that. We'll come to the chronology a little bit later but I just want you to think, if

you wouldn't mind, of when you got the letter of offer of employment as DCP from Mr Montague. I want to suggest to you that that letter was dated 8 December, 2014.---That sounds about right.

And was it that day or the next day that you resigned from Botany City Council?---I believe it was the following day.

Right.---Yeah.

10 You put in an email of resignation - - -?---Yes.

- - - effective January or February in 2015. Is that right, something like that?---Something like that, yeah.

So in that context, I don't want you to ignore that, but I'm going to ask you whether there was something else at play here. Can the witness be shown volume 4, page 62, please. Mr Stavis, the Commission has extracted from Michael Hawatt's mobile telephone a number of text messages and these are from time to time reproduced in schedules like this. I appreciate there's
20 only one item in this schedule that I'm showing you. And the way it is to be read is that there's a number, an item number on the left-hand side under the heading Party, there is an identification of the number and the party from or to whom the text was received or sent, then there's the date and time of the message and then under the heading Message on the right-hand side is the content of the SMS. Do you see that?---Yes.

In this instance it's identified as a text message to Councillor Hawatt from you. Could you just have a look at that mobile telephone number there. Do you recognise that mobile telephone number?---Under Party or - - -
30

Yes.---Yeah, that's mine.

Thank you. And the date of this message is 23 December, 2014 at 10.47pm. ---Ah hmm.

And under the heading Message is, "Hi, Michael. I'm sick to my stomach, mate, for what he's done to me. I know you're on my side but please, I need the job. Sorry for harping. Spiro."---Yep.

40 Do you recall sending this message or this sort of communication to Michael Hawatt?---Yes.

Now, as I say, it is after you have resigned from your job at Botany that you sent this message and it's obviously after you have been told that Mr Montague is not going to honour the offer of employment that he made to you on 8 December, 2014.---Correct.

So that's what you're talking about when you say, "For what he's done to me," meaning for what Jim Montague has done to you. Is that right?

---Correct.

But when you said, "I know you're on my side, but please, I need this job," just focussing on the words, "Please, I need this job," given the evidence you've given us, it wasn't just that you no longer had a job at all, it was that this job offered you more than twice the salary that you had been enjoying from August to December of 2014, wasn't it?---No, no.

10

Why not?---It was merely a case of me having resigned from a position and having no salary and, you know, with obviously the news coming through that the offer had been withdrawn, that I was left with no salary to support my family and for me. That's what I meant by, "I need this job."

But you had a track record as a planner who had worked in private practice and in the public sector, didn't you, at that stage?---Yes.

20 And indeed you had worked for more than one local government authority, a number of councils as a senior planner, hadn't you?---Correct.

There was no reason to think, was there, that you wouldn't be able to going to get a job as a senior planner with a council, another council, was there? ---No.

30 But what you were having taken away from you by Mr Montague deciding not to honour his offer of employment to you was the opportunity to earn far more than you had ever earned before or could have hoped to have earned. Isn't that the case?---No. I earned, whilst I had a private practice during the good years, I was earning a considerable salary.

But you weren't going to go back to private practice, were you?---No, I wasn't, no.

No. And you had no reason to think that you would have a prospect of getting a job at director level anywhere other than Canterbury? This is as at 23 December, 2014. Is that fair to say?---At that time, yeah?

40 Yes.---Yes. That's fair to say.

If we could go to volume 5, page 177, please. This is, I hasten to add, in Exhibit 52. Page 144 that is shown in the screen there at the moment, but please feel free to flip over the pages in the hard copy, Mr Stavis. I'm sorry, did I say 177? Sorry, yes. 177, my mistake, I do apologise, is a letter to you from Mr Montague dated 9 December, 2015. I'll just draw your attention to that. Do you see that?---Yep.

And it's headed, "Annual salary review." It's addressed to you and he says that your total remuneration package will be increased to \$256,250, effective from the pay period ending 29 January, 2016, in being a 2.5 per cent increase." Do you see that?---Yep.

And that was an increase you did receive, is that right?---Yes.

Can we go please to page 227. This is another listing of text messages, Mr Stavis.---Sure.

10

On page 227, you can see the numbers down the left-hand side. If you go to item 72, can you see it's a text message – I'm sorry, and when I say it's a text message, it's a text message extracted from Mr Hawatt's telephone. ---Yep.

20

It's from you. It's dated 17 March, 2016, at 10.27pm. And the message reads, "Hi, mate. Can you please talk to Jim about the pay rise he promised? He said he would do ages ago. Please don't say that I said anything. Cheers, Spiro." And just for completeness, if you go to the next message, item 73, Mr Hawatt replies at 10.29pm, "No problems. I will do it subtly." And then item 74 is a reply by you at 10.30pm, "Thanks, mate. I also mentioned it to Pierre, just so you know." Do you understand that Mr Hawatt did speak to Mr Montague about a pay rise shortly after this request from you in March 2016?---I really don't recall if he did.

Did you get a pay rise in 2016?---Yes.

You did?---Well, based on the letter - - -

30

I'm sorry, no, no, no, no. I don't mean the pay rise that is the subject of the letter that we saw. That was to be effective at the end of January 2016. This is in March 2016, a pay rise over and above the 2.5 per cent that you got by reason of what we can describe as the award.---Oh, okay. Sorry.

This is an additional pay rise.---Yes.

So I'll take a step back. Had you spoken with Mr Montague, or he with you, about an additional pay rise?---Yes.

40

And what was the order of the pay rise? When I say order I mean quantum, amount.---I don't recall exactly but it was to be in line with the other two directors, from memory.

Was there a discrepancy between what you were on and what the other two directors were on?---I'm not sure if it was a discrepancy or if it was just a pay rise for the three of us.

And you hadn't received it?---No. No. I had discussions with Jim about it.

Yes.---Yeah. Yeah.

And did you get that pay rise?---Yes.

Now, did you say anything to Mr Hawatt about, you know, thanking him for his efforts in respect of that pay rise?---Possibly.

Is it likely you did?---Yes.

10

Excuse me a moment. Can I take you to page 220 of volume 5. If you could just have a look at this. It appears that Mr Montague is asking the group manager (financial services) to make amendments to the package which you, the other directors and a Ms McIntosh received as at April 2016.---Ah hmm.

Could it have been around April '16 or pursuant to a memo of this kind that you received the additional pay rise in 2016?---I think that's fair, yeah.

20 Can I take you back to Ziad and Marwan Chanine. They operated as a team in their business, as you saw it, I take it?---Yes.

With Ziad focussing on the architectural side and Marwan focussing on the development side.---Yeah.

Is that fair to say?---Yes.

Now, when you were at Strathfield Council - - -?---Yes.

30 - - - thinking of that time, did you prepare an assessment of a DA which related to an entity operated by Ziad and Marwan Chanine at an address 549-557 Liverpool Road, Strathfield?---I don't think whilst I was employed at Strathfield I did that.

What's your memory?---It was after I had left Strathfield.

Right.---Yep.

40 Can you tell us about that, please?---About the application itself or - - -

Well, what was it that you did?---I believe it was to prepare a statement of environmental effects report.

In respect of what property?---It was on Liverpool Road. I don't remember the exact number.

And was it as you understood it a proposed development by Ziad and Marwan Chanine?---Yes.

One of their corporate vehicles?---Yes.

And can you tell us, did you prepare that statement of environmental effects?---Yes.

Was it with a view to it being, as you understood it, submitted to Strathfield Council?---Yes.

10 In support of a development application?---Yes.

A development application, not a 96 modification application?---I can't remember if it was a DA or a section 96, but it was certainly an application, yeah.

And who approached you to do that work?---I'm not sure if it was Ziad or Marwan, but I believe it was Ziad.

