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OPERATION DASHA

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON THURSDAY 26 JULY, 2018

AT 2.00PM

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

MR BUCHANAN: Mr Stavis, did you tell the Commission today that Mr Katris had said that he would ask Mr Vasil to call you or that you would call him because of evidence that you have seen or read in this inquiry?---No.

The conversation with Mr Katris, was it one conversation or more than one conversation?---It may have been more than one.

10

You know that Mr Katris has told the Commission that he, after speaking with you, rang George Vasil, spoke with him and then rang you back and gave you Mr Vasil's contact details?---Right. I'm sorry, I don't remember reading that but - - -

Is that what happened?---As I said, to the best of my recollection I'm not sure whether I rang Mr Vasil or whether he rang me.

20

The conversation that you initially had at least, whether it was one or two conversations with Mr Katris on the subject, obviously would have been before you wrote your application for the position. Correct?---That's correct.

That bears a date of 25 October, 2015. We know it should have been 2014. That's a typo for 2014. Correct?---Yes.

30

And the calendar entries in your phone that we looked at, Exhibit 207, have some bearing, if we can show them to the witness, please. It's page 2 of the exhibit. Do you see there that there's a calendar entry initially for 22 October, 2014, "Call George Vas" and then there's a number?---Yes.

And 23 October, 2014, "Apply for director's job."---Yes.

Do you see that?---Yes.

Can I ask you about Judith Carpenter. You had dealings with her or her staff or her and her staff in relation to your application for the position. Is that right?---Correct.

40

Is it right that you had dealings with her staff as well as with Judith Carpenter personally?---I can't recall if I had dealings with her staff but I remember dealing with Judith.

She told you there would be a shortlist?---I believe so.

She would have told you that you were shortlisted for interview?---Yes.

She would have told you the venue and date and time for you to present yourself for interview by an interview panel?---Yes.

What were you told in that regard?---Not much more than you've, you've added, you've stated.

Venue, date and time?---Pretty much, yeah.

10 We know that the venue was council chambers and the date was 17 November, 2014.---Ah hmm.

You would accept that?---Yeah.

Did you learn from Ms Carpenter the make-up of the interview panel or the identity of panel members?---I don't recall, to be honest with you, but I, I, I assume that, sorry, I stand corrected, I believe she may have mentioned the general manager was going to be on that panel, but I don't recall if she mentioned anyone else.

20 Did you ask her who was going to be on the panel?---Not that I was aware, no.

You know that the Mayor and Councillor Azzi and Councillor Hawatt were on the panel?---Yes.

Because you fronted them on 17 November, 2014.---Yes.

30 When did you first find out that Councillor Azzi and Councillor Hawatt would be on the panel?---It was prior to that.

Yes.---I don't remember the specific date but it was definitely prior to the actual meeting.

And what were the circumstances in which you found out who was going to be on the interview – I'm sorry, that they would be on the interview panel? ---I recall being asked to meet them at a, like a coffee shop in, I believe it was in Marrickville from memory, and that's where I found out.

40 And who asked you to meet them?---It more than likely was Michael Hawatt.

Does that mean you don't remember?---Not, not, not exact, with any exactness I guess.

Well, do you remember the meeting at the coffee shop at Marrickville? ---I do.

Thinking of that meeting - - -?---Yeah.

- - - just think back if you can, what were the circumstances in which you came to be there at that time?---Can you I guess rephrase the question, what do you mean by circumstances?

Why did you go there?---I guess I went there because I was asked to go there.

Right.---Yeah.

10

And where were you when you found out that you were asked to go there? ---I don't remember if I was, after I had ceased working at Botany, but more than likely it would have been after that date, I believe.

Well, just - - -?---Oh, actually sorry. I stand corrected.

That can't be right, can it?---No, sorry.

20

That's okay.---No, sorry. It would have been before that at some point but I can't tell you exactly what date it was.

So, this coffee shop meeting at Marrickville was before the interview panel occurred?---Yes.

When were you first aware of the existence of Michael Hawatt?---I knew of him because I live in the area and I knew that he was a councillor. So, that's, that's basically where I sort of, like, I knew a few of the other councillors as well. Yep.

30

And when did you first have contact with Mr Hawatt?---I believe it was before the interview, but as to the exact date I'm unsure.

What was that contact?---It was phone discussions I guess and - - -

So, who initiated that phone discussion?---I don't recall if it was him or me to be honest with you.

40

Why would you have called him?---I think it's more likely that he probably called me. Yep.

How would he have got your number?---Not sure, to be honest with you.

Did he ring you on your, well, assuming that it was he who initiated it, was the contact on your mobile phone?---Yes.

And you don't know how he got your number?---No. Not to the best of my recollection, no.

Had there been any discussion about Michael Hawatt before that contact with Bechara Khouri?---There may have, yes.

Had there been between you and Mr Montague any contact before that contact with Michael Hawatt?---That I'm not sure about.

Had there been any contact before that contact with Michael Hawatt between you and George Vasil?---Yes.

10 And had there been contact between you and George Vasil prior to you first having contact with Michael Hawatt, that contact with George Vasil being in your mobile phone?---Yes.

When were you first aware of Pierre Azzi?---Around about the same time, I guess. I knew he was a councillor so I became aware of him through, through that.

Sorry, I just want to clarify, you lived at the time in the Canterbury local government area?---Correct.

20

Was either Councillor Hawatt or Councillor Azzi the councillor for your ward?---I don't believe so, no.

And what was your first contact with Councillor Azzi?---I believe it was at that meeting that I, we had prior to the interview.

At the coffee shop at Marrickville?---Yes.

30 And were you expecting him to be at that coffee shop when you went there?---Mr Azzi?

Yes.---I don't think so, no.

So, were you surprised to find him there?---I wouldn't say surprised, I was just, I guess he was just there.

You went to the meeting expecting to meet Michael Hawatt?---Yes.

40 And you met Michael Hawatt and Councillor Azzi?---Correct.

Had you heard of Councillor Azzi before that Marrickville coffee shop meeting from Bechara Khouri?---That I'm not sure about.

Had you heard of Mr Azzi before that coffee shop meeting at Marrickville from Mr Montague?---I don't believe so, no.

Had you heard of Mr Azzi before that coffee shop meeting at Marrickville from Mr Vasil?---That I'm not sure about.

So did George Vasil talk to you, when you initially had dealings with him, about this, these people, Michael Hawatt and – I do apologise – Michael Hawatt and Pierre Azzi?---Sorry, what was the question?

When you first had dealings with George Vasil, did he introduce to you the subject of Michael Hawatt and Pierre Azzi?---I'm, that I'm not sure about but it's likely.

10 And when you say it's likely, why do you say it's likely? I'm not saying you're wrong, I'm just asking.---No, I think the, because I really didn't have any dealings with them before, yeah.

And looking back on it now, did you understand that George Vasil was a person who was associated with Michael Hawatt and Pierre Azzi?---Yes.

20 Looking back on it now, what was the association between George Vasil and Michael Hawatt and Pierre Azzi?---I'm not aware of any detailed association other than, I guess, meetings and so forth, discussions, that primarily it related around applications, yeah.

So are you saying that there were meetings and discussions about applications involving George Vasil on the one hand and at least either Michael Hawatt and/or Pierre Azzi?---We're talking about prior my - - -

No, generally, looking back on it now.---Oh, generally, yes, yes, yes.

30 Just talking about your understanding now of the relationship between Mr Vasil on the one hand and Mr Hawatt and Mr Azzi on the other hand.---Yes.

So it was meetings and discussions about applications, is that right?
---Generally, generally speaking, yes.

40 But and what did you understand the relationship to be? Looking back on it now, what did you understand, what do you understand the relationship to have been – that's a better way of expressing it – between Mr Vasil on the one hand and those two gentlemen on the other hand?---I'm not sure of the relationship. All I know is that, well, Mr Vasil in particular was very involved in the planning process, I guess. He had some definite views about LEPs, DCPs and the like. But I'm not, I'm not quite sure what the relationship was, to be honest with you.

But there was a relationship of some sort.---Yeah.

As far as you could see.---As far as I could see, yes.

Now, the entry in your calendar on page 2 of Exhibit 207 that we looked at earlier – “Call George Vas,” and then there's a phone number – against the

date 22 October, 2014, that would, you'd accept, be consistent with the evidence that you understand Mr Katris has given of the introduction of you to Mr Vasil, rather than the evidence you gave the first time to the Commission on the subject?---I, I would accept that, yeah, because it's there, yeah.

10 Now could the witness be shown Exhibit 60, please. Sir, this is a schedule of call charge records. You would have seen them when reviewing the evidence before the Commission during this inquiry I take it?---Not in any detail, but yeah.

And do you understand that it contains metadata, that is to say data about telephone connections, that is to say connections having been made between one telephone and another telephone?---Yes.

And if I can just assist you, if you could look at the table on the first page of Exhibit 60 - - -?---Yep.

20 - - - under the heading Phone User 1, that's the identity of a person in whose name the phone service is registered.---Yeah.

Phone Service 1, that column has the number of that service, the carrier is identified in the third column, then Phone User 2 is the person being called, that is to say the person in whose name the phone is registered.---Yeah.

And Phone Service 2 is the column of the number being called.---Yeah.

30 Then under the heading Start Date is the date on which the call started, and then there are two columns for Start Time, don't worry about the slightly faded column, but if you can go to the column Start Time with adjusted SMS time for eastern daylight savings time, because some of the providers or at least one of them was Vodafone and adjustments needed to be made. ---Sure.

And then Duration of the call, do you see that column?---Yeah.

That's the duration of the time that the line is open between the two telephones.---Okay.

40 There is a column of Caller Location but I'm not going to be asking you questions about that. Now, do you see the third entry on the first page is in respect of a phone where you are registered as the person in whose name the phone is registered?---Yes.

And do you see that number ending in 1-8-9-2, was that your mobile number?---Yes.

And it's a call made to George Vasil's phone on 25 October commencing at 12.25 and the line is open for 19 seconds.---Yes.

Do you see that?---Yes.

Excuse me. Sorry. Sorry, I should use the ruler that I've obtained. Thank you. The third entry is a call commencing at 12.24 for 6 seconds. Do you see that?---Yes.

10 And then shortly after that, a minute later you make a call and it's to Mr Vasil and it's for 19 seconds. That's the fourth entry. Do you see that?
---Yes.

Why did you make those calls?---It was probably in relation to when I was applying for the job I believe.

Yes. And what was the, was there a conversation that you had with Mr Vasil, particularly in the fourth entry on that page?---I'm sure there was but I don't recall the exact nature of the conversation.

20

Think of the day that you were drafting the application. It bears the date 25 October, 2014.---Yeah.

Do you remember talking to George Vasil that day?---It's likely that I did, yes.

But do you remember talking to him?---No, I don't really.

30 Think of the conversations you had with George Vasil generally. There were a number of them, weren't there?---There were.

And what was it – I withdraw that. Why was there more than one telephone call between you and Mr Vasil?---I don't know of the reason why. As I said before, I think it had something to do with my application at council.

Yes, but what did it have to do with your application to council?---It was likely that we discussed my application but, but I just can't remember the specifics I guess.

40 Well, it's unlikely that George Vasil told you, "Don't bother replying," isn't it?---Yes. Unlikely.

Is it likely that he encouraged you to apply?---Yes.

And what was it that he said to you on the subject of you applying?---I don't, I don't recall what exactly he said to me. This was during the course of my initial meeting which was I believe prior to that date with George Vasil and Bechara Khouri at that coffee shop in Homer Street, Earlwood.

Homer Street, Earlwood?---Yeah, yeah. So, it's, I just don't recall the actual exact detail of my conversation.

What was your understanding of why George Vasil was encouraging you to apply? What did he see in you?---Probably the fact that I was someone who was facilitative in I guess being, for the lack of a better word, I wouldn't say pro-development but someone who was solutions driven. I mean, I'd be only speculating. I don't know what he thought.

10

Did you have a meeting with him at a coffee shop in Homer Street, Earlwood before you submitted your application for the job or after?---I believe it was before.

And did you submit your application by email or by post or hand delivery? How did you submit it?---It may have been by email but I, I just can't remember if I also posted it.

20 Did you send it on the date it bears, that is to say, correcting the typo, 25 October, 2014?---I don't recall if it was exactly that date but it's likely that it was around that date.

How much contact was there that you had with George Vasil before you met him and Bechara Khouri in the Homer Street, Earlwood coffee shop?---Very limited I think, from memory, prior to that meeting.

The meeting at the coffee shop?---I don't think there was much at all. Yeah.

30 So, there'd been a telephone exchange between the two of you at least?
---Yes.

And possibly more than one but you can't say?---Possibly, yes.

40 Can I ask you, there's no entry in your phone calendar, the calendar in your phone – I'm looking at page 2 of Exhibit 207 – for such a meeting with Mr Vasil let alone Mr Khouri. There is an entry against the date 22 October, "Call George Vas," but there's no entry for a meeting. Now, I'm not suggesting the meeting didn't happen but I'm just asking, is there any significance to the fact that there's no entry for a meeting at around this time?---No.

You weren't in the habit of religiously entering meetings that were scheduled that you had to attend in your phone?---No.

Now, just as best as you can recall, thinking of the time you'd finished your application and submitted it, had the meeting with George Vasil and Bechara Khouri already occurred?---Yes. Yes.

And was the arrangement to meet at the coffee shop or somewhere else first?---That I can't recall.

Did you in fact meet George Vasil at his office before going to the coffee shop?---I don't believe so, no.

Have you ever been to Mr Vasil's office?---Yes.

10 When did you first go to his office?---It was around that period. Around that application time frame.

How many times did you go to his office?---I couldn't tell you an exact number.

More than once?---Yes.

And when you went to his office around that time frame, was it to meet with Mr Vasil?---Yes.

20 And to talk to him about your application?---Possibly, yes.

Was there anything else that you could have been talking to him about? ---Not really, no.

Can you tell us a bit more about the meeting at the coffee shop, please? First of all, sorry, before I ask you that question, when you went to the meeting, who were you expecting to meet?---George Vasil.

30 Were you expecting to meet Mr Khouri?---No.

And what happened at the coffee shop meeting?---It was almost like a, a mini-interview, I guess.

Mini job interview?---Yeah. I remember George disclosing and Bechara disclosing that they had put, that the general manager I guess, for the lack of a better word, had feelers out for potential candidates for, for the position.

40 So George and Bechara said something about the general manager putting out feelers for the position?---Yeah.

What did they each say on that subject?---It wasn't anything in detail, just that they, I guess that's how the meeting pretty much started after the introductions were sort of made.

So were both of them there when you got there?---Yes.

They were both sitting at a table?---Yes, I believe so, yes.

And you joined them at a table?---Yes.

It wasn't a case of Bechara Khouri coming along later and finding you and Mr Vasil there?---No, I think they were both there.

So you sat down with them and at an early stage you say there was something said about the general manager?---Yes.

10 Just thinking as much as you can about it, who said what?---Sure. I mean, both of them were discussing that aspect of it.

That the general manager had put out feelers for the job?---Yeah. Yeah.

And why, as you understood it, were they telling you that?---I have absolutely no idea, to be honest with you.

Did you know who the general manager was at that stage?---I knew of Jim Montague, yes.

20 Had you met him?---I believe I met him maybe once or twice as a consultant for applications that I'd put into council on behalf of other clients, but that was years ago.

An application put into council for what, sorry?---I don't recall. There was one meeting that we had on-site where there was a lady in Canterbury, where it was for her own home and she had issues with, recollection, dealings, she had, she had a building or an addition built that wasn't compliant with the side boundary setback.

30 Yes.---Yep.

And at that stage who was your client?---I don't recall that.

Was the client that woman?---It must have been her, or it may have been through an architect who was on behalf of her, yeah.

And were you then working under the banner of SPD Town Planning?
---Yep, that's likely to be the case.

40 And do you say that you encountered Mr Montague in respect of that matter?---Yes.

What was the encounter, what was the nature of the encounter?---It was just basically trying to ascertain what the issues were.

Did you contact him?---Yes.

Why did you contact him?---Because he was the general manager at the time, yeah.

But you would have known that there would have been planning staff?
---Yep.

Had you been dealing with planning staff in relation to that matter?
---I don't remember, to be honest with you.

10 Can you remember why you contacted Mr Montague rather than planning staff?---I, I don't remember if I didn't contact the planning staff, to be honest with you, so, but I do remember meeting with - - -

You remember meeting Mr Montague?--- Yes.

Where was that meeting?---I think it was actually on-site.

Mr Montague came to a site meeting - - -?---I believe so.

20 - - - for non-complying extensions?---I believe so. If he - - -

What did you understand to be the relationship between the woman and Mr Montague?---I don't think there was one.

Was there any planning staff with Mr Montague?---Not that I can recall, no.

Was there anyone with Mr Montague?---I don't recall. I don't think so.

30 Was there any councillor there?---No.

So the only person on behalf of council was the general manager?---Yeah.

Came to a site meeting?---Can I just clarify that, because my, I, I, I don't recall if he actually came to the site or whether I met him at council, to be honest with you. I don't want to be saying an untruth.

No, of course not.---Yeah, yeah. So - - -

40 You recall a site meeting, though. Is that right?---Well, I recall a meeting but I'm not sure if I had gone to the site myself first and then met Mr Montague.

Okay.---Yeah.

Now, was there another occasion when you had met Mr Montague?
---I don't believe so, no.

Was that the only occasion?---I believe so, yes.

And how was that matter resolved?---I think we had to put in some sort of application. I don't recall if it was a compliance certificate or whether it was some other form of an application, and there had to be some rectification work.

10 So I interrupted you. We were talking about what Mr Khouri and Mr Vasil said at the coffee shop meeting in Earlwood at a time when you were applying or about to apply for the position. And they said that the general manager had put out feelers or wanted to put out feelers or wanted them to put out feelers. Which was it?---Wanted them to put out feelers, is the way it was described to me, said to me.