20 How was that approach made?---Probably through a telephone call I guess, yeah.

Well, okay. I've got no objection to you telling us that it's likely it was this or it was probably it was that, or it was certainly that, if you have no memory. It's just we need you to indicate to us, as I think you just did, when you don't actually have a memory so that we know, okay, you're telling us from what you understand of how things worked at the time, or your relationship with people.---Sure.

30 But you in fact have no memory. Okay. So do you understand what I'm asking?---I do.

And there is it fair to say you don't remember how the approach was made to you, but the likelihood is, given the relationship you had over time with these two men that Ziad Chanine made an approach to you. Is that the effect of your evidence?---That's correct, yes.

Okay. If we could continue like that.---Yeah.

40 And you tell us when you do have an actual memory and when you don't. ---Okay.

Or if you've got a faint memory, tell us that as well obviously.---Sure, sure.

Now, was there a meeting that you had with either Marwan or Ziad about that project?---Yes.

How many meetings did you have with either or both of them about that project?---I don't think any more than two I guess, yeah.

Was any of those meetings over a lunch?---Possibly.

Right. These were men with whom you did have lunch from time to time over the years. Is that fair to say?---Not regularly.

No.---But, but yes.

Occasionally?---Occasionally.

10

And do you know why you were approached to prepare that statement of effects?---I guess it was because I had worked at Strathfield.

Yes.---And I knew the, the, the planning controls and knew the, I guess the, the likely issues that would arise with such proposals.

20

And how – I withdraw that. Now, in giving that answer, was it a conversation that you had or an email from either Ziad or Marwan that indicated that that was their motivation or that was their thinking or are you saying, look, from what I know of the relationship from my own background, that's my, that's what I imagine was their thinking?---The second part.

The latter?---The latter, yes.

To your knowledge, how did they know you had worked at Strathfield Council?---They had applications in the council when I was there.

30

Did you have dealings with either of them on any of those applications?
---To be honest with you, I can't recall if I had direct dealings with them but they certainly knew that I worked there.

What is in your memory that tells you they certainly knew that you worked there?---Because I saw them a number of times at council, yeah.

40

In relation to one of their applications?---Generally just in passing, I'd see them at the front counter and, and I knew that they had dealings with other town planners as well within the council. I mean it was a very small council, so it was, everyone sort of amongst ourselves, talked about applications and the like.

Do you remember the proposed development on Liverpool Road that was the subject of your statement of environment effects being an application that you had anything to do with whilst you were at council?---Yes.

And what was your contribution to that proposed development whilst you were there, whilst you were at council?---I believe – and, look, it's going way back now – but to the best of my recollection, I either dealt with the

application or oversee [sic] it and the nature of my dealings with them at the time was basically to address any issues of concern that, that arose and I also believe that I had a, maybe a, a meeting or two with them about it.

Can you describe to us, please, the proposed development as it was when you were at Strathfield Council?---It was either a mixed-use development which involved either retail on the ground floor with multiple levels above or it was just plain residential flat building, multiple levels.

10 On an address at Liverpool Road?---Correct.

Now, whilst you were at Strathfield Council, did an issue arise in respect of the proposed development, the application which needed solving?---Yeah.

What was the issue?---It had, it was in relation to bulk and scale and height. Yep.

And was a solution found?---Yes.

20 What was the solution?---Effectively, the issue was, in relation to bulk, height and scale was the adverse, what was perceived to be an adverse impact to the adjoining properties at the rear. So, I basically suggested to them that they remove the bulk from the rear and place it elsewhere, where it would not impact on the surrounding properties. So, that, that was the effect of the resolution.

And where was it that you suggested that part of the bulk be placed?---I believe around the corner of Liverpool Road and I'm not sure what the, the side street was.

30 To what height was the bulk that would be moved to go?---I'm not sure exactly now to be honest.

To what height in relation to the height of the proposed development? ---Maybe a storey or two.

And extra storey?---Yeah, possibly, yeah.

40 And you were the one who proposed the solution?---Yes.

And why did you propose that solution? I'm sorry, no, that's an ambiguous question. Why did you propose a solution at all?---Because at the time I, there were impacts and we had received objections from neighbours, mainly primarily around overshadowing and the like, and I believed that this would be a win-win for both parties, really.

Was an amendment made to the plans to that effect?---I can't recall.

Was the DA approved?---I can't recall that either, I'm sorry.

Did you write an officers' report or contribute to an officers' report to Strathfield Council or its Development Committee recommending an approval?---Possibly, yeah.

10 And I've been saying "them" meaning Ziad and Marwan. Thinking back now with whom – I'm not saying it wasn't both, but I'm just asking – was it more Ziad you were dealing with in relation to the proposed solution, or more Marwan, or were they both present as far as you were concerned?
---Generally they were both present.

Was there any social interaction that you had with either of them whilst you were at Strathfield Council?---I don't believe so.

Was there any social interaction you had with them after you left Strathfield Council?---Yes.

20 When was the first social interaction you had with either Ziad or Marwan Chanine after you left Strathfield Council?---I don't remember the exact time, to be honest with you.

How many times in your life have you had social interactions with Ziad and/or Marwan Chanine?---Not many.

30 Between the time that you started work at Canterbury Council, which I've suggested is March 2015, and going backwards to the time you were at Strathfield Council, so that period, how many social interactions did you have with Marwan and/or Ziad Chanine?---Not many.

Can you give us a ballpark figure, please?---I can try. The, the main interaction I had with them was in relation to, obviously, the DA that we spoke about.

Which DA?---At Liverpool Road, I think, from memory, yeah.

40 Yes. And was that pursuant to the commissioning of you to provide a statement of environmental effects?---Yeah, yeah, yeah. And then after that maybe a couple of times.

So you did have social interaction with them in relation to the consultancy to provide the SEE for Liverpool Road, is that right?---Yeah.

And the SEE, was it in respect of the same site as had been the subject of a DA where you had proposed the solution to the bulk and scale issue?---I don't recall if it was for that.

But it was a Liverpool Road, Strathfield address?---I think so, yeah, yeah.

So the only work that you've done in the – no, I withdraw that. What I'm trying to find out from you is do you know whether the Chanines have had any project at Canterbury Road, Strathfield, on Canterbury Road, Strathfield, other than the one that was the subject of the DA that you gave some assistance on in relation to the bulk and scale issue?---Canterbury Road, Strathfield?

10 Liverpool Road. I'm sorry, I apologise.---That's okay. Sorry, can you repeat the question?

Yes, sure. Do you know whether the Chanines have had any development site or proposed development site on Liverpool Road, Strathfield, other than the one where you provided some assistance on the bulk and scale issue?
---No.

20 And so is it fair to say that the likelihood is that the consultancy to provide a SEE that you received from the Chanines after you left Strathfield was in respect of that same site?---I think that's fair.

When you received that consultancy, do you remember what year it was?
---No, not exactly, no.

Do you remember what you were doing for paid employment at that time?
---At that time, it may have been when I was at Botany Council. I just don't
- - -

Well, that started in August - - -?---Yeah.

30 - - - 2014 on what you and I have agreed anyway.---Yeah.

Unless I've made a mistake there.---Yeah. So, sorry, can you repeat the question, sorry about that.

40 Yeah, sure. The question is, when you got the commission to prepare a statement of environmental effects in respect of a property on Liverpool Road at Strathfield, this is after you'd left Strathfield Council, did you have paid employment at that time? And the second question is, with whom?
---I'm just trying to think. I don't recall the timeline between when I left Strathfield and how long that was before I got employment at Botany, but there were occasions when I was doing just work from home and it may have been one of those circumstances.

But your first answer was, you think you were working at Botany at that stage?---That was my first answer, yeah, yeah.

What were the circumstances in which you were asked by the Chanines to prepare the statement of environmental effects, as best as you can recall?