And so was it George Vasil who said that or Bechara Khouri or both?
---I believe both.

20 Yes. And what else happened at this meeting?---Nothing really, other than them just wanting to know, like I said earlier, it was almost like a mini-interview, wanting, it was more of a case of them asking questions in general terms, yeah, so it was that sort of general exchange I guess.

And was that the first time you'd met Mr Khouri?---I believe so, yes.

At that meeting, what was your understanding of why Mr Khouri was there?
---I had no idea other than him divulging that the general manager put out feelers, asked him to put out feelers for the position if there were any suitable candidates.

30 Did you think Mr Khouri was a council employee?---At that point in time, no, I don't believe so, no. I don't think so.

So, you didn't think he was a council employee. Did you think he was a councillor?---No, no.

40 Did you think -- I withdraw that. So, you must have been a bit bemused as to what this person was doing there if you'd thought, well, he's not a council employee and he's not a councillor and he says that the general manager has asked him to put out feelers along with Mr Vasil. What did you think was going on?---I, I didn't think of anything really, I just took them at, at their word that they, that, the general manager had asked them to do that.

But that didn't seem at all strange to you?---Looking back now, yes.

But at the time it didn't seem strange to you?---Not really. No, it didn't.

Had you been involved in an exercise like that before?---No.

Did it seem to you as if this is part of some formal council process?---No. I, well, I wasn't sure because I hadn't gone through a position like a director before at a council.

But you understood I take it that George Vasil was a real estate agent?

---Yes.

At that stage?---At that stage, yes.

10 And you're being interviewed by a complete stranger and a real estate agent for the position of director of city planning at Canterbury Council and you didn't think that was strange?---I actually didn't think at that point in time. It was, I mean I use the word interview but it was you know, it was just pretty much a general discussion and it, it wasn't a very long meeting, so - - -

About how long did it last?---15 minutes, thereabouts, yep.

20 And is it possible that you went along with what was happening because you thought this is how this council is run by people who are not councillors and not employees but a real estate agent and someone who says he's been asked to put out feelers by the general manager?---It's possible.

It's a strange way for a council to run, isn't it?---Yes.

But you were prepared to go along with that, weren't you?---Yes.

30 Did you indicate during this meeting that you had an approach to planning assessment and planning proposals, let's just say rezoning for example, which was facilitative?---Yes.

You indicated that in the meeting to these two men?---Yes.

Do you remember what it was you said on that subject?---Just words to the effect that I'm a solutions kind of person and - - -

Rather than, as opposed to?---Just refusing applications, trying to be facilitative.

40 So, as against refusing applications where they are noncompliant?---Yeah, generally, yes.

Trying to find ways around the development controls?---Not necessarily around the development controls.

But that's the effect of it, isn't it?---It is, yes.

The effect of being facilitative or devising solutions?---Yes.

Did they seem satisfied with your indication that that was your approach to the job?---Yes.

How did the meeting end up? That is to say, was there anything said about what would happen next or what they would do or what you should do?
---No, not really, no. No.

10 Did they say anything to indicate they would report to anyone?---Not that I can recall, no.

Was anything said about whether you should make the application for the position at that meeting?---At that meeting, I think so, yes.

So you were encouraged to make the application by the end of the meeting?
---Yes. Yes. Yes.

20 Now if I could just take you back to the call charge records in Exhibit 60. There are two entries, which are entries 18 and 19, a bit before halfway down the page, where you call George Vasil on 26 October at 2.49, but the line is open for four seconds only, and then at – sorry, not 4.49, 2.49. And then at 2.57 the line is open for 14 seconds. Do you see that?---Yes.

And then you call Mr Vasil again at 3.36 and the line is open for a minute and 12 seconds.---How far down the page is that?

About the middle of the page. I'm sorry, the time is wrong. 5.36.---Yeah, yes.

30 I'm just wondering whether that was the day of the coffee shop meeting, that there are calls – I'm now going to rely, I'm now going to point out something, that the caller location is identified as 285 Homer Street, Earlwood in the case of the two calls at 2.49 and 2.57. You see that?---Yes.

Now, I can inform you, if you haven't already been informed, that we take the position that that data can be quite unreliable.---Okay.

40 However, it's a coincidence, isn't it, that it happens to be the same street in the same suburb where this meeting took place. It isn't that you're ringing George Vasil to say, "Well, I'm here," or, "Where is this coffee shop?"
---Possibly, yes.

And then there's a subsequent call at 5.36. Is that after the coffee shop meeting possibly?---Possibly, yes.

Do you remember whether the coffee shop meeting was on a Sunday?---No, I don't. No.

Do you remember taking time off from work to go to the coffee shop meeting?---It may have been after work.

So it might have been in the evening and not in the afternoon?---In the afternoon, I should say, yeah.

In the afternoon after work?---Yeah.

10 Can you provide us with any assistance as to what those three calls would have been about, apart from the suggestions I've made to you?---No.

Did Bechara Khouri at that meeting say anything to you to indicate who he was?---No, not that I recall, no.

Did he indicate to you anything which suggested what he did for a living at that meeting?---At that meeting, no, I don't recall that.

20 So we know that there was one meeting at the Homer Street, the coffee shop in Homer Street, Earlwood. You've told us that there were other meetings with George Vasil in his office, and I'm just thinking of a timeline now that ends at the interview panel on 17 November, 2014, how many meetings did you have with George Vasil altogether, including the Homer Street coffee shop meeting, how many meetings did you have with George Vasil altogether before the 17 November interview panel?---Quite a few.

30 And why did you have quite a few meetings with George Vasil before the interview panel on 17 November?---Basically I sought his advice in terms of what the issues were around Canterbury in general, because as I said, as I understood it at the time, he was one who had a lot of dealings with council, so it would have been I guess helping, helping me understand what sort of things I could potentially say or put down in the application.

But we know that the application is dated 25 October. It would have been despatched by no later than the Monday after the Saturday date that it bears, wouldn't it?---Yes.

So what is the purpose of having meetings with George Vasil after say 27 October?---(No Audible Reply)

40 The application's already gone in.---Yep.

What are you achieving by talking to George Vasil after that date?---I really don't recall, to be honest with you, but it was, yeah, I'm not sure.

Did George Vasil discuss with you particular development applications or development sites?---Not that I'm aware of, no, no.

No particular sites at all?---No, not - - -

He didn't indicate what council was doing or the approach it was taking to any particular sites?---He, not particular sites but in general he said that the council were having issues I guess with applications in general, you know, like, and he mentioned quite a few times about the inconsistencies between the LEP and the DCP and how that all had to be fixed, and that historically there was problems with applications being processed in a timely manner with the council, so it was around that sort of discussion I guess.

10 The issue of applications being processed in a timely manner is the sort of complaint that is often made about councils and planners, isn't it?---Yes.

And of course there is one way of ensuring that applications are dealt with in a timely manner, they can be refused within the time limit, can't they?
---Yes, yes.

And if a council therefore is not refusing applications in order to comply with some limit that might be imposed in relation to their processing, that might suggest that the application is receiving due scrutiny or due
20 assessment or that the application needs due scrutiny and due assessment. Would you accept that?---No, not necessarily. It just depends on I guess, you know, the resourcing available at council as well, and if like you said earlier, if they wanted to deal with things in a timely manner, which was my understanding they weren't, then they could have just refused the applications, yeah.

And then the complaint about them being dealt with in a timely manner would have disappeared?---Then they would be faced with other complaints obviously but, yes, you're right, yep. Yep.

30 Can I take you a bit further. 27 October, we've gone through the 25th, the 26th, now we to go 27 October and about three quarters of the way down the page, at the time of 7.53pm, there's a contact between you and Mr Vasil's phone that lasts three seconds. Do you see that?---Yes.

Then directly after that, at 7.54, there's a contact between you and Mr Vasil that lasts two minutes and 38 seconds. So, at this stage, it looks like you're calling him on a daily basis, at this stage. Why are you calling him on a daily basis?---I really don't recall. It's likely that I was trying to get an
40 understanding of the issues, I guess, that, that council faced but I, I have no recollection about that particular date.

Did you attempt to contact the person who had been in the position of director of city planning before it became vacant to find out what the issues were?---No.

Did you identify who that person was?---No.

Is there any reason you didn't attempt to identify who that person was with a view to contacting them and discussing the issues?---You mean after – he wasn't at the council at that point in time.

I'm sorry?---I don't think, I don't believe he was at the council at that point in time.

But that wasn't an obstacle to contacting him, was it?---Well I - - -

10 You're talking to other people who are not at the council.---Sure, sure.

So, why not talk to the previous occupant of the job who's no longer at council?---I can't answer that, I'm sorry. I didn't know where he was or who he was I guess at that point.

But did you ask?---No, no.

Why didn't you ask?---I don't know. I really don't know.

20 Were you told anything about the previous occupant of the job at this stage?---Yes.

What were you told?---What I said earlier, that there were issues around applications and processing and timelines and so forth, and inconsistencies and that the former director was someone who took a more conservative approach to things.

30 A more strict application of development standards?---I wouldn't necessarily say that that was portrayed to me but it was more a case of, the way I understood it, processing of applications and timelines.

But isn't that what conservative means in this context, in your opinion?---It, it could be.

What else could it mean?---Well, if you've got inconsistencies with applications, I'm sorry, with planning controls that aren't necessarily in sync with each other, that leads to problems.

40 Yes, but you know what takes precedence, don't you, if there's a conflict between an LEP and a DCP?---Absolutely, yep.

Yes. There's no issue there in resolving an inconsistency, is there?---Well, it's not necessarily an LEP that one only has to consider. You have to consider the DCP as well.

Certainly. But a moment ago you indicated that there was a problem that Mr Vasil indicated of inconsistencies between the LEP and the DCP but that's easily solved, isn't it? The LEP prevails.---No because the LEP is just

a broader planning framework and the DCP informs as to the, the detail in terms of design.

But if there's an inconsistency, the LEP prevails, doesn't it?---Yes, yes, yes.

Yes. So an inconsistency between the LEP and the DCP isn't a problem, is it?---Yes, it is. I believe it is.

10 30 October, 2014. The 12th entry, about a third of the way down the page. This is the second page now of the exhibit. You make contact with Mr Vasil at 7.43pm and the line is open for a minute and 22 seconds. Do you see that?---Sorry, whereabouts is it?

About a third of the way down the page, sir. By my count it's 12 lines down. I could be wrong.---Yeah.

But if you look at the date, it's 30 October, and time is 1943 hours.---Yes.

20 The duration of the line being open is a minute and 22 seconds. Why were you calling Mr Vasil on that occasion?---I don't recall, sorry.

Can I take you to 6 November. That's on page 4 of Exhibit 60. And I want to ask you in the first instance – excuse me a moment. Can you see that seven lines down is an entry against the time on the 24-hour clock 1358? And it's an SMS. It should be highlighted.---Yes.

The first highlighted item. And it's an SMS that you send to Bechara Khouri's phone.---Yes.

30 Do you see that?---Yes.

And then Bechara Khouri replies a minute later in the next line. Can you see that?---Yes.

What were those communications about?---I really don't recall but it may have something to do with my application at council. I'm not sure, to be honest with you.

40 Why were you contacting Bechara Khouri at all in relation to your application for council or for any other purpose?---Well, it was obviously because he was, I initially met with him and Mr Vasil, yeah, and I just thought that that was it. I'm not sure exactly what the nature of that, those two specific SMSs were about, but - - -

What was it at that time that you understood Mr Khouri could assist you with? How could he assist you?---I don't recall. I'm sorry.

Well, what the record discloses, and I'll take you through them all, is numerous contacts between you and Mr Khouri in the period before and on the occasion of your interview by the interview panel. And the question that I need to ask you is, why were you having all these contacts with Bechara Khouri at the time when you had an application before council to be appointed director of city planning?---It's likely that I thought he could assist me.

Yes.---Yeah.

10

Yes. What was the assistance that you thought he could provide?---Well, I guess given the, given the nature of the initial meeting I had with him I thought maybe it would assist the merits of my application.

How?---Don't know.

Did you understand from Mr Khouri that he knew people at council?
---I believe so, yes.

20 When you say you believe so - - -?---Yeah.

- - - what is your memory of what you understood from Mr Khouri as to who he knew at council?---At that time?

Yes.---I'd say probably, I'm not sure exactly but probably Mr Hawatt and Mr Azzi amongst others I guess.

And Mr Montague?---Yes.

30 So you were accepting guidance, were you, in the preparation of yourself to pursue your application for appointment as director of city planning and specifically for the interview panel from these two men who were not part of council at all, as you understood it. Is that right?---Yes.

You were prepared to go along with them in their grooming of you for the position. Is that fair to say?---I wouldn't use the word grooming, but - - -

They were grooming you, weren't they?---No.

40 You could see that was what was happening?---No, I couldn't, no.

They were grooming you for appointment, for selection for the job, weren't they?---It's likely, yes.

And you could see that's what was happening at the time, couldn't you?
---I could see that they had I guess an influence, yes.

What was their interest in having you appointed as director of city planning as you understood it at the time?---As I said before, I think it had to do with the fact that I would be someone who would be a solutions kind of planner I guess.

But why did they get any benefit out of that, as you understood it at the time?---At the time, I'm not sure, no, I wasn't aware of any benefit to them personally.

- 10 Was there, as you understood at the time, any benefit to anyone with whom they were associated if you were appointed as director of city planning, being a solutions kind of guy as you had indicated to them you were?
---Not that I can recall.

Well, it seems a little strange, doesn't it, that you couldn't work out why these two men wanted to see you appointed as director of city planning. You say you couldn't work out what interest they had in it and you couldn't work out whether there was anyone with whom they were associated who had an interest in your appointment. That does seem a bit strange, sir.

- 20 ---Look, I guess at that point in time it was, you know, they, they obviously were people that had some influence. It didn't really occur to me that it was strange.

What sort of influence, with whom or from whom?---Um - - -

What do you mean by they had some sort of influence?---Just in terms of the, I guess the appointment of a, of a director.

- 30 You appreciated, did you, or believed, or it seemed to you that they had influence over the decision to be made by council as to who was to be appointed director of city planning. Is that the impression you got?
---Can you just clarify who "they" are 'cause it just - - -

Sorry, these two men.---Yeah.

Bechara Khouri, George Vasil.---Yes.

- 40 Just to clarify, you got the impression that they had influence over the decision to be made by council as to who was appointed as director of city planning. Is that fair?---At that stage, yeah.

And what was the reason as you understand it, they had that influence? What was the instruments or the tools or the means by which they exercised influence as you could see it at the time or as you understood it at the time?
---Well, look, obviously they disclosed to me early on that they had a relationship, they wanted to have a relationship with the general manager. So, for that reason, excuse me, I came to the conclusion - - -

Anything else?---I came to the conclusion that these guys would have, you know, some sort of, either an advisory capacity or whatever, or discussions with the general manager.

And what was the nature, as you understand it, of their relationship with the general manager? You've mentioned advisory capacity. Did you believe they were on some council committee or advisory body that advised the general manager, is that what you tell us?---No, no.

10 Well, what did you mean?---I mean, I can't be any more specific than just, I understood that they had a relationship, obviously.

A relationship that seemed to you to be proper or improper?---I didn't think it was improper, no.

So, does that mean you thought it was proper?---Well, obviously, yeah, yes.

20 And what did you think then, the nature of the relationship was, if it was a proper relationship and they weren't on some sort of advisory committee or panel to the general manager?---Sorry, can you repeat the question?

Yes. You say that you didn't think the relationship they had with council was improper. You thought the relationship they had with council was proper, it was a relationship of influence over decision making at council. What was the nature of the relationship as you understood it that they had with council that allowed them properly to influence the decisions made by council as to who's appointed as the director of city planning?---I can't, I can't answer that, I really don't, I'm sorry, I'm not quite understanding the question. If you don't mind repeating it one last time.

30 Excuse me. You understood, did you, that the appointment of a director of city planning would be made by the general manager himself?---Yes.

And did you understand that from the outset, that is to say from the moment you wrote your application?---Yes.

So, is it a relationship as you understood it, that these two men had with the general manager?---Yes.

40 Did you understand them to have that relationship directly with the general manager or indirectly through another person or people or a combination of the two?---I'd say a combination of the two.

So, they mentioned to you Councillors Azzi and Hawatt?---Yes.

And was the impression that you got that Councillors Azzi and Hawatt were people who had an influence over decisions made by the general manager?---Yes.

That's an impression they gave you? Mr Vasil and Mr Khouri gave you?
---I'm not quite sure at that point in time whether that was said to me but, I mean, and I'm diverging, but after I got the job it became evident.

What was the context in which you first had the name of Mr Hawatt raised by either Mr Khouri or Mr Vasil?---The context?

Yes.---It, I guess it was around my employment.

10

Around the, the question of - - -?---The decision - - -

I'm sorry, go on.---The decision, I guess.

And what was it that you understood that Mr Hawatt had to do – I withdraw that. What was it at that time that you understood that Mr Hawatt had to do with the decision to appoint the director of city planning?---I'm not quite sure whether at that time I was aware that Mr Hawatt was on the interview panel but they obviously had disclosed to me that they had I guess a relationship with Mr Hawatt.

20

Yes.---Yeah, so - - -

And that Mr Hawatt had something to do with the decision to appoint the director of city planning?---Possibly, yes.

That was the impression you got from both men?---That's the impression I got, yes.

30

And what about Councillor Azzi? What impression did you get from these two men about the role that Councillor Azzi could play in the decision to appoint the director of city planning?---The same.

So I ask you to assume that there are, in these call charge records, evidence of numerous contacts between you and Bechara Khouri. And if I just ask you to assume, I'd ask you to assume that there's some five on 6 November and including a – as well as a call by you to Bechara Khouri of almost three minutes' duration. On 10 November, three SMSs between you and Mr Khouri. On 11 November, three SMSs between the two of you. On 12 November, six, seven SMSs between the two of you, together with a – well, I'll just leave it at that at the moment. Seven SMSs between you and Mr Khouri. It might be eight, I'm told. Counting's not my strong point. Seven, it's been confirmed. That's a large number of text messages to be exchanging with Mr Khouri, isn't it, on one day between the time that you're applying for the job and the time you go to the interview panel. Do you agree?---Yes.