---When you say circumstances - - -

What's your memory of how you were commissioned?---Okay. Again I believe it was, it was likely that I got a phone call from them to do that.

But you don't remember?---No.

Did you have a meeting with them about it or either of them?---Yes.

10 Where was the meeting?---That I don't remember.

Was it a lunch?---Possibly, yeah.

You've heard of, have you heard of an address at Kanoona Avenue, Homebush?---Yes.

You received a consultancy from the Chanines to prepare a document in relation to a section 96 application for such a development. Do you remember that?---I do.

20

Is that the same development as the one where you were commissioned to do an SEE that you've described as being on Liverpool Road, Strathfield, or a different development?---It's different.

Okay. So there are definitely two separate commissions that you received from the Chanines in between leaving Strathfield Council and starting at Canterbury Council?---Yes.

30 And you were working at Botany Council when you received the commission to do the work on the Kanoona Avenue, Homebush development, weren't you?---I believe so.

So the chances are you were working at Botany Council when you received both these separate commissions, is that right?---I'm not sure about the Liverpool Road one but, but Kanoon possibly.

Kanoona?---Yeah, Kanoona, sorry. Yeah.

40 Excuse me a moment.---Sure.

Now, can I just go back over, then, the history of work that you have done in the context of employment by, relevantly, because talking about 2014 in particular but also 2013, if it's appropriate, and obviously 2015 when you were at Canterbury, work that you have done of a private nature.---Sure.

Thinking of Ziad and Marwan Chanine, how many separate consultancies or commissions have you received from them to do private work altogether?

---Not many apart from those two, to the best of my recollection, that, that we spoke about earlier.

By that, do you mean you can't remember any others?---Yep, that's correct.

And you don't think there were any others?---I don't think so. No.

THE COMMISSIONER: They never engaged you as a town planner when you were working out of the same building?---No, no.

10

MR BUCHANAN: They never gave you a consultancy whilst you were with SPD Town Planners?---No. Not that, not as far as I can recall, no.

Well, the likelihood is, if you had received one, you'd be likely to remember it, wouldn't you?---Yeah.

And when you did the private consulting work for Ziad and Marwan Chanine, did you do that work in your own name or in the name of some company or other entity?---That I don't recall.

20

Did you have a consulting company as a vehicle that you used for private work after you left SPD Town Planners?---It may have been SPD Planning. Yeah, but it wasn't a formal company as such.

Are you saying it's a business name?---It, it, I would have if - - -

That's all right.---It's, it's likely that the private work that I did would have come under a business name of sorts, yeah.

30 Can I ask a question, what did SPD stand for?---Stavis Planning and Development.

Thank you. Was that a name or a business name that you also used?---Yes.

So, you used two names generally speaking, sorry, three names. SPD Town Planners Pty Ltd, SDP Town Planning as a business name and Stavis Planning and Development as a business name?---Correct.

40 Now, whilst you were at Strathfield Council, had you done private work?---I may have, yes.

When in your career did you first do private work? Leaving aside SPD Town Planners if you wouldn't mind.---Sure.

When did you first do private work whilst you were working for an employer?---Well, the first job I got after SPD Town Planners finished was with Strathfield so it would have been around about that, that time.

How many projects did you work on privately whilst you were working at Strathfield?---Not many. Not many.

Less than six? Is that what you say? Or around six?---Around six, I think, probably.

But Ziad and Marwan Chanine were not included in any of those six project?---No, I think they were.

10 I'm sorry, okay, let's start again. My mistake. I misunderstood. Going back to the time you were working for Strathfield Council, you did private work for Ziad and Marwan Chanine. How many such projects? About six, is that right?---When I was at - - -

While you were at Strathfield. Just thinking of Strathfield.---No, I don't think I, I don't believe I did any whilst I was at Strathfield.

20 Again, I apologise. I misunderstood. When did you do your first private job for Ziad or Marwan Chanine?---The best of my recollection, it was after I left Strathfield.

When you did that job, were you then working for Botany Council?---Yeah, as I said earlier, I think it, it was either just before or whilst I was. I don't really recall exactly the exact date, yeah.

Whilst you were working for Botany Council, how many private jobs did you do altogether?---Not many.

30 How many private jobs did you do for Marwan and Ziad Chanine whilst you were working at Botany Council?---I think I, as I said before, it may have been that Kanoona project, yeah, yeah, but I don't think I had many more than that, to be honest with you, no.

And what about the statement of environmental effects for an address on Liverpool Road, Strathfield?---Again, it would have been around the time, it was either just before I was employed at Botany or, or - - -

After you've started?---Yeah, yeah.

40 So there were two jobs that we've identified for Marwan and Ziad Chanine. ---Yeah.

Now, how many other private jobs have you done whilst you've been employed by a council?---I don't think many. I'm not sure of the exact number.

But it's more than those two for Marwan and Ziad Chanine that we've identified?---Yes.

And have the other private jobs been for Marwan and Ziad Chanine or for other people?---It would have been for other people, yes.

Who have the other people been who have commissioned you to do private work whilst you've been employed at a council?---Just trying to think. Mainly architects, so it would have been, I think there was a job that I did for CMT Architects. Mmm, it's going back a long time now so I'm just trying to recall.

10

That's okay.---But that's one that comes to mind.

Yes. And you think that there had been others or would have been others? ---Possibly, yeah, yeah.

Is there anything at all that you can assist us with as to either who would have commissioned you or what the site was or the nature of the work was for the others?---Nothing comes to mind at the moment, sorry.

20

Thinking of CMT Architects, where were you working? That is to say, what council were you working for when you did some private work for CMT Architects?---I don't really remember which council it was at the time.

Do you remember what year it was?---See, there was a period in time, obviously, that I wasn't employed so - - -

After SPD closed?---Yeah.

30

Right.---It might have been around that time. Yeah.

Did you do a job for CMT Architects whilst you were working at Strathfield Council?---Not that I can recall, no.

Whilst you were at Canterbury Council - - -?---Sure.

- - - did you do any private work?---I don't believe so, no, no.

40

When you say you don't believe so, can I just ask you to assist us, that suggests that you're suggesting that there's a possibility that you did and you've forgotten or something like that?---No, I just don't remember, no, sorry. Yeah.

Did you do any work for the Chanines, private work for the Chanines, whilst you were at Canterbury Council?---No.

So you're certain about that?---Mmm.

But you're not certain whether there might not have been other private work that you did at Canterbury Council but you can't recall any. Is that the effect of your evidence?---Yes.

Did you disclose to Botany Council that you had been asked to or were undertaking private work?---I don't remember if I did.

10 Do you remember filling in a form or making an entry on a register of secondary employment whilst you were at Botany Council at all?---No, I don't remember that, no.

Do you know whether the statement of environmental effects that you prepared for Marwan and Ziad Chanine in respect of an address at Liverpool Road, Strathfield, was submitted to Strathfield Council?---I, I don't remember if it was, no.

Did anyone come back to you and say, oh, look, there's been a question about some part of the report, or anything like that?---I don't recall.

20 Thinking of the suggestion you made to address the bulk and scale issue in respect of the Liverpool Road address at Strathfield that you've told us that you did whilst you were employed as a planner at Strathfield, would it be fair to say that you demonstrated to Ziad and Marwan Chanine by doing that, that you had an approach to your work which included providing solutions to developers with issues concerning the progressing of their DAs through council?---Yes.

30 And just on the same subject, have you had through your career, at least up to the time that you've finished up at Canterbury-Bankstown Council, an approach to development assessment work which included, and if I can use the word, an ethos, if you understand the term, of where issues arose in relation to a developer's designs conflicting with development standards imposed by development controls, that if you could, you would assist the progressing of the application by suggesting or proposing or offering solutions to the developers?---That's fair, yes.

And you saw that as a legitimate part of your job?---Yep, yes.