40

What's going on?---I guess I was seeking his advice at that point in time. I don't, I mean, as you can appreciate this was some time ago so my recollection of the specific SMSs, I'm, I'm not sure, but it's like that it was around my application.

And around how certain you could be that you'd be appointed?---Don't know if I'd use the word certain but - - -

10 Were assurances being given to you that you had a good chance of being appointed in these communications with Mr Khouri?---Yes.

Can I take you to 12 November? That's on the fifth page of Exhibit 60.
Can I take you to 7.00pm.

THE COMMISSIONER: Sorry, what date again?

MR BUCHANAN: 12 November, Commissioner. 7.00pm is about a third of the way down the page, 1900 hours, and can you – I'm sorry, my mistake. If I can take you to – it's a bit above halfway down and it's against the time
20 7.30.---On what date?

Sorry, 12 November, 2014.---7.30.

So 19.30 hours.---That's not highlighted?

It's not highlighted, correct.---Okay, yeah.

And you can see it's a contact from Mr Montague to your phone.---Yes.

30 For 34 seconds.---Yes.

And can you see that six minutes before that Mr Khouri contacted Mr Montague by SMS?---Yes.

Is that contact at 7.30 on 12 November, 2014, the first contact you'd had with Mr Montague?---I can't be a hundred per cent sure if that is in fact the case.

40 Well, if you assume for the moment that it's the first contact shown in this table.---Yep.

What was that contact about?---I believe it was Jim Montague wanting to meet with me.

And the contact is for 34 seconds.---Ah hmm.

There's a message, I do apologise, a call by you a minute later and the line is open for 1 minute and 53 seconds, and so I suppose it's conceivable that

the contact at 7.30 is a message on a MessageBank, a rather long one, and you ring him back a minute later and have a conversation with him. Do you see - - -?---Yes.

- - - why I'm suggesting that might have been the case?---Yes.

10 Do you recall getting a message and then ringing back Mr Montague and having a conversation with him for almost two minutes?---I, I remember the first contact that I had with Mr Montague was, and I'm, it was in relation to meeting with me, but I don't recall him leaving an actual message.

Rightio. Now, can you see that the first highlighted entry on that page is at 7.57, so it's a little while but not half an hour - - -?---Yep.

- - - after the conversation with Mr Montague, you sent a text to Bechara Khouri, 19.57 hours.---Yes.

He sends a text back to you at 20.00 hours.---Yes.

20 Do you see that?---Yes.

You sent a text back to him 12 minutes later.---Yeah.

Do you see that?---Yes.

You sent another text to him at 10.53pm?---Yes.

You receive a text at 10.54 from Bechara Khouri.---Yes.

30 You sent a text to Mr Khouri at 10.55?---Yes.

He texts you back at 11.09.---Yeah.

You text him back at 35 minutes after midnight.---Yep.

40 So you, I'd suggest, would be able to remember an occasion when you had a conversation, indeed in all likelihood the first conversation you'd had with Mr Montague on the telephone about this position, and then there was a lengthy exchange over a number of hours between you and Mr Khouri. ---Yes.

Do you remember that?---Not the exact timelines but it's obvious that that exchange occurred.

What was it that you and Mr Khouri were talking about in your texts? ---Probably talking to him about the fact that Jim had made contact with me.

That would account for one SMS.---I, I really don't know exactly what the nature of those texts were.

Was Mr Khouri trying to prep you for your, a meeting with Mr - - -?
---Perhaps.

- - - Montague?---Yes, perhaps, it's likely.

10 Did Mr Khouri at any stage indicate to you that he had a fairly close friendship with Mr Montague?---At that stage or just - - -

At any stage?---Yes.

And when did you first have that indication from Mr Khouri?---Well, I guess probably from the first meeting that we had at the coffee shop, given the exchange that took place with him disclosing that they, the general manager had put out the feelers for suitable candidates.

20 When did you first have an understanding that Councillors Azzi and Hawatt would be on the interview panel for the position of director of city planning?---Not sure as to the exact date, sorry.

How long before the interview was it that you understood they would be on the panel?---Perhaps a month. I'm not sure exactly, but yeah.

What was the source of information to you that they would be on the panel?---It's likely that I would have received a phone exchange I guess but I really don't recall with any sort of certainty.

30 But was the source, I understand that the phone might have been the medium of communication but was the source of information that they would be on the panel, either one of them themselves or Mr Khouri or Mr Vasil or Mr Montague? Any of those people?---Probably, it would have been Mr Hawatt and Mr Azzi.

Who would have told you?---Yep.

40 But a month before the panel?---I'm not sure as to the exact timeline to be honest with you.

You weren't told by Mr Khouri that they'd be on the panel?---Possibly, possibly.

You understood at that stage, didn't you, that Mr Khouri had a close relationship with Mr Hawatt and Mr Azzi?---What timeline are talking about? Just - - -

At the time of being prepared for the interview panel?---Yes.

The interview panel, I've told you, was on the 17th of November, 2014, if I can ask you to assume that.---Sure.

You said that you had a meeting with them in a Marrickville coffee shop beforehand? I'm sorry, them, being Mr Hawatt and Mr Azzi.---Yes.

10 Does the day before the interview sound right to you, sound like the time you met them in the coffee shop at Marrickville?---I don't know whether it was that close to the interview but it was certainly before.

Excuse me a moment. And what happened at that meeting at a coffee shop at Marrickville with Mr Azzi and Mr Hawatt before the interview panel?
---Excuse me. There, they basically gave me some pointers and to the best of my recollection, they obviously, they provided a sort of sample questions, I guess.

They provided?---Sample questions of things that I - - -

20 Sample questions?---Yeah.

What form did those sample questions take?---On a piece of paper.

And when you say a piece of paper, was it one piece of paper or more than one piece of paper?---I only recall one at that point in time, yeah.

When you say they provided you, can you try and paint a picture for us please?---Sure.

30 Was there still light in the sky?---Yes.

Were you sitting outside or inside?---I think we were outside.

And were you eating?---No, I don't believe we had a meal.

Did you have something to drink?---Drink.

A cup of coffee maybe or tea?---Yeah, yeah, yeah.

40 How long did the meeting go for?---Not very long. 20 minutes, half an hour, thereabouts.

And was this the first time you had met these two men face-to-face?---Yes. I believe so, yes.

And what was said at the meeting?---It was again like an interview.

Like a job interview?---Yeah.

Yes.---And - - -

Can you give us the flavour of what was said, please?---Yeah, yeah, sure. It was you know, they were asking me questions about my philosophies I guess in terms of what kind of planner I was and they said they'd heard some good things about me.

10 Did they indicate from whom?---No.

All right.---I don't recall that.

Right.---And, you know, this sort of banter went on for a bit and sort of towards the end I was given those sample questions.

And when you say you were given, who gave them to you?---I believe it was Mr Hawatt.

20 And when you say you were given them, was it an envelope that you had to open or was there a bag the paper was taken out of or how did that process start, if you could describe it to me.---It was like in a, it was like in a folder of some sort from memory.

Yes. That Mr Hawatt had?---Yeah.

And he took something out of the folder?---Well, he showed me.

30 He showed you the folder?---Yeah, with a question on it, with the sample questions, and I'm not sure, I think I may have taken a photo of those sample questions at the time.

Well, you know you did, don't you?---Yeah, well, yeah, I'm just, yeah.

Yes. When you say sample questions, what made you think that they were, sorry, what do you mean by sample?---Well, they had, the heading was Sample Questions, so I just assumed - - -

Oh, I see.---Yeah.

40 That literally had that heading?---Yeah.

Right. Thank you. And what was your understanding of the relationship between the sample questions and the questions that it was planned the candidates be asked at the interview panel the next day?---I assumed that they'd be questions similar to the ones provided to me.

Why similar?---Well, sample questions, to me I, I take that to be the flavour of the interviews, sorry, the questions.

That you would be asked?---Yeah.

That it was planned that you would be asked or that candidates would be asked?---Yes.

Why did you take photographs of them?---Just it was probably easier to do that.

10 Than what?---Well, it was their folder I guess.

Yes.---It wasn't mine, so yeah.

Was it a set of business papers for the members of the interview panel?
---Not that I can recall, no.

Why couldn't you have just taken the paper away with you?---Because it was in a folder. I'm not sure if it was bound or what, but it was in a folder.

20 Did you ask if you could take the questions away with you?---Yeah.

And what did they say?---They were fine, they were fine with it.

Well, but you didn't take them away you've told us, you took photos instead?---Yes. Well, I asked for their permission if I could take - - -

Oh, I see.---Yeah, yeah.

And who said that was fine?---Well, both of them did.

30 And you took photos. Is that right?---That's right.

And then what happened to the paper that the sample questions were on after that?---They took them away with them I think. I can't remember but - - -

You didn't end up with it? I'm not suggesting you did, I'm just simply trying to ascertain - - -?---No, I'm just trying to - - -

40 - - - what happened.---I'm trying to think back. No, I don't believe so, no.

So, Mr Hawatt would have taken it back?---Yes.

And do you know why you were shown the sample questions?---Well - - -

I should reframe the question in fairness to you. What was your understanding at the time as to why you were being shown the sample

questions?---I believed because, you know, that I was a pretty strong candidate.

Yes.---Yep. That's probably what I thought anyway.

10 And why would that have explained why you were being shown the sample questions, the fact that you were a pretty strong candidate?---Well, I'm not sure why that would be but I guess you don't give someone a sample questions if you don't think that there's a, you know, well, if you don't want them to have a realistic, well, a good chance of being successful.

So you understood at the time, didn't you, that you were being shown the sample questions in order to improve your chances of impressing the interview panel?---Correct.

20 So if the witness could be shown volume 3, page 177, in the first instance. Now, that photograph I can tell you came from your telephone and there are three such photographs, if we could see page 178 and 179. So, it was a sheet of sample questions, is that right, and you took three photographs to make sure you got the top, the middle and the bottom?---Yes.

Is that right?---Yes.

And you can see at the top on page 177 it says "suggested interview questions".---I apologise for that.

No, no, no, no.---Yeah.

30 No, no, no. Please, I'm not trying to have a go at you at all. When you said sample questions, that was your best memory of what it was that had been on the page that you saw that you took photos of?---Correct.

Right. But you accept that what you took photos of actually had "suggested interview questions" at the top?---I do, yes.

Thank you. And if we can go to the preceding page, 176, this is the metadata for those photos from your phone and the data shows that the photos were taken on 16 November, 2014 at 6.37pm. You see that?---Yes.

40 Can you see where the, on the screen, the cursor is moving up and down against data against the words, "Lat/Lon"?---Yes.

You can assume that that is latitude and longitude and that is the eastings and northings of the Victoria Yeeros café on Victoria Road, Marrickville. Does that sound like the place that you went to?---Sounds, sounds about right.

Thank you. Now, did you study those photographs that night?---Yes.

And thinking now of the next day, were they of assistance to you in answering questions and presenting at the interview panel?---Yes.

Can I just ask you before I go to the interview panel, can I take you back to the call charge records in Exhibit 60. We were on page 5. If we can go to page 6. And can you see that there is, on 16 November, about halfway down the page, an SMS to you from Mr Montague?---Yes.

10 Against the time 21.02 hours.---Yes.

What was that SMS?---Um - - -

Do you remember?---No.

Excuse me a moment. Can I take you to volume 3 of Exhibit 52, page 162. Can you see there, there are photographs of or screenshots of text messages? ---Yes.

20 At the top of page 162 is a text message from your phone, I do apologise, this is data that comes from your telephone and the messages are from a person you called Jim.---Right.

Do you see that?---Yes.

And the first message is on 16 November at 9.02pm, “Hi, Spiro. Sorry, couldn’t get back to you, see you tomorrow.” That suggests you had contacted him and he was unable to get back to you. Is that fair to say? ---Yes.

30 What was your contact to him?---I really don’t recall exactly, sorry.

Why were you trying to contact him before the interview panel?---I’m not – can I just ask for clarification on something?

Of course.---Is this Jim in reference to Jim Montague or I’m not sure who?

Well, if you go through the succeeding pages - - -?---Yeah.

40 - - - there’s no doubt that the Jim is Jim Montague.---Okay.

For example, let’s go to page 165.---Yep.

Do you see there on 26 November, “Hi, Spiro. Meet at Giorgio’s on Kingsgrove Road at 7.00-ish.”---Yes.

And you said, “Leaving Botany now.”---Yes.

You can recall that, can't you?---Yes.

And that's Jim Montague, isn't it?---Yes.

Rightio. So the Jim is the name you assigned to this particular telephone number - - -?---Yes.

- - - in your phone.---Yes.

- 10 Okay. So what's your recollection as to why you were trying to contact the general manager before the interview panel?---I don't recall before the interview panel why I - - -

You can see your response though at 10.10pm is, "Hi, Jim. No problem. Looking forward to seeing you tomorrow. Spiro." Correct?---Yes.

And you know that the interview panel was on 17 November?---Yes. I assume that's - - -

- 20 So, that's a reference to seeing him in the interview panel, isn't it?---No. I wouldn't say on the interview panel.

Where were you going to see him if not on the interview panel on 17 November?---I'm just getting the timelines a little bit confused but there were a number of meetings that I had with Jim.

Oh, yes. Certainly.---At, you know, we met at the café and so forth, but as far as prior to that I, I really don't remember.

- 30 Well, would it be fair to say that you were trying to advance your case as a candidate for the position of director of city planning directly with the person that you understood had to make the decision?---That's likely.

And as it were, going around the interview panel.---I wouldn't say that, no.

Well, did you think it was legitimate for all candidates to lobby for appointment to the position of director of city planning, whether it was in the interview panel process or otherwise?

- 40 MR PARARAJASINGHAM: I object. I don't think the witness has agreed that what he was doing was lobbying. Perhaps that should be asked first.

MR BUCHANAN: There's no doubt is there, you lobbied for your appointment as director of city planning, didn't you?---I don't know if I'd use the word lobby but yes, yeah, yep.

Well, what word would you use?---I'm not sure. I don't, I can't think of a better one to be honest.

Well, when you say yes, what do you mean if lobby wouldn't be the right word?---I was obviously trying to ensure that I had every possible chance of being you know, having a good chance of getting the job, yes.

And these were communications outside of your presentation to the interview panel, weren't they?---These ones, yeah.

Well, all of them.---All of them, yep.

10

You go through them, there's pages of them.---Yep, yes, it is.

Pages before the date 8 December, when you receive the letter of offer which is at page 169?---Yes.

So, what were you doing if you weren't lobbying Mr Montague for appointment as director of city planning outside of the interview panel process?---Well, I can see that, yep.

20

Did you think other candidates were doing this at the same time?---I really had no idea.

Had you had any discussion or contact with Mr Vasil or Mr Khouri about whether this tactic should be adopted of lobbying Mr Montague directly, outside of the interview panel process?---I'm not sure how that transpired, how my initial contact with Jim transpired. So I'm unclear but it's likely that it would have been then, yeah.

30

Yes. It's highly likely, isn't it, that Bechara Khouri at the very least, being the person who was close to Mr Montague, at least approved if not suggested that you should make direct contact with Jim Montague to lobby for appointment?---It's likely.

Now, can I just take you then back to the call charge records, exhibit 60. I've asked you to assume – although we don't need to, I can show you. Could the witness be shown volume 3, page 180 and you can see, if you look at that front page and then at the subsequent pages, that it's a spiral-bound set of papers for the members of the interview panel?---Yes.

40

And that the interviews were scheduled to take place on Monday, 17 November, 2014.---Yes.

And you can see that it's spiral-bound like the suggested questions of which you took photographs?---Yes.

And indeed the suggested interview questions are at page 181 and they're identical to what you took a photograph of.---Yes.

Including the spiral binding down the side here.---Yes.

Now, 17 November being the date of the interview panel, and I'm sorry, I should just ask you to note that there's times indicated on page 180, starting at 9.00am with another candidate, Mr Manoski, and concluding at 2.30pm, or rather starting the final candidate being interviewed at 2.30pm, being you.---Yes.

10 Do you see that?---Yes.

Do you remember when your interview finished, as in what time?---No, not exactly, no.

How long did your interview go for?---(No Audible Reply)

Not being there the whole day, just simply your interview?---The actual interview itself?

20 Yes.---About half an hour maybe.

Thank you. Excuse me. I did ask you your source of information that Mr Hawatt and Mr Azzi would be on the interview panel. Do you remember I was asking you those questions?---Yes.

30 And there's a document I'd just like to show you which doesn't directly answer that question but it's just something I'd like to show you to see whether it's something that assists you in answering that question. This document is attached to a statement of a Vince Connell in Exhibit 53, and you appreciate you weren't the addressee?---Sure.

But Vince Connell was one of the other candidates.---Sounds like it.

I'd just ask you to accept that.---Yes.

And this is from Judith Carpenter?---Yes.

Do you see that?---Yes.

40 And she has told him on 12 November by email who the members of the interview panel will be. Can you see that?---Yes.

Did you get an email like that from Ms Carpenter?---It's likely that I did.

Yes.---Yeah.

But is it also still likely that you were informed by Mr Vasil or Mr Khouri as to who the members of the interview panel would be, or indeed by Mr Hawatt and Mr Azzi themselves?---Yes.

But in terms of when you first found out that Mr Azzi and Mr Hawatt were going to be on the interview panel, do you remember how you first learned?
---How I first learned?

Yes.---It's likely that it was Mr Hawatt and Mr Azzi I guess themselves.

10 What was the contact that occurred that caused you to be at the Victoria Yeeros Café at Victoria Street, Marrickville at 6 o'clock on 16 November, 2014?---I'm not sure who instigated that, whether it was myself or it was actually Mr Hawatt, yeah, so I can't be definitive.