40 Can you just tell us a little bit more about that? If you can tell the Commission what your approach was in that regard, please?---Sure. I was a, a, a, I guess a solutions kind of planner. There are sort of two types of planners, if I may use that. There's the conservative planner who is basically someone who just follows controls and, and that's it, whereas I try to find solutions to issues, whether they be developers, applicants or, or whoever, and I learned that through the course, excuse me, through the course of, in my private practice as well. Yeah, so - - -

When you say you learned that through the course of your private practice, the very nature of your private practice was to provide a product for your client, wasn't it?---Yes.

And that product would invariably include advice as to how to go about progressing their aims, ambitions if not actual applications that had been lodged?---That's fair.

10 Whereas when you were working in the public sector for councils, the nature of your job was necessarily different, wasn't it?---I wouldn't necessarily agree with that. I think it was about, and using the example that I gave before when I was at Strathfield, it was about trying to find, I guess, a solution to progress, not necessarily progress but to ensure that there is a balance between what the public would want, I guess, and obviously what the applicant wants. So, to that extent, that was the approach that I believe was appropriate as well whilst working at councils.

Focussing on the work you were doing at Canterbury Council.---Sure.

20 Your job, however, was to assess applications under the Environmental Planning and Assessment Act, wasn't it?---Well, I wasn't, whilst I was at Canterbury, I wasn't specifically assessing applications in terms of the day-to-day duties but, yes, that would be part of my duty, yes.

And you were supervising and directing the people who were conducting the assessment of applications in which you from time to time became involved, is that right?---Correct.

30 And the task of assessment under the Environmental Planning and Assessment Act, I want to suggest to you and invite your response, did not include the provision of solutions to applicants?---No, I don't agree with that.

You tell us what you think.---Look, I believe that – are we talking about specifically when I was Canterbury or - - -

40 Yes. Focussing on Canterbury for the moment.---Okay. No, I believe that, as I said before, I, my ethos was to look at providing solutions in relation to applications. Again, balancing the applicant's requirements I guess and the public.

And did you think that is what your staff in development and assessment should have been doing as well?---Correct, yes. Sorry, excuse me.

And is it a reasonable summary of what you did whilst you were at Canterbury, that you indicated to your staff that that's what you wanted them to do?---I think that's fair, yes.

And I've been talking about – my question though was, if I can just come back to it, the task of assessment under the Environmental Planning Assessment Act, section 97C, did not include the provision of solutions to applicants, did it?---No, but it's a generic, it, it, it, section 79C you're referring to or – I think that's probably - - -

79C, thank you. I stand corrected. Thank you, Mr Stavis.---So section 79C, I mean, you look at the, again it's a, it's a, you're looking at specific, you, you have to look at the planning controls and, and the environmental
10 impacts. And again that's, that's all a balance. Yeah, so - - -

We've been talking about development assessment and the provision of solutions. Did you take the same approach to the preparation of reports recommending that a planning proposal be prepared? Preparation of reports to council that a planning proposal be prepared?---Sorry, can you repeat that again?

What I want to do now is, we've talked about the solutions, provision of solutions to applicants approach to development assessment. Switching the
20 focus now to planning proposals and rezoning applications, did you take the same approach to the progressing of submissions, applicant submissions, for planning proposals?---That's fair to say.

And to the progressing of planning proposals once they were actually in the system?---That's correct.

You took the same approach to those council planning proposals once they were in the system?---That's fair, yes.

30 Now, could we have a look, please, at Exhibit 116. This is a series of photographs that have been taken of emails that were in your mobile phone. ---Sure.

Do you recall providing your mobile phone to the Commission for this purpose?---Yes.

And if you have a look at page 1, it's an email from Ziad Chanine to you in respect of "New job". "Hi, Spiro. I've got a job of ours I'd like you to act on. When could we meet? Homebush address." Do you see that?---Yes.
40

And Homebush address meant it was within the Strathfield local government area, is that your understanding?---Yes.

Then on page 2 there's an email, the same day, Saturday, 2 October, at 10.45am. And you said to Ziad, "I can meet you on Monday for lunch around Botany/Mascot. Name the time and place if it suits." And so obviously you were happy to meet up with them to talk about a job from them, is that right?---Yes.

And then if we look at page three, there is an email at 12.09pm to Ziad and cc'd to Marwan Chanine. "Sounds good. Name time and place." At 11.22am, this is page 4, Ziad writes back, "Hi, Spiro. Monday is not good for me. How are you placed Tuesday lunchtime." Is that right?---Yes.

On page 5 at 12.22pm on 25 October, Marwan says to you, "Spiro, you're the new man of the area, location of your choice, please advise. Lock in 12.30." Is that right?---Yeah.

10

Can I ask you – excuse me a moment. No, I withdraw that. And then on page 6 there's an email from you to Marwan and Ziad nominating the Tennyson Hotel on the corner of Botany Road and High Street. "See you on Tuesday." And Tuesday, if I can assist you, was 28 October, 2014.---Okay, yeah.

20

And if we just complete, if we could, this exercise. If we go through to page 7 it's an email of 30 November, 2014 to Ziad and Marwan from you, and the address is identified, 1-9 Kanoona Avenue, Homebush, draft report and final invoice, and you say, "Draft report attached for review. There are some minor yellow bits to fill in, Ziad, please do and return so I can finalise tomorrow night." And you attached on the right-hand side DA report, it looks like the end of the word Homebush - - -?---Ah hmm.

- - - at least in the title of the PDF that's been attached. Is that fair?---Ah
- - -

Bottom right-hand side of - - -?---Page 7?

30

Yes.---Yeah, yeah, I think so, yeah.

And then on the bottom left-hand side a tax invoice with a date in November 2014 - - -?---Yep.

- - - as the PDF. Is that fair to say?---Yep.

40

So that was 30 November, 2014. Mr Chanine, Mr Ziad Chanine writes back to you on 1 December, "Hi Spiro. I hope all is well. I've had one of my staff review and provide attached. I'll do a double-check tomorrow and revert back. Sorry, was caught at work function all day and didn't get into office until late. The only difference is the parking rates, my staff have calculated the below." And it seems that there's an attachment there that might have related to a detail of the document. Can you recall what the document was that you prepared?---I think it was in, in, well, it looks like it was in relation to Kanoona.

Yes, but do you know what sort of, what function was the document performing?---I don't recall, but it's likely that it was a statement of environmental effects.

Looking in the bottom right-hand corner at page 7, the title of the PDF as far as we can read it is, starts at least "DA report." Is that the sort of title you'd give to a statement of environmental effects?---Yes.

10 And what was the development or proposed development at 1-9 Kanoona Avenue, as you recall, just a brief description?---Mixed-use development from memory. So retail on ground and three or four levels above that.

Of residential units?---Yes.

Then at page 9 of this exhibit there's a copy of an email re Kanoona that you send. "Hi, Ziad. Final copy attached in Word. Call if there are any issues. Please make payment when you get a chance. Cheers and good luck."---Yeah.

20 Do you see that?---I do, yes.

Had you provided a fee proposal for this commission?---It's likely that I would have, yeah, yeah.

In your own name or that of a business name or some other entity?---That, I can't recall, sorry.

30 Was the invoice, the tax invoice, did it relate to a fee proposal in any way? ---Possibly but I, I just don't recall.

Do you recall whether the amount of work you did was the amount of work you expected to do on the job or that it was more or less?---No. I think it was what I was expected to do.

What you expected to do?---Yep, yep.

40 You said in the email of 2 December, this is page 9, "Please make payment when you get a chance," having provided the tax invoice about three days earlier. Is it fair to say that you were anxious to be paid?---No, not necessarily but, no, it's something that I would likely say in similar sort of correspondence, but, no.

Were you anxious to be paid?---No, I don't think so at the time, no.

I mean you did the private work I take it because you wanted the income? ---To supplement, yes, yep. That's right.

And you did have debts that needed to be met?---Of course.

And this income assisted in meeting your financial commitments?---Of course.

Can you have a look, please, at the email on page 10. It's dated 6 December. It's from Ziad Chanine. This is after your email saying, "Hi, Ziad. Find a copy attached in Word," and Ziad says, "Thanks Spiro. Go for it. Please proceed ASAP. Please write up as strong an argument as possible." Is this in respect of a different project? And I should just draw your attention to the next page.---Sure.

Because it might assist you in answering that question. The next page is a, an email dated 8 December, 2014. It's in respect of a different address, an address at [REDACTED]---Yes.

Is it possible that the 6 December, 2014 email is no longer in respect of the Kanoona Avenue project, but rather a fresh project?---Yes.

And do you think it was the project with the [REDACTED] address identified on the bottom of page 11?---Yes.

I'm sorry, identified in the top of the photograph at page 11, I should have said. So, you had been at some stage before 6 December, 2014, offered a further consultancy by Ziad Chanine, is that - - -?---I think that's a fair comment, yes.

Do you have a recollection of how you came to be offered a further consultancy?---It's likely that it was just via a phone call from Ziad because I recognise that particular address was his place of residence from memory. Yep.

How did you know it was his place of residence?---Because I remember him telling me in the phone conversation when he asked me for assistance to a prepare a statement of environmental effects report.

The email of 6 December, 2014 reads as if it might have been in response to you providing a fee proposal in respect of the [REDACTED] address. Do you accept that?---Yeah, I do.

He's saying thank you to you yet it's in respect of a new project that hasn't started yet so, "Thank you," would be in response to something if only you saying, "Yes, I'll do it."---Yep. I think that's fair.

THE COMMISSIONER: And an address in [REDACTED] would that have been in a different council area than Strathfield?---Yes, yes.

MR BUCHANAN: And then you say on page 11, on 8 December, 2014, "Hi, Ziad. Unfortunately I'm not going to be able to help because I've just

been appointed the new director of planning at Canterbury. Happy to recommend someone good. Call when you can.” Did you recommend someone good?---That I don't recall.

And I'm not trying to be thick or something but why did you tell him that you couldn't help as you had been just appointed the new director of planning at Canterbury?---I think mainly because of workload probably.

Thank you. Yes, I note the time, Commissioner.

10

THE COMMISSIONER: All right. We'll adjourn for the morning tea break and resume at 10 to 12.00.

SHORT ADJOURNMENT

[11.31am]

THE COMMISSIONER: Yes, Mr Buchanan.

20 MR BUCHANAN: Mr Stavis, can I ask you to go back, please, to Exhibit 116, the photocopies of emails on your phone. And if we could go to page 6 of that exhibit, and you can see that that is the identification of a pub and an address and a time and a date for a meeting. Is that right?---Yes.

And did you meet up with Marwan and Ziad Chanine at that address on the Tuesday, 28 October, 2014?---Sorry, 28th or - - -

Well, sorry, what I was telling you was that, given that this was on 25 October - - -?---Yep.

30

- - - and 25 October you can take it from me was a Saturday, I'll just having said that make absolutely certain, yes, 25 October was a Saturday, the Tuesday after that was 28 October.---Okay.

So on that assumption, that was the date it was arranged for that meeting to take place, did it take place?---I don't recall if it actually took place.

40 If I ask you to have a look at this document, please. These are calendar entries extracted from your mobile telephone that are shown on the screen in front of you.---Ah hmm.

And can you see that the entry numbered 4 is an entry for 28 October, 2014 at 12.30pm?---Yes.

And it's lunch with Ziad?---Yes.

Does that assist you in recalling whether or not you had a lunch with Ziad and/or Marwan Chanine as arranged in the email on 25 October?---I mean it's likely, but I don't recall to be honest with you.

You don't recall having a meeting with them at a pub on the corner of Botany and High Streets in Botany?---I may have. I, I can't remember, to be honest with you.

10 Well, how many lunches did you have with Ziad and/or Marwan Chanine in your life?---Not many.

When you say not many, can you give us a ballpark figure?---Maybe two, three.

And when was the first one that you can remember?---It may have been around that time frame but I don't have, I can't think of a specific date.

20 Was there one in relation to the Liverpool Road, Strathfield job that you did for Marwan and Ziad Chanine? I think you suggested there might have been one.---There might, yes, yep.

And do you recall one in relation to the Kanoona Avenue job that you did for Marwan and Ziad Chanine?---Yes.

Thinking of that lunch, where was it?---I, I can't honestly remember where it was. It may have been at the Tennyson Hotel because that would have been, from memory, around the time that I was at Botany Council. Yep, yep.

30 Commissioner, I tender the extraction report that commences with the first page, the title page and includes that second page of entries that I showed the witness, of which I showed the witness one, the fourth entry.

THE COMMISSIONER: And they're all calendar entries?

MR BUCHANAN: They are all calendar entries, yes.

THE COMMISSIONER: All right. And sorry, they're extractions from Mr Stavis' phone?

40

MR BUCHANAN: Mr Stavis' phone.

THE COMMISSIONER: All right. The extraction report from Mr Stavis' mobile phone, including calendar entries, will be Exhibit 207.

#EXH-207 – EXTRACTION REPORT FROM MR STAVIS’S PHONE INCLUDING CALENDAR ENTRIES FROM 22/10/2014 TO 31/10/2014

MR BUCHANAN: Commissioner, they’re all calendar entries in this case.

THE COMMISSIONER: Sorry, yes.

10 MR BUCHANAN: Yes. Now, can I ask that we go to volume 3 in Exhibit 52, please, page 52. From page 52 to 63 in volume 3 of Exhibit 52, is what I want to suggest to you, your application to Canterbury Council for appointment as director of city planning, comprising an application letter on paged 52 to 53 and then a curriculum vitae on pages 54 to 56 and then on the pages 57 through to 63, a document headed Personal Specifications, Spiro Stavis, which is detail of what you could provide. Is that a fair description?---Yes.

20 And you can see that, going back to page 52, the date of the application is 25 October, 2015.---Yes.

That is the date on which this email correspondence in Exhibit 116 took place.---The one you showed me before?

Yes. It’s the photographs of emails on your phone.---Yeah.

They’re from the first page through to page 6, all dated Saturday, 25 October, 2014.---That’s correct.

30 My attention’s been drawn to the fact that the year in the date on the application letter is in fact 2015, but that must be a typographical error, mustn’t it?---Yes.

Because you were well into the job by October 2015, weren't you?---Yes. That’s right, yes.

And you did make the application in 2014, didn't you?---Correct.

40 So the lunch or, sorry, the meeting that was organised for 12.30 on Tuesday, 28 October, 2014, it would have been a lunch, wouldn't it?---Yes.

And that was three days after the date of your application for the job of director of city planning at Canterbury?---That’s the timeline, yes.

You don’t have a recollection of there being a suggestion that the meeting that had been organised by email on 25 October, 2014, and that you’d diarised for Tuesday the 28th, didn't take place? That is to say, “Sorry, the

meeting's got to be cancelled," you don't have a recollection of anything like that?---No.

Do you have a recollection of discussing the Kanoona Avenue job with Ziad and Marwan Chanine?---As I said earlier, yes, I do.

And what were you told about the job?---Just what the proposal was. Are you talking about Kanoona now?

10 Yes.---Yeah, just what the proposal was about and they needed assistance as a town planner.

And what they expected from you or what they wanted from you?---Yes, yeah, that's fair.

So you do have a recollection of a face-to-face discussion with them on that subject?---Yes.

20 And so would you accept that the likelihood is that – having regard to what you've seen about having diarised a meeting for 28 October and the arrangements made for it on 25 October, and that you have a memory of such a discussion – that you did in fact meet with them on Tuesday, 28 October, 2014, about the Kanoona Avenue consultancy?---That's likely, yes.