Well, are you saying that there's a possibility that you contacted Mr Hawatt with a view to organising a meeting, with a view to organising that meeting?---In the absence of my recollection I'd say, yeah, there is a possibility.

20 Which is more likely, though, that Mr Hawatt contacted you or that you contacted him to organise your attendance at that meeting? You don't have to choose one or the other if you can't.---I just can't remember.

All right.---I'm sorry, yeah.

30 So going then to page 6 of Exhibit 60, the call charge records that we were looking at earlier, and that page has got a number of SMSs and telephone calls on 17 November. Can you see that the first one is highlighted in the middle of the page, and it's from you to Mr Khouri at 4.33pm and it's an SMS? I'm sorry, my mistake. My mistake. Sorry, that one is highlighted on the 17th. Can you see that?---Sorry - - -

See the brace of three of them that are highlighted?---Yeah. Yes, yes, yes.

And the first one, on the 17th, is at 4.33. Do you see that SMS?---Yes.

From you to Mr Khouri.---Yes.

40 Why would you have been texting Mr Khouri on the afternoon of the interview panel?---It's likely that I did just to let him know how I went, I guess, but I can't be certain.

Well, there's an exchange, isn't there? You can see that it's at 4.37.---Yeah.

Mr Khouri texts you back. And at the same time, 4.37, you text him back. Do you see those texts?---Yes. Yes.

Now can I take you to the next highlighted brace of four text messages commencing at 5.51. Mr Khouri texts you.---Yes.

You text him back. He texts you back. You text him back. Through to 5.56.---Yes. Yes. Yes.

What were you each talking to each other about at that time?---Again I, it's likely that it was to talk about the fact that I had completed the interview, I guess.

And how the interview had gone?---Yeah, yeah.

10 I'll just ask you again, why were you communicating with Mr Khouri? Why did you understand he was communicating with you on the subject of how your interview had gone?---Because, as I said before, he's, he was a person who had a relationship with the general manager, I guess.

And did it seem to you that Mr Khouri wanted to promote your candidacy and that was part of the reason why he was communicating with you, to help you promote your candidacy?---I'd say so. Yeah.

20 Is it fair to say that these communications indicated to you – and I'm including the communication you had with Councillors Azzi and Hawatt on 16 November, when you were given access to the suggested interview questions – indicated to you that you were part of a process for the selection of the candidate who would be appointed the director of city planning which had been corrupted?---Sorry, that was a very long question. Do you mind repeating it?

30 Did it seem to you, from everything that was going on – your communications with this man who was a personal friend of the general manager, the general manager is the man who makes the decision, but this man who's a personal friend of him, he's not an employee, he's not a councillor, we're talking about Bechara Khouri, you're supplied by two of the councillors who were members of the panel with the questions, suggested questions, in advance of the panel – that you were part of a process for the selection of the director of city planning which had been corrupted?---I did know that at the time. Obviously, as I said before, I had never gone for a director of planning position. So, I mean, I hope that answers your question. I'm just - - -

40 But you knew how interview panels worked, didn't you?---Well, yeah, but not, not - - -

Had you been provided with suggested questions for panel members to ask candidates ever before?---Not that I can recall, no.

Had you been prepped by a personal friend of the decision maker to perform to the best of your ability given the information that person gave you before?---Previously? No.

You were part of a process – I withdraw that. You could see that you were part of a process for the selection of the director of city planning that had been corrupted, couldn't you?---I could see it, yeah.

And you were going along with it, weren't you?---Well, I didn't realise at that time that that was, I guess, using your word, a corrupted process.

You must have realised it at the time, Mr Stavis, mustn't you?---No, I didn't.

10 And by reason of being so obviously involved in a corrupted process for the selection of the candidate to be appointed, you became obligated to those people who were involved in the corruption of the process, didn't you?---No.

You became obligated – maybe for other reasons as well but at least because you knew you were taking part in a corrupted selection process – to Bechara Khouri, George Vasil, Michael Hawatt, Pierre Azzi and Jim Montague.---As I said, at the time, no.

20 Now, I'm not suggesting Jim Montague knew that you were being supplied with these questions, but you were having, you were tick-tacking with him before the interview panel, weren't you?---Correct.

And you were trying to lobby him outside of the, what you understood to be the formal selection process.---I think that's fair, yeah.

And he knew, obviously, that you were tick-tacking with him with a view to advancing your candidature.---Yeah.

30 So, you know, if only for that reason you were making yourself obligated to Jim Montague, were he to appoint you, weren't you?---Obligated to Jim?

Yes.---Yeah, yeah.

Can I just ask you to think now about the interview panel process itself. I take it you weren't in the same room as the other candidates when they were interviewed by the panel?---No.

You waited outside somewhere, is that right?---That's right.

40 When you went in, there were Ms Carpenter and the mayor and the general manager and the two councillors, is that right?---That's right.

And what happened?---They made their introductions. I was asked a series of questions.

What was the nature of those questions, sir?---I don't recall exactly but it was all about – I, I remember that there were questions around how I would

deal with certain scenarios and, and them asking me about my experience and what have you. Yeah, so that, that was the general nature, I guess.

Were there any – I withdraw that. How many interview panels had you submitted yourself to in the past?---Like this one or just general?

No, not like this one. That's what I want to see what your experience had been.---Not many, no. I don't recall one to be honest with you.

10 Oh, sorry. I don't want to put words in your mouth, then. Had you not been ever in an interview panel process before 17 November, 2014?---I'd been part of an interview process, yes, but panel - - -

You yourself had been an interviewer, had you?---Sorry. I'm misunderstanding the question, sorry.

Oh, I'm misunderstanding you. You tell us, what was your experience of interview panels for the appointment of a person to a position before 17 November, 2014?---I'm just trying to think.

20

THE COMMISSIONER: So, when you went for the job at Botany, were you interviewed then?---Yes.

And was that a panel?---I don't think it was a panel per se. There were a few people there, and to the best of my recollection there were no councillors involved in that panel.

MR BUCHANAN: What about at Strathfield?---Same, same sort of set-up at Botany.

30

In this instance, who asked the questions? That is to say on 17 November, who were the people, the panel members asking questions?---Well, Mr Hawatt was asking questions, Pierre Azzi was asking questions. I think Jim asked me a few questions. I'm not sure if Mr Carpenter did but certainly those three did.

Those three. And did anyone ask a question about whether you would be prepared to act to direction of the general manager? I'm talking about the interview panel now.---Yes. I believe so, yes.

40

Who asked that?---I believe Jim actually raised it.

Was there, in your thinking, anything unusual about the experience you had in the interview that you were submitted to on that day?---Not really, no.

THE COMMISSIONER: Was it a friendly interview?---It was, yeah, it was. Yes.

MR BUCHANAN: Excuse me a moment. On Exhibit 60, page 6, can I just take you to what I've noted at the thirtieth entry it's an entry for a SMS at 7.50pm. I'm sorry, it's a call. If I've got it right. Yes, it's a call at 7.50.

THE COMMISSIONER: Is it four from the bottom?

MR BUCHANAN: Yes, thank you, Commissioner. Do you see that, it's actually highlighted?---Is it the last one highlighted?

10 The last one highlighted, yes, it is, sir.---Yep. Yes, I do, yep.

It's 24 seconds duration and it's from Michael Hawatt to you.---Yes.

What was that contact?---I don't recall specifically but I think it'd likely be to discuss the interview really but I, I just don't remember the detail of the conversation or if it was a call. Yeah.

Was it a friendly call?---I'd say so. It wasn't unfriendly.

20 Was it to the effect of, are you happy with the process that you went through or something like that or what?---Um - - -

To congratulate you on your performance?---I, I, I don't know whether that was actually what was said but it's likely that it would have been I guess an indication of my performance at the interview.

You didn't think that was an unusual thing to occur, for a panel member to contact you after the interviews to talk to you?---As I said before, I hadn't been part of that process I guess, so no.

30 THE COMMISSIONER: You keep on distinguishing this process, is that because there were two, sorry, three, there was a mayor and two councillors?---Yes, yeah.

So that's the unusual aspect of it?---Yes, yes.

40 MR BUCHANAN: But you had been then part of an interview panel – sorry, I withdraw that question. You had been an interviewee at interview panels where you'd been going for a job and there had been an interviewer or interviewers.---Ah hmm.

Is that right?---Yes.

And had you previously been contacted before the interview by any of the interviewers and supplied with the questions?---No.

Had you been ever before contacted after the interview but the same day by one of the interviewers to discuss the interview?---Not that I can recall, no.

So to that extent at least this was an unusual experience for you?---Yes.

And it didn't seem strange to you?---No.

It didn't seem to you as if this was part and parcel of a corrupted process?
---No.

10 On 20 November, that's on page 7 of Exhibit 60, 5.38, this is maybe the
fifth-last entry on the page, Mr Khouri rang you and the line was open for
30 seconds, you rang him back at 6.16, line was open for 19 seconds, he
rang you back at 6.29, the line was open for 17 seconds, what was it that
occurred in that exchange?---Again I don't, I don't recall.