Do you remember saying anything to Ziad or Marwan Chanine ever about having applied for the position of director of city planning at Canterbury? ---Yes, I do.

30 What was the occasion when you first said something to them about the fact that you had applied for the position? What was that occasion?---The, the one meeting I do remember was having a lunch at, in Earlwood, at a café. It was called Frappe, from memory. Sorry, what, what was your question, sorry?

What is your memory of the first time you said anything to Ziad or Marwan Chanine about having applied for the job of director of city planning at Canterbury?---It, it, it would have been around a meeting that I had with them in Earlwood, I think, from memory.

40 And when was that meeting?---Oh, well, definitely it was after I'd applied, date I'm not certain about.

Do you think that could have been after you'd been provided with the letter of offer of employment by Mr Montague?---I don't recall if it was.

Do you recall whether at the meeting at Frappe Café in Earlwood the tone of the discussion was about the fact that you had been appointed and their

response to that?---Not sure actually. It may have been. I'm just not sure about the timelines, but I do remember having a conversation with them about that, yes, and them raising it.

Well, we'll come back to that meeting later. Can I come back to the lunch on 28 October, 2014 that had been scheduled on 25 October to occur on the 28th at the Tennyson Hotel in Botany, which you accept is likely to have taken place.---Sure.

10 It's likely, isn't it, that you would have told Marwan and Ziad Chanine at the lunch that likely took place that you had applied for the job?---I think that's likely.

It's likely, isn't it, that at that lunch there would have been exchanges of the ordinary sort that when people catch up with each other of what are you doing, or what you've been doing recently and what I've been doing recently, that sort of thing?---I think that's fair.

20 And it would be inevitable, wouldn't it, in that context if the meeting did take place that you would have said, oh, look, I've applied for the job of director of city planning at Canterbury?---I think so.

Now, can I ask you this. When did you first become aware that the Chanines had development projects in the Canterbury local government area?---It, I'm not sure of the exact timeline but it, it may have been before I had applied for the job or before I'd been offered the job, but the best of my recollection that's all I can remember.

30 So you remember being made aware at some stage that they had a project or projects in the Canterbury local government area?---In general terms, yes, yeah.

40 At the time you applied for the – I withdraw that. If it was the case, I'll just ask you to assume, that the Chanines did have a development project in the Canterbury local government area as at 28 October, 2014, would you accept that the chances are that they would have said that to you when you said, as would inevitably have been the case if the likely meeting occurred, oh, I have applied for appointment as director of city planning at Canterbury? ---Are you talking about specific projects or just in general?

Yes, well, projects generally. An indication to you, you provide one piece of information, I've applied for this position at Canterbury, they respond with a counterpart piece of information, oh, we've got a project or projects in the Canterbury area.---I think that's likely.

When was it that you first had any discussion with either Ziad or Marwan Chanine about applying for the job of director of city planning at Canterbury?---That I can't recall, I'm sorry.

Did you have any discussion with either of them about applying for the job before 25 October when you wrote your application letter?---It's possible. I, I don't recall.

You know the project at 212-222 Canterbury Road and 4 Close Place that was the subject of development applications, two development applications to Canterbury Council?---Yes.

- 10 When did you first become aware that the Chanines had that development project that they wanted to advance, whether it was before or after the applications were lodged?---It may, it probably was before say, in all likelihood.

And when you say more than likely, what is more than likely the circumstances in which you became aware?---Ordinarily when applicants have proposals, they canvass those proposals before they lodge their proposals.

- 20 And what is the purpose of that canvassing?---It's like, almost like what we call a pre-DA type meeting where you, you know, they probably table a set of drawings and there's, you know, there's comments I guess from both sides.

That would occur, though, in a meeting with planning staff or senior staff or indeed the general manager?---That would be correct, yep.

And of course you weren't working as director of city planning until March 2015?---Yes.

- 30 But you accept, do you, the likelihood that you were aware that the Chanines had that particular development application on foot as at October 2014?---I don't recall that, no, I'm sorry.

Or that they were considering it?---I, I don't recall ever discussing with them specific applications.

Did they discuss with you a specific application before you were appointed director of city planning?---I don't believe so. No.

- 40 But you accept that there is a likelihood that if they had development projects in the Canterbury local area at the time that you would likely have indicated, "Oh, I'm applying for this job," then the chances are that you became aware that they had development projects in the Canterbury local area at the time you were applying for the job?---I think that's fair, yes.

Now, can I ask you about Bechara Khouri?---Ah hmm.

You know of Bechara Khouri, you've met Bechara Khouri, is that right?
---That's correct.

When did you first become aware of Mr Khouri?---I actually became aware of him, I don't necessarily think I met him, but I'm aware of him when I was at Strathfield Council.

10 And what was the circumstances in which you became aware of him?---I knew that he had, he was a bit of an advocate for applicants in general and so it was around that sort of, sort of circumstance I guess.

So, did you get to meet him whilst you were at Strathfield Council?---I don't believe so. I don't think I met him but I can't, I can't recall if I did actually physically meet him.

Did you talk with him whilst you were at Strathfield Council?---I, I can't recall if I did.

20 Did you have any other contact with Mr Khouri while you were at Strathfield Council?---Not that I'm aware of.

How did you become aware of Mr Khouri while you were at Strathfield Council?---Generally in circumstances, like, it may not necessarily have been applications that I was dealing with but I knew that he had some sort of advocacy role with applicants. But I'm not sure who told me or how that arose to be honest with you.

30 Did you come across Mr Khouri at all, in any way, whilst, sorry, in the course of dealing with the development application for Liverpool Road, Strathfield?---I'm not sure if he was involved in that application, yeah, to be honest with you, so I can't recall.

Did you come across Mr Khouri at all when you were doing the private work, after you'd left Strathfield Council - - -?---No.

- - - but in respect of Liverpool Road?---I don't believe so.

40 Did you come across Mr Khouri before the time you wrote your application for the job of a director of city planning at Canterbury on 25 October, 2014?---I did meet with him but I'm not sure whether it was before I actually physically put the application in or after.

What's your memory of the circumstances in which you met him first?---I met him at a café in Earlwood. Yeah.

And what was the name of the café?---I don't recall the name but it was - - -

Frappe?---No, it wasn't Frappe.

Salvatores?---It might be. It was on, is it Homer or William Street? I can't

Homer?---Homer. Sounds about right.

And is that the occasion when you also met Mr Vasil?---Correct.

10 Well, we'll come back to that later. When did you find out that there was an
association – I withdraw that. Did you ever find out that there was an
association between Mr Khouri and Ziad and Marwan Chanine?---No, not at
that point in time, no.

Did you ever?---Did I ever? Yes.

When did you first discover there was an association between Mr Khouri
and Mr Ziad and Marwan Chanine?---I believe it was after I was appointed
as director.

20 And when was that?---I can't give you an exact date, sorry, but, yeah.

What was the occasion?---It was in relation to 212 Canterbury Road.

And could you tell us a bit more about your coming across Mr Khouri in
that context?---Generally in meetings that we held at council in relation to
the proposals that they had on foot.

What was it in meetings?---Sorry, what was that?

30 You gave that answer in response to my question "Did you come across Mr
Khouri in relation to an association with the Chanines?" You said yes in
relation to, generally in relation to or in meetings in relation to 212
Canterbury Road.---Yeah, yeah.

Yes. So what was it that Mr Khouri was doing or saying or - - -?---He was
pretty much what I'd call almost like a lobbyist. Yeah.

40 Yes. Was he lobbying you?---No, he was just lobbying the, in favour of the
proposal generally.

Who was he lobbying?---Well, well, I guess, I guess me in the meetings,
yeah.

Right. So was he present at meetings - - -?---Yes.

- - - in relation to 212 Canterbury Road?---Yes, he was.

How many meetings?---There were, there were a few. If I had to put a number on it, maybe five, six, yeah.

And at some stage did you discover that Mr Khouri had an association with the Chanines?---Yeah, it was – sorry, yeah.

And when did you discover that association?---Around about the time that those applications were I guess live in council.

10 Right. So apart from the fact that he appeared to you to be a lobbyist and he was lobbying in favour of the proposal, was there anything else that indicated he had an association with the Chanines?---No, not to my knowledge, no.

Did you understand that he had any business relationship or employment relationship or consultancy relationship with the Chanines?---No.

20 Did you ever have an understanding that he had a business relationship or employment relationship or consultancy relationship with the Chanines?
---No.

So if I tell you that the Commission is aware of evidence that he did have a relationship of a business nature or an employment nature or a consultancy nature with the Chanines, does that come to you, as you sit there today, as a surprise?---No.

30 Why doesn't it come to you as a surprise?---Well, because I mean by virtue of the nature of a lobbyist if you like, I guess there would be, people don't just do that for the sake of doing it, so they must have had some sort of business relationship I guess, if that's the case.

And so you assumed that there was a business relationship between Mr Khouri and the Chanines in relation to 212 Canterbury Road?---Thinking back now, I didn't really think about it, to be honest with you, at that time, but from what you've just told me, I would say yes.

But you put him in the, if I can use the word, camp of the applicant - - -?
---Yes.

40 - - - in relation to that property?---Yes.

Did you put him in the camp of any other applicant in relation to a development, a proposed development or a rezoning proposal in relation to any other site in the Canterbury local government area?---Two applications that come to mind, one was, and I forget the address but it was in relation to a client called Dyldam.

Dyldam?---Yep.

D-y-l-d-a-m?---Yeah.

Yes.---And then there was, what was the other one, oh, sorry, I just need to think, it was Dyldam definitely and I'm just trying to think if there was another one. I mean that's what I remember at the moment.

Okay. If I ask you about Charlie Demian?---Oh, yes, that's the other one I was thinking of, yes.

10

And what was Mr Khouri's association with Mr Demian whilst you were at Canterbury Council as far as you can recall?---Again he was like an advocate.

And was he advocating to you?---Oh, yeah, yeah.

Was he advocating to others, to your knowledge?---Mr Khouri you're talking about?

20

Yes.---Yeah, yeah. Oh, yeah, the general manager.

To anyone else?---Councillors.

Did, whilst you were at Canterbury Council, Mr Khouri appear to have an association with Michael Hawatt or Pierre Azzi?---Yes.

What was that association as far as you could see?---An advocate, basically, of some sort, yeah.

30

And when you say that, do you mean an advocate to them or with them?---I don't understand the nature of that question, sorry.

Well, you used the word advocate in describing Mr Khouri's relationship with, or association with Mr Hawatt and Mr Azzi - - -?---I, sorry, go on.

What was it that Mr Khouri was doing in that regard that you're drawing upon in your memory?---Okay. So, it was in relation to specific applications that he was, I guess, talking to the councillors and, I guess, seeking their assistance. That's what I mean by that.

40

And was he doing that in respect of councillors other than Mr Azzi and Mr Hawatt?---Not that I'm aware of.

And did you see the three of them together from time to time?---Yes.

Did you see the three of them together at Mr Azzi's house?---Yes.

Okay, well, we'll come to that later.---Sure.

When was it, looking back now on everything that you know, looking back now, when was it that Mr Khouri – I withdraw that. Looking back now, do you think there was an association between Mr Khouri and Ziad and Marwan Chanine in 2014?---2014. I, I can't recall.

Well, there was an association between them in 2015, that you were aware of, that you observed?---Yep.

10 In relation to a particular project?---Yep.

Was there any reason to think that he didn't have that relationship with them also in 2014, that it didn't just start in 2015?---It's possible, yes.

When you applied for the position of director of city planning, we have as you can see, your letter of application, your CV, your personal specifications. Was there any disclosure that you made in the course of applying for appointment as director of city planning that you had been doing work for Ziad and Marwan Chanine?---I think that's unlikely, no.

20

And it's unlikely because?---Well, I didn't really think about it to be honest with you.

You didn't think that it might be appropriate to disclose that you have been earning an income from developers who might have projects in the Canterbury local area?---Not really because in my experience, most developers have projects all over the place. So, in no circumstances, it'll pretty much rule out making an application for any other council at any other LGA.

30

Well, it doesn't necessarily rule it out, does it? It's just something that the prospective employer might be, it's a piece of information that the prospective employer might be entitled to have when it's considering all the information before it that an applicant for an appointment as director of city planning puts forward.---No, I don't, I don't agree with that. I think, I'm sure there are circumstances where applicants have put in applications having past relationships with other applicants, I guess. So, I don't necessarily agree with that.

40 You don't agree that Canterbury Council, as a prospective employer was entitled to know of your relationship with people who would be applying, with people who would be making applications that you would be called upon to make recommendations as to their determination?---Not necessarily, no.

You don't see a risk of a potential for a conflict of interest there?
---Potential, possibly.

You see, a person who works for someone, X, is perhaps more likely to be favourably inclined towards that person, X, when it comes to later considering their development applications, mightn't they?---No, I don't agree with that.

Well, that might be the case, mightn't it? Leave you aside.---It might be, yes. Yeah.

10 And it's not unusual for a person who's been provided with an income, and who needs an income, feeling, you know, favourably inclined towards the person who provides them with that income. That's not unheard of or terribly unusual, is it?---I wouldn't say it's unusual but - - -

You don't think in all of these circumstances Canterbury Council was entitled to know of your relationship with people who potentially would have applications before it which would call for you to assess them?---No.

20 Could I ask if the witness could be shown Exhibit 51, volume 5, page 141, please. Exhibit 52. I stand corrected. You see there, I might be showing you these documents out of order, really, but first of all at volume 5, page 141 is a statement of understanding of the code of conduct of Canterbury City Council that you signed on 25 March, 2015.---Yeah.

Undertaking to perform your role in accordance with the code and to comply with the requirements of the code, is that right?---Yeah.

30 And did you sign that after undertaking some training in the code of conduct or being exposed to training in the code of conduct?---I, I don't recall but it's likely, yes.

And do you see that in that document you confirmed that you had attended code of conduct training on 25 March, 2016.---Sorry. I stand corrected, yeah.

So you accept that you had?---Yeah.

40 And for more abundant caution can I ask the witness be shown volume 2 in Exhibit 52. Page 39. And turning over the front page, can you see that this is the code of conduct for Canterbury City Council?---Yes.

And that it also has in it the procedures for administration of the code of conduct?---Yes.

This is the code of conduct in which you accept you would have been trained and which is the subject of your acknowledgement in the document dated 25 March, 2015. Is that right?---Yes.

Thank you. Now, a lot happened whilst you were employed as director of city planning at Canterbury Council, didn't it?

MR PARARAJASINGHAM: I object. Perhaps my learned friend can be a bit more specific than that.

MR BUCHANAN: I'll reframe the question. Looking back on the time that you were director of city planning at Canterbury City Council, was it a happy time for you?---In all honesty, at the beginning it was, yeah, but - - -
10 And what happened?--- - - - overall I'd say no.

And why no?---I think it was a case of just the environment, the general environment with the council itself.

Did anything go wrong as far as you were concerned?---No, nothing specific go wrong, no.

Well, what was it about the general environment that meant that it became a
20 not happy time for you?---Generally speaking I guess the, the pressure of councillors and, and the GM to some extent, so yeah.