What need was there for Mr Khouri to communicate with you after the
interview panel, as you understood it?---Probably to discuss my candidacy I
guess, but I can't be 100 per cent sure.

20 Was there any other business that you were doing with Mr Khouri at this
time?---No, no.

Nothing else at all?---No.

Now, thinking of Mr Montague - - -?---Yes.

- - - if you wouldn't mind, thinking of the time before the interview panel on
17 November, did you meet him before the interview panel?---I believe so,
several times.

30 Before the interview panel?---Yes.

Do you know whether Mr Montague was meeting any other candidate
before the interview panel occurred?---Not that I'm aware of.

40 What was your understanding as to why Mr Montague was meeting with
you if you weren't aware that he was meeting with any other candidate
before the interview panel process?---I, well, just thinking, the nature of
those meetings were Jim basically almost like a mini-interview-type
scenario.

So the third type of mini-interview you'd had - - -?---Yeah.

- - - with Vasil and Khouri, you'd had it with Hawatt and Azzi - - -?---Yep.

- - - or you had it the day before the interviews with Hawatt and Azzi?
---Yeah.

And you had it also beforehand with Mr Montague. Is that right?---That's right.

10 And what was said by Mr Montague and by you at those interviews?---I can't recall exactly but I, it was, Jim was doing most of the talking and I, he mentioned to me on several occasions that he felt that, you know, that loyalty was very important to him from his staff. I distinctly remember that and then it was a sort of more general conversations around my experience and what type of planner I was and also raised some generic planning issues that he had concerns with the previous director.

And what were those issues?---Mainly to do with, we spoke about it before, inconsistencies between the LEP/DCP processing times of DAs and planning proposals. Generally that as the flavour.

20 Was there anything said by Mr Montague at any of these meetings by way of complaint about the previous director having been too conservative, to use your expression, in his application of development controls?---I'm not sure if he used the word conservative.

No, I appreciate that, but was there anything said along those lines to indicate an unhappiness on Mr Montague's part - - -?---Yes.

- - - with an overly strict approach of planning controls by the previous director?---Yes.

30 Did Mr Hawatt or Mr Azzi, at the meeting at the Marrickville Yeeros Café on 16 November, indicate an unhappiness with the previous director's application of planning controls?---I'm not sure if he, if it was expressly stated at that meeting but I certainly was aware of their views that they had concerns with the previous director for being strict, I guess.

And were you aware of that by the time you fronted the interview panel on 17 November?---I think it's likely I was, yes.

Had Mr Vasil or Mr Khouri indicated to you a concern that they had or either of them had with an overly strict approach by the previous planning director to the application of development controls?---Yes.

40 At the end of the day, did you get the impression from these mini-interviews that that was the main concern these men had. Not with an inconsistency between instruments, not with, you know, something the council staff might say as against what the assessment officer might say, but rather with an overly strict approach by the previous director to the application of planning controls?---That and also not being a, a, a, a solution kind of person.

And in a way, they go hand in hand, don't they?---They do, yes.

It's the counterpart, one is an overly strict approach to planning controls, if you go the other way, you provide solutions to applicants?---Well, not necessarily applicants only. It's about trying to find that balance between you know, the applicant and the, the public.

But solutions, does that mean that the public interest is taken into account?
---In some cases, yeah. Absolutely. Oh, sorry, in all cases, yes.

10 How? If you could explain that to us.---So, planning itself is something that by merely complying with an LEP or DCP and applying that to the strictest interpretation could potentially lead to greater impacts, I guess, that otherwise would if - - -

Greater impact on amenity?---On amenity, than you would otherwise if you were to I guess breach a particular control in an area where it's not going to create a problem. So that's a situation where that's a solution and a win/win for both the public or residents and obviously for an applicant.

20 Would there be a risk however with the solutions or facilitative approach that the public interest might get overwhelmed by the endeavour to try to facilitate the applicant's interest?---When you say overwhelmed, can you just explain what you mean by that?

That the applicant's interest would predominate in the balancing exercise and the public interest would not be favoured?---No, I don't accept that.

No risk of that?---Every circumstance is different but I, in answer to your question, yeah, there is a risk, yes.

30 Now, if I tell you that – I withdraw that. Could we have a look, please in volume 5, commencing at page 2, I'm sorry, page 259 I should say, but I would encourage you if you could to go to page 259 in the hard copy volume, Mr Stavis, because I want to draw your attention to something.
---Sure.

This is text messages extracted from Mr Hawatt's telephone between you and him.---Sure.

40 And that's all it is. And it goes from page 259 in the brief to 312 in the brief.---Yeah.

Starting on 21 November, 2014, and I'm not, please don't think I'm saying that that's the first contact, it's the first contact that it is in this table.---Sure.

And concluding, so far as the table is concerned, on page 312 on 21 June, 2016. And again I just emphasis, I'm not suggesting every contact is in here, but there are, as you can see from the numerals on the left-hand column, page 312, 770 texts between you and Mr Hawatt - - -?---Ah hmm.

- - - between 21 November, 2014 and 21 June, 2016. Do you see that?
---Yes.

On one view that is an awful lot of contact - - -?---Ah hmm.

- - - between you and a councillor in the council for which you are working.
Would you accept that?---I, I, it was not unusual.

10 What was not and in what way?---For particular Michael Hawatt to send any director at council SMSs or phone communication, so, and they probably relate to applications or specific issues, I would imagine.

But you knew, didn't you, that Councillor Hawatt had a particular interest in planning?---Yes.

20 And so the likelihood is, on what you knew, that you got far many more texts than any other director did from Councillor Hawatt and sent him far many more texts than you sent any other councillor. Fair to say?---That's fair to say.

In addition you knew you had a unique relationship with Councillor Hawatt while you were director of city planning, didn't you?---Can you explain what unique means?

Well, you knew you were as thick as thieves with Councillor Hawatt, didn't you?---No.

30 Now, if you go to page 261, there are 37 texts, yes, texts between 21 November, 2014 and 25 December, 2014. Do you see that?---Yes.

And as at 25 December, 2014, you hadn't started the job, had you?---26 December. Sorry - - -

2014. Item 37 on page 261 is a text that you were sent by Mr Hawatt on Christmas Day wishing you happy Christmas.---I see that. Yes.

Do you see that there are 37?---Yes.

40 Do you know why it was that there were 37 instances of you and he exchanging text messages in little over a month, when you hadn't even started the job?---Just looking at the nature of some of these texts, it would have been around my, I guess, appointment.

Yes.---Yeah, yeah.

And the failure of Mr Montague to honour his offer of employment to you as well.---Yes. Yes. It's within that time frame, yes.

So that's, that's a high degree of communication, isn't it, with a councillor about your appointment and the question of your appointment, wouldn't you accept?---Yeah, I accept that.

It would suggest that Mr Hawatt thought he had a particular interest in your appointment, wouldn't it?---Well, like, just in my dealings with him prior, as I said earlier, yeah, I would take that impression, yes.

10 And is it fair to say that you got the impression from him that he thought he had an interest in you becoming director of city planning rather than somebody else?---Um - - -

You would have got that understanding, wouldn't you?---Yes.

20 Did it ever occur to you that there might be a reason what Councillor Hawatt thought he had an interest in you being appointed rather than somebody else?---I guess from the nature of the conversations prior it was around the fact that I was a solutions kind of planner. So I'd probably think that it's probably it.

That was the approach, as you understood it, that he preferred over the alternative?---Correct.

Do you think that also it was a situation that you were obligated to him for the assistance that he'd given you in ultimately becoming director of city planning?---I wouldn't say obligated, no.

30 You knew, didn't you, that he fought for you to be appointed, didn't he?
---Yes. Yes.

He took extreme measures, you knew, didn't you, to try to ensure that Mr Montague not just issued a letter of employment but honoured his letter of employment, didn't he?---Yes.

Did it ever occur to you that there might have been a sense on Mr Hawatt's side that you were obligated to him?---Not really, no.

40 Did it ever occur to you that you were obligated to him?---No. Oh, I don't, at that point in time, no, not really, no.

But at some later stage?---Not really. Not, I wouldn't use the word obligated. We were asked by Jim to actually look after the councillors, and in particular those two, Mr Hawatt and Mr Azzi. And when I say "we", like, all the directors. So it stems that I had to do my job and that's, that's what I took from it.

Are you saying that it was your job to do anything Michael Hawatt asked you to do?---No, I wouldn't say anything, no.

But is it the case that you did do practically everything he asked you to do?
---No, I don't think that's correct.

He did ask you to do a lot of things, didn't he?---He did, yes.

10 There weren't many occasions when you didn't do what he wanted you to do, were there, whilst you were director of city planning? They would have to have been isolated instances where you didn't do what he wanted you to do.---I think that's a fair comment, yes.

I note the time, Commissioner.

THE COMMISSIONER: All right. We're not sitting tomorrow so we will adjourn until Monday, 30 July at 9.30.

20 **THE WITNESS STOOD DOWN** **[4.31pm]**

AT 4.31PM THE MATTER WAS ADJOURNED ACCORDINGLY
[4.31pm]