And when you say pressure, pressure upon what or whom?---Upon me I guess and - - -

Pressure to do what?---Just to make sure that we, I guess, improved the performance of council, mainly to do with applications at council. There were certain timelines in place that I needed to meet that related to my KPIs and it was just the whole circumstance around, around all that.
30

Was there anything that in retrospect you regret having done whilst you were at Canterbury Council, or failed to do?---No.

And was the pressure only in respect of adhering to timelines or improving the time within which it took to process applications and proposals, was it only that, that you had pressure or was there pressure to do other things?
---There was pressure on certain applications that - - -

To do what?---Well, basically to improve and get them out as quickly as
40 possible.

Well, that's still a timeline, isn't it?---Yeah.

Were you, did you receive any pressure to make a decision any particular way?---No. My - - -

Never?---Look, the whole environment surrounding I guess whilst I was employed at Canterbury was basically a situation where I had to find,

expected to find solutions in respect of applications. So the pressure that I was getting was just to do that effectively.

And does that mean that, leaving timelines out of it for a moment, you were expected to make decisions which were different from the decisions which would have been made if you'd simply been, in the case of development applications, purely assessing them and making a recommendation?

---No, I mean I've always been a facilitator, a solutions kind of person, as I said earlier, so the simple answer to that is no.

10

Is there anything that in retrospect you regret having done or not done while you were director of city planning at Canterbury Council?---Not that I can recall.

Did you always adhere to the requirements of the Canterbury City Council Code of Conduct?---I haven't read it but I'd say so.

I'm changing the subject now to how you learned of the existence of a vacancy in the position of director of city planning?---It was through Nick Katris.

20

Yes. What happened through Nick Katris?---I believe it was when I was employed at Botany Council. He had, I received a phone call from him and he, I believe he had an application at Botany and then the conversation changed and he made me aware of the position at Canterbury.

And what did he say?---Oh, it was basically words to the effect, "Oh, I think you'd be pretty good at this job. Why don't you apply?" And then he mentioned a gentleman who I didn't know at the time. I think it was George Vasil, asking him to call me or me to call him. I, I can't remember exactly what happened.

30

I'm just thinking of the conversation with Mr Katris now. Did you indicate to Mr Katris that you would be interested in the job?---Yes.

Did he indicate to you why he thought you would be pretty good at it?---I think – no, he didn't. No.

And what was it he said about George Vasil? If you could just do your best to recall what was said.---Sure. That he was a person who had done a lot of work in the Canterbury local government area and that he would, it would be good for me to talk to him about the problems that he saw with the, primarily around planning controls and the like, around the Canterbury LGA.

40

THE COMMISSIONER: At that stage were you regularly looking in, for example, the newspaper for other positions or - - -?---No, not really, no.

You were content with your role at Botany at that stage?---Yep, yep.

MR BUCHANAN: Now, thinking again, if you wouldn't mind, of that conversation with Mr Katris, what was it that he said or suggested in relation to George Vasil, apart from describing Mr Vasil as a person who's done a lot of work in the Canterbury local government area or in the Canterbury local government and that you could profit from talking with him?---Nothing really apart from that.

10 Excuse me a moment. Commissioner, can I make an application to vary a section 112 order in respect of evidence given by the witness on 1 December, 2016.

THE COMMISSIONER: Could you just hold on for a second.

MR BUCHANAN: 1 December, 2016 at transcript page 550 commencing at line 16 and concluding at line 33.

20 THE COMMISSIONER: I vary the section 112 order made on 1 December, 2016 to exclude the evidence of Mr Stavis as recorded on the transcript at page 550, line 16 to line 33.

VARIATION OF SUPPRESSION ORDER: I VARY THE SECTION 112 ORDER MADE ON 1 DECEMBER, 2016 TO EXCLUDE THE EVIDENCE OF MR STAVIS AS RECORDED ON THE TRANSCRIPT AT PAGE 550, LINE 16 TO LINE 33.

30 MR BUCHANAN: Mr Stavis, I'm going to read from a transcript of evidence you gave before the Commission on 1 December, 2016. If you could listen to what I read to you and then I'll be asking you questions about it.---Okay.

Question, "How did you become aware that the role was being advertised?"

Answer, "I received a phone call in relation to a project that I was working on from an architect." Question, "Who was the architect?" Answer, "Nick Katris." Question, "And what was the project?" Answer, "I don't recall. It may have, it would have been an application he had at the council but I - - -"

40 Question, "Okay. And what did Nick Katris say to you?" Answer, "I don't recall exactly the words but it was words to the effect of, you know, after we got over the small talk, oh, did you know that there's a position going at Canterbury Council as a director? And that's how I became aware of it."

Question, "Did he say anything else to you about the role?" Answer, "Not really, no." Question, "Did he encourage you to apply for the role?"

Answer, "He did, and he said that, that he was going to ask another gentleman whose name is George Vasil to give me a call in relation to the position." Now, that was evidence that you gave on 1 December, 2016.

---Sure.

On that occasion you said that Nick Katris said he was going to ask George Vasil to give you a call. Today you have said that Nick Katris asked, would ask Mr Vasil to call you or for you to call him. Do you appreciate the difference, that is to say you've allowed the possibility at least today that what Nick Katris said to you was that you were to call him, but that's not what you said on 1 December, 2016.---I, I think I said earlier, and correct me if I'm wrong, that I wasn't sure whether I was asked for, for, by Nick to call George or, or he was going to call me.

Right.---So, so it's possible that, you know, George did ring me.

Well, no, what I'm after is your best recollection of the conversation with Mr Katris - - -?---Sure, right.

- - - as to what he said in that regard. And do you think that the version that you gave to the Commission on 1 December, 2016 is more likely to be accurate if today you're less certain as to what Mr Katris said as to whether he would ask George to give you a call or whether you would give him a call?---I, I would agree with that.

Have you been looking at or provided with the transcript of evidence before the Commission of any witness during this inquiry?---Of any witness?

Have you been before today - - -?---Sure.

- - - looking at the transcript of the evidence given by any witness - - -?
---Yeah.

- - - in this inquiry?---Yes, I have.

How regularly have you been reviewing the transcript of witnesses who have been giving evidence to the inquiry.---I'd say quite regularly, yeah.

And have you been looking at copies of exhibits that are available on the Commission website?---Yes.

Documentary exhibits.---Yes, yes.

And have you read the transcript of the evidence that Mr Katris gave to the inquiry?---Yes, I have.

And you're aware of the evidence that he has given in that case on the subject of the conversation between him and you in which the question of who raised the question of the DCP position first was canvassed with him?
---I believe he said that I rang him.

Yes.---Yeah.

Yes. And what do you say as to that?---Look, I, in my mind I, I believe that he was the one who instigated the phone call. I've known Nick for a long time. I've done projects with him. So, I mean, that's the best of my recollection.

10 You understand, don't you, that Mr Katris has told the Commission that until you rang him about the job he had been unaware that the position of director of city planning was vacant?---I don't remember reading that, no, sorry.

Well, have you read his statement that he made to the Commission?---I have.

Have you read what he said in his statement and his oral evidence that he told the Commission that you asked him for a reference for the job?---I, I remember reading that, yes.

20 Did you ask him for a reference?---I don't recall if I did, sorry.

It would be unlikely you would ask him for a reference in a conversation in which he had drawn your attention to the existence of the vacancy in the first place, you'd accept that?---Not really, no.

Have you read his evidence that he decline to give you a reference?---I did read that, yes.

30 Is that true?---I, I'm, I don't remember him ever saying that to me, no.

You don't remember asking for a reference and him declining?---Correct.

If that occurred that's the sort of thing that you'd be likely to remember, isn't it?---If it occurred, yeah.

Oh, I'm sorry, I notice the time, Commissioner,

40 THE COMMISSIONER: All right. We'll have the luncheon adjournment and resume at 2 o'clock.

LUNCHEON ADJOURNMENT

[1.04pm